



Lauren Claire Santucci

Associate

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Lauren Santucci concentrates her practice on medical malpractice defense and hospital defense. Her clients include physicians and premier teaching hospitals, dentists, nurses, paramedics, podiatrists, radiologists, pathologists, counselors, social workers and other members of the allied health professions as well as managed care organizations and privately run emergency rooms. Lauren defends claims through all phases of litigation, implementing carefully crafted strategies that are designed to limit or avoid punitive damages available to plaintiffs under statute.

Lauren also has a background in nursing home defense and other areas of insurance defense such as premises liability, motor vehicle accidents, and municipality and school district defense.

Education

- Pace University School of Law (J.D., 2006)
- College of the Holy Cross (B.S., 2000)

Bar Admissions

- New York
- New Jersey

Client Wins

Santucci Granted Summary Judgment in Surgical Medical Malpractice Case

Lauren Santucci (Associate-White Plains, NY) defended our hospital client in a case involving orthognathic surgery performed by codefendant oral-maxillofacial surgeon to

Services

- Insurance & Reinsurance Defense
- Medical Malpractice & Health Care

address the plaintiff's sleep apnea. During the procedure, the bit of the drill used to access the jawbone broke off and became lodged in the surrounding tissue. The surgeon was unable to locate the drill bit, and a second surgeon was called in who removed the entire drill bit, which was disposed of as a surgical sharp. Post-operatively, the plaintiff had facial swelling that required intubation for several days, and later developed facial nerve palsy attributed stemming from the exploration for the bit. Other alleged damages included left facial paralysis, facial weakness, inability to close the left eye, inability to eat and drink properly, and malocclusion. Lauren argued that the hospital provided the surgeon with an unused drill bit that was inspected prior the surgery and that the complication of loss of the drill bit was a surgical issue that did not involve the hospital or its personnel, and that the drill bit, once retrieved and confirmed to be complete, was appropriately discarded as a surgical sharp. The plaintiff argued they were entitled to the adverse inference of spoliation because the drill bit was material evidence and should have been preserved; failure to do so prevented the plaintiff from ascertaining whether the drill bit was defective. In the decision, the Bronx County Supreme Court noted plaintiff's opposition was entirely speculative and not an affirmative opinion that there was negligence. The court granted Lauren's motion for summary judgment and denied plaintiff's cross motion for spoliation sanctions. The court determined the hospital was not obligated to maintain the bit and the record confirmed the drill bit was fully retrieved, that there was no evidence it was discarded with a culpable state of mind, or that the plaintiff was deprived of his ability to prosecute his claim. The court noted the record established the bit was new and inspected prior to use; thus, the plaintiff's inability to examine the bit did not equate to prejudice sufficient to warrant spoliation sanctions.

White Plains Team Secures Unanimous Verdict for Hospital in \$10 Million Medical Malpractice Suit

Michael Grady (Partner-White Plains, NY), Siobhainin Funchion (Of Counsel-White Plains) and Lauren Santucci (Associate-White Plains) obtained a unanimous verdict in Dutchess County Supreme Court on behalf of Wilson Elser's client, a hospital. The plaintiff, 29 years old at the time, alleges our client and the co-defendant emergency room physician failed to recognize signs and symptoms of compartment syndrome of the left arm following a biceps repair procedure by the co-defendant orthopedic surgeon, leading to a delay in treatment and permanent disability of his arm. The plaintiff also alleges the orthopedic surgeon negligently caused and failed to promptly assess and diagnose the operative complication. Michael and the emergency room physician's counsel argued that the plaintiff was appropriately examined and evaluated in the emergency department and that his signs and symptoms were consistent with post-operative pain versus compartment syndrome. The plaintiff's demand at trial was \$10 million. The three-week jury trial resulted in a unanimous verdict for our client and the emergency room physician. The jury did, however, render a verdict against the orthopedic surgeon.

Grady Obtains Defense Verdict for NY Hospital in Premises/Nursing Liability Action

Michael Grady (Partner-White Plains), with the able assistance of Lauren Santucci (Associate-White Plains), obtained a defense verdict on behalf of our client, a New York acute care hospital, in a nursing/premises liability action before a jury in Supreme Court, Putnam County. The plaintiff, a 28-year-old male, presented to the ambulatory surgery unit for a back procedure. He alleged that negligent nursing care led to an accident, which in turn led to claimed injuries to his back and right shoulder. The plaintiff claimed the

shoulder was unresponsive to physical therapy and required surgical rotator cuff repair. He also claimed ongoing pain and permanent loss of shoulder function. The pretrial settlement demand was \$675,000. The jury returned a unanimous defense verdict for our client on liability within 30 minutes.