



SPK – The Law Firm of Swensen, Perer & Kontos
Daniel Selepec v. Ethicon Endo-Surgery Inc.

Trial Dates

May 14 – May 24, 2007

Verdict Date

May 24, 2007

Amount Awarded

\$5 million

Court

Court of Common Pleas, Allegheny County, Pennsylvania

Judge

Robert P. Horgos

Plaintiff's Attorney

Alan Perer, SPK – The Law Firm of Swensen, Perer & Kontos

Plaintiff

Daniel Selepec

Defendant

Ethicon Endo-Surgery, Inc., a subsidiary of Johnson & Johnson

Description

Sandra Selepec, 40, died as a result of the failure of an endocutter surgical stapler following gastric bypass (or stomach stapling) surgery on August 5, 2002, in Pittsburgh, Pennsylvania.

The day following the surgery, Mrs. Selepec developed rapid breathing and abdominal pain. She reentered surgery on August 6, 2002, and there it was determined that there was a mechanical stapler failure and in two areas the staples had fallen out and created holes.

The leakage of gastric contents led to the development of sepsis and peritonitis. In addition, during the repair surgery, she suffered from hypoxia or lack of oxygen to the brain, which required her to be placed on a ventilator. The complications of the second surgery increased until she suffered from major organ failure and died on August 26, 2002.

The plaintiff, Daniel Selepec, on behalf of Sandra Selepec's estate and her son, filed a lawsuit against Ethicon Endo-Surgery on October 4, 2004, in the Court of Common Pleas of Allegheny County.

The plaintiff claimed that the stapler malfunctioned and that it had a defective design feature, which placed a certain number of patients at risk for stapler line failures.

The jury agreed that the stapler had a defective design feature and awarded \$1 million for survival damages and \$4 million for wrongful death. The interest owed on the verdict is estimated to be in excess of \$670,000.

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Alan H. Perer
SPK – The Law Firm of Swensen, Perer & Kontos
Press Profile

Alan H. Perer's career as legal counselor has seen a long series of successes in a range of cases involving wrongful death, medical malpractice, product liability and harmful pharmaceuticals. A great many of these are cases that have gone to trial, where Mr. Perer has consistently advocated not only for the rights of his clients, but also for the public's right to be free of dangers created by the neglect or recklessness of corporations and other powerful institutions.

Thanks to Mr. Perer's advocacy, juries have time and time again awarded his clients millions of dollars in clearly justified compensation. Mr. Perer has represented parents who have lost their children to defective products, patients who have suffered greatly from misdiagnosis and harmful medical procedures and hundreds of other victims whose rights, health and life were needlessly harmed or taken away.

Mr. Perer has also settled numerous catastrophic injury cases in his clients' best interest, including the PPA pharmaceutical death case, the USAir Flight 427 wrongful death cases, and a number of important failures-to-diagnose wrongful death cases. These cases all resulted in multi-million dollar settlements.

Mr. Perer's practice is made up largely of referrals from other attorneys.

Summaries of many of Alan Perer's cases can be found at the web site of SPK – The Law Firm of Swensen, Perer & Kontos: <http://www.spkpowerlaw.com>

Mr. Perer attended Washington & Jefferson College and the University of Pittsburgh, where he obtained his Bachelor of Arts Degree in English in 1973. He then attended the University of Pittsburgh School of Law, where he earned his J.D. Degree in 1976.

In 1976, Mr. Perer joined the firm of Scott, Swensen & Scott, which maintained an active civil litigation practice. In 1980, Alan Perer and Jan Swensen formed Swensen & Perer, and in 1999 George Kontos joined the firm as a partner. The firm has evolved to become one of the premier plaintiff medical malpractice, wrongful death and personal injury firms in Western Pennsylvania.

As senior partner at SPK, Mr. Perer takes great pride in the quality and performance of attorneys in the firm. The firm constantly strives for courtroom skill improvement, using the latest techniques in its trial practice, such as focus groups, mock trials and jury consultants.

In addition to his practice, Mr. Perer regularly lectures at attorney seminars. He has also served on the Alumni Board for the University of Pittsburgh School of Law. He is involved in various community activities. For several years, he was on the board of Pittsburgh Hearing and Deaf Services and has been a long-time member of the board of WYEP Community Broadcasting Network, a Pittsburgh public radio station.

Alan Perer is an elected member of the Academy of Trial Lawyers of Allegheny County, the Million Dollar Advocates Forum and a Pennsylvania Super Lawyer. He is also a member of American Association for Justice and the Pennsylvania Trial Lawyers Association. He is also Pittsburgh Chapter President of the INBLF, which is an international organization of the premiere boutique law firms.

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SPK – The Law Firm of Swensen, Perer & Kontos Firm Profile

About SPK

SPK is a law firm with more than 20 years of experience in litigating or settling a wide range of medical malpractice, wrongful death and personal injury claims. Over those years, the firm has successfully tried hundreds of cases in local and federal courts for its clients. Members of SPK are rated "AV" (Martindale-Hubell's top rating). Attorneys at the firm are members of the Academy of Trial Lawyers of Allegheny County.

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Areas of Concentration

- Wrongful Death
- Medical Malpractice
- Harmful Pharmaceuticals
- Misdiagnosis
- Hazardous Products
- Injuries to Children
- General Personal Injury

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