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February 20, 2003

Beverly Harris
Weston Hurd
2500 Terminal Tower
50 Public Square
Cleveland, Ohio 44113-2241

Re: Shonk vs. Dr. Cain

Dear Ms. Harris:

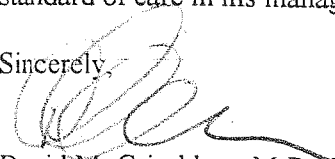
I have reviewed the records forwarded to me regarding Sandra Shonk. These included the Doctors Hospital admission, Dr. Cain's office records and the reports of Drs. Cooperman and Shalowitz. Very briefly, this 23 year old female was scheduled for a laparoscopic tubal ligation on 7-28-00 by Dr. Cain. In the course of inserting the umbilical trocar, there was evidence for a vascular injury. Dr. Cain immediately performed a laparotomy and called in a vascular surgeon. An injury to the right iliac artery and vein was repaired. Additionally, a perforation of the ileum was closed. Her recovery was uncomplicated and she was discharged on 8-2-00. She developed an abdominal wall abscess about four months later. On 3-17-01 she had a granuloma excised from the incision.

Use of both the Veress needle and trocars during laparoscopic surgery carries inherent risks of injury as a result of their blind insertion. When using these trocars, they are prone to move off the midline as one advances, resulting in the type of injury noted in this case. However, even with the trocar remaining perfectly in the midline, injuries to the bowel, bladder and vascular structures can still occur. Based upon reasonable medical certainty, the injuries which occurred as a result of the trocar insertion were unavoidable and not due to negligence on the part of Dr. Cain.

The operative note indicates that a discussion was held with the patient prior to surgery, regarding possible complications. Further, the consent form outlines specific complications and refers to "damage to the surrounding structures" (of the gynecologic organs).

In summary, Sandra Shonk sustained a typical trocar injury, which was immediately recognized and effectively treated. Appropriate informed consent was given prior to the procedure. She was discharged just five days following this injury. It is my expert opinion that Dr. Cain met the standard of care in his management of this patient.

Sincerely,


David M. Grischkan, M.D., FACS