

Medical Malpractice Case Results in \$2.05 Million Verdict & Changes Minnesota Law

\$2.05M Verdict in Retained Surgical Sponge Case: Patient's Fight Leads to Justice and New MN Survivorship Law, Allowing Terminal Patients to Seek Damages

MINNETONKA, MINNESOTA, US, July 10, 2024 /EINPresswire.com/ -- In a case

that highlights the importance of patient rights and medical accountability, a jury in Duluth has awarded a \$2.05 million verdict in a medical malpractice lawsuit. This case, tried by Mike Lammers and his team at 612-Injured | Heimerl & Lammers Injury Law in collaboration with Ashwin Madia's team at [Madia Law](#), marks a significant victory for patients' rights in Minnesota.



We're proud of the result here, Joel and Heather and their family refused to go away without a fight, Ashwin and the team put on a superb case, and the jury finally delivered justice."

Michael Lammers, Counsel for the Plaintiff

The case revolves around Joel Meyer, who suffered severe complications when a surgical team at Essentia - St. Mary's left a laparotomy sponge inside him during a procedure in July 2021. This error led to a severe infection and complications in Joel's cancer treatment, as well as loss of companionship for his wife, Heather. Initially, St. Mary's refused to accept responsibility, prompting Joel and Heather to seek legal assistance. However, they faced a significant hurdle: at the time, Minnesota was the only state without a "survivorship" law. This meant that if a person with a valid injury claim died before their trial, their

claim would die with them. Given Joel's stage 4 cancer diagnosis, many attorneys were reluctant to take on the case.

The tide turned when Joel and Heather met Mike Lammers, a civil litigation attorney and partner at 612-Injured. Recognizing the injustice of the situation, Lammers and his team took on not just the case, but also the challenge of changing the law itself. [Heather bravely testified before legislative committees](#) in both the Minnesota House and Senate, advocating for change. Their efforts paid off in July 2023 when Minnesota finally passed a survivorship law ([573.01 Survival of Causes](#)), allowing terminal patients and their families access to justice. With this legal hurdle overcome, the team pressed forward with the litigation, facing continued defenses, denials, and

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delays from the hospital. The defense went so far as to blame Joel for his symptoms and even denied that a retained sponge was evidence of negligence. Despite these challenges and his ongoing battle with cancer, Joel remained positive and determined to have his day in court.

In November, the hospital offered a settlement of \$175,000 – an amount that failed to reflect the severity of the negligence and its impact on Joel and Heather’s lives. Undeterred, the legal team pushed forward to trial. On July 3, 2024, almost three years after the hospital’s negligence, justice was finally served. The jury returned a verdict of \$2.05 million for the Meyers – more than ten times the amount of the only settlement offer made.

This verdict not only provides compensation for the Meyers but also sends a strong message about the importance of medical accountability and patient rights. It stands as a testament to the power of perseverance and the impact of legislative change in ensuring access to justice for all patients, regardless of their prognosis.

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