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\$2.1M judgment for El Paso parents

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DALLAS - James E. Girards, an attorney that specializes in medical malpractice and catastrophic injury litigation, released a copy of the Final Judgment signed by a Dallas County judge and handed down on Thursday in the lawsuit filed on behalf of an El Paso family whose premature child was blinded by medical malpractice.

The Final Judgment provides \$2.1 million to the plaintiffs.

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On behalf of their minor child, Marcela and Jose Bustamante, had filed suit against El Paso ophthalmologist Jorge Fabio Llamas-Soforo and his practice, El Paso Eye Care Center. There are a number of additional cases ongoing against the doctor with regard to the medical incompetence outlined in the Bustamante suit.

The Bustamante's daughter, Daniella, was born May 19, 2005, at Del Sol Medical Center. Due to her low birth weight and early delivery, she was admitted to the hospital's neonatal intensive care unit.

As part of the routine screening for a premature child, Daniella was scheduled to have an eye examination performed within a few weeks of her birth. That screening was referred by Del Sol Hospital to Dr. Llamas-Soforo, an ophthalmologist with no specialized pediatric training. The purpose of the screening is to identify and allow proper treatment of eye conditions associated with premature babies.

After initially examining Daniella, Dr. Llamas-Soforo failed to return for 4 weeks, even though he was required to re-examine Daniella each week. During that time, her eye condition worsened. Llamas attempted treatment but did not perform it properly, assuring Daniella would be permanently blind. Proper treatment would have virtually assured Daniella's vision would be saved.

"This is not the first time that Dr. Llamas-Soforo has made this mistake. We are involved in a number of ongoing cases involving Dr. Llamas-Soforo's treatment of premature babies that lead to partial or complete blindness. For one doctor to be responsible for multiple premature babies going blind is inexcusable," said James Girards.

"Dr. Llamas-Soforo was not qualified to conduct these examinations. The hospital contracted with Dr. Llamas-Soforo to do these exams because it was cheaper to use him than it would have been to contract with a specialized pediatric ophthalmologist properly trained to save these babies' eyesight. Cutting corners for profit cost these babies their eyesight," added Girards.

The filed lawsuit charged Dr. Llamas-Soforo and his practice with gross negligence for failing to:

- Schedule timely and appropriate evaluation of Daniella's eyes;
- Recognize the physical findings and true conditions of Daniella's eyes when they were examined;
- To schedule a timely follow-up examination of Daniella's eyes;

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- To intervene on a timely basis to prevent further deterioration of Daniella's eyes;
- To choose appropriate intervention to preserve Daniella's eyesight;
- To recognize and diagnose Daniella's true condition in a timely fashion;
- To intervene in a timely and proper manner to prevent Daniella's blindness;
- To create and establish appropriate policies and procedures for scheduling and following premature babies' eye examinations;
- And to create and implement policies and procedures for follow-up examinations and timely interventions.

The Final Judgment will provide funds for Daniella's loss of vision and lost future earnings as well as her parents' financial hardship in having to care for a blind child at present and in the future.

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