

# ARCH

underwent the laparoscopic surgery Michael Dwyer, he developed lung and Dean, who died before trial from unre- ed Dwyer perforated his bowel and gnize it. Dwyer denied negligence and ides testified that bowel perforation is ion of the surgery Dean underwent, he best of surgical hands without neg- , the jury found for Dwyer.

02-1465-CV  
t Court, Guadalupe County  
: Andrew E. Toscano, Gene Toscano

Lark Campbell and Gail Dalrymple,  
nters, Austin

## **MALPRACTICE** **re didn't require biopsy,**

n who died of prostate cancer was Hidalgo County jury that his doctor ling to order a biopsy. Victor Benter ner Jaime Rueda with complaints of After two years of intermittent treat- Benter to a urologist, who diagnosed ncer. Benter's estate claimed Rueda nodules he found or referred Benter The defense argued that nodules are cer and the standard of care did not May 23, the jury found for Rueda.

L-43,889-B  
y Court-at-Law No. 2  
Ricardo A. Garcia and Lino Ochoa,  
llen

Defense Attorneys: Steve Gonzalez and Edward Castillo,  
Gonzalez, Gaytan, Garza & Castillo, McAllen

## **PREMISES LIABILITY** **Supermarket not to blame for** **customer's trip over cart corral**

A grocery store patron who tripped in the parking lot was unable to convince a Harris County jury that a poorly marked shopping cart corral was to blame. After exiting a Fiesta Mart in Houston, Russell Blair fell over suspended cables that surrounded three sides of the corral. He claimed that he couldn't see the cables because the corral was located outside the store's west exit and the setting sun obscured his vision. Blair also claimed that the cables would have been more visible if they had been taut. Fiesta claimed the cables were painted yellow and that 300 customers a day pass the corral without incident. On June 14, the jury found Blair 90 percent at fault and Fiesta Mart 10 percent.

*Blair v. Fiesta Mart Inc.*, No. 2004-28855  
Court: 127th District Court, Harris County  
Plaintiffs' Attorneys: Michael A. Johnson, The Freeman Law Firm, Hallettsville; Donovan W. Flowers, The Freeman Law Firm, Houston  
Defense Attorneys: David Toney and Sherrill H. Tompkins, Mills Shirley, Houston

*The verdicts and settlements above are reported and written by VerdictSearch Texas. Send verdicts and settlements to [texasverdicts@alm.com](mailto:texasverdicts@alm.com). Additional verdicts can be found in VerdictSearch Texas or at [VerdictSearch.com](http://VerdictSearch.com), affiliates of Texas Lawyer.*

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