

Florida Jury Sides With Patient Who Claimed Unwanted Facelift Caused Permanent Nerve Damage

MELISSA SIEGEL DECEMBER 15, 2021

A jury awarded \$600,000 to a man who claimed that unwanted cosmetic surgery caused permanent numbness and paralysis of his face. Jerome Jimison underwent plastic surgery on Dec. 12, 2016.

On Dec. 12, 2016, plaintiff Jerome Jimison, an unemployed man in his 50s, underwent cosmetic surgery. The procedure included a rhytidectomy, which is commonly termed a “face-lift,” a lower rhytidectomy, which is commonly termed a “neck-lift,” a blepharoplasty, which involved a repair of drooping eyelids, and a “mid-face-lift,” which is alternately termed a “cheek-lift.” The surgery was performed by Dr. William Welsh. The mid-face-lift caused permanent damage of a nerve.

Jimison sued Welch. The lawsuit alleged that Welch had failed to obtain informed consent to the mid-face-lift procedure. The lawsuit further alleged that Jimison’s resultant injury was an act of battery.

Jimison acknowledged having signed a form that described the surgery’s scope and associated risks, but he claimed that the form did not reference a mid-face-lift, which involves incisions to and from the patient’s cheeks and hairline. Jimison’s expert surgeon opined that the mid-face-lift’s inclusion constituted a departure from an accepted standard of medical care.

The defense's expert surgeon opined that the signed form described a mid-face-lift.

Jimison claimed that he suffers permanent damage of a nerve of his face. He claimed that he resultantly experiences numbness and mild paralysis. He further claimed that his injury impairs his speech, though he also claimed that the impairment has diminished. He sought recovery of damages for past and future pain and suffering.

The defense contended that Jimison's injury is an accepted risk of the surgery that was performed. The defense also contended that Jimison's speech is not impaired.

The jury found that Welsh failed to obtain informed consent to the mid-face-lift, though it rejected the allegation of battery. It determined that Jimison's damages totaled \$600,000.

Verdict: \$600,000

Jerome Jimison award breakdown: \$100,000 past pain suffering \$500,000 future pain suffering \$600,000 Plaintiff's Total Award

Case: Jerome Jimison v. William Welsh, M.D., No. 19-CA-000800

Court: Hillsborough County Circuit Court, 13th

Judge: Caroline Tesche Arkin

Plaintiff Attorneys: Russell Artile; Morgan & Morgan, P.A.; St. Petersburg, FL Scott M. Whitley; Morgan & Morgan, P.A.; Tampa, FL

Defense Attorneys: R. Clifton Acord II; Rissman, Barrett, Hurt, Donahue, McLain & Mangan, P.A.; Tampa, FL Richard B. Mangan Jr.; Rissman, Barrett, Hurt, Donahue, McLain & Mangan, P.A.; Tampa, FL

Demand: \$525,000

Offer: \$200,000

Insurer: Doctors Co.

Plaintiff Experts: James Lyons M.D., plastic surgery/reconstructive surgery, Tampa, FL (treating doctor; videotaped deposition presented) James Wendel M.D., plastic surgery/reconstructive surgery, Nashville, TN

Defense Expert: Brian Arslanian M.D., plastic surgery/reconstructive surgery, Atlanta, GA

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