

A dark teal rectangular logo with white text. The text reads "ME AND EARL" on the first line, "AND THE DYING" on the second line, and "GIRL" on the third line.

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Jury in the Bronx Awards \$45 Million for a Death After Surgery

By ANEMONA HARTOCOLLIS MAY 29, 2015

A Bronx jury has awarded \$45.6 million to the parents of a man who was paralyzed at 14 and later died as a result of a spinal operation at NewYork-Presbyterian Hospital/Columbia University Medical Center, according to court papers released Friday.

The man, Edward Beloyianis, who lived in Dix Hills, Long Island, had gone to the Manhattan hospital in November 2002 for surgery to correct his scoliosis, a condition that made his spine curve in an S-shape, his lawyer, Evan Torgan, said on Friday.

Mr. Beloyianis was paralyzed from the waist down by four screws that had been misplaced during the surgery and were pressing on his spinal cord, Mr. Torgan argued during a six-month trial in State Supreme Court in the Bronx.

Despite the paralysis, he was able to attend college and work repairing computers, but he died eight years after the surgery, at 22, of complications of the paralysis, his lawyer said.

On May 27, after three days of deliberation, the jury awarded \$45.6 million to Edward's parents, Michael Beloyianis and Virginia Beaton, including \$40 million for his pain and suffering, according to the verdict sheet. The jury split responsibility evenly between the hospital and the surgeon, Dr. David P. Roye Jr., director of pediatric orthopedic surgery at the NewYork-Presbyterian Children's Hospital.

The hospital said in a statement Friday that its “sympathies and thoughts continue to be with the Beloyianis family,” and that the hospital would appeal, because it believes “the verdict has no basis in law or fact.”

A lawyer for Dr. Roye, Michael Ellenberg, did not return telephone and email messages on Friday. The case was heard in the Bronx because two doctors named in the lawsuit lived there, though the two were dismissed at the end of the trial.

Mr. Torgan said the hospital had told Mr. Beloyianis’s parents that he had a stroke during the operation, and that the hospital had performed a CT scan, which ruled out any surgical injury to the spinal cord. “It was nobody’s fault,” Mr. Torgan said the parents were told.

But Mr. Torgan said that the CT scan had never been performed. He said that if the misplaced screws had been detected right away, it was possible that Mr. Beloyianis would have regained some ability to walk.

Before the surgery, Mr. Beloyianis had played ice hockey and other sports, the lawyer said. He said the surgery was cosmetic at the time it was performed but that it would have eventually been needed to prevent his curving spine from compressing Mr. Beloyianis’s organs.

He said that Mr. Beloyianis learned to cope with his paralysis, driving a car with hand controls and enrolling at State University of New York at Farmingdale. He graduated magna cum laude, and his degree was awarded posthumously.

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