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Jury awards \$21 million to man in vegetative state after leg surgery at Dallas hospital

Evidence presented in the case included records that showed the nurse anesthetist failed to monitor Carlos Rojas' brain activity during the operations,



Baylor University Medical Center on Wednesday, July 28, 2021, in Dallas. (Elias Valverde II/The Dallas Morning News) (Elias Valverde II / Staff Photographer)



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A Dallas County jury awarded \$21.1 million Wednesday to the family of a man who was left in a vegetative state after a surgery to repair his broken leg in 2017.

The jury found providers with U.S. Anesthesia Partners of Texas were negligent during the surgery that took place at Baylor University Medical Center in Dallas.

The trial is a result of a lawsuit the man's mother, Wilda Jennifer Rojas Graterol, filed in July 2021 against Casey Martin, a registered nurse anesthetist; Mallorie Cline, a physician; U.S. Anesthesia Partners of Texas; and the Baylor University Medical Center.

Carlos Rojas, 32, of Dallas, was hanging Christmas lights in October 2017 when he fell from a ladder, breaking his leg and injuring his knee.

He underwent surgery the next day, which required general anesthesia. But Rojas was unresponsive after the operation despite a pre-surgery assessment not finding any medical or clinical issues that put him at risk for complications with anesthesia, the lawsuit says.

Experts say his permanent brain damage was caused by a lack of oxygen to the brain during the surgery, which should have been indicated by low blood pressure readings. While handwritten surgical records show Rojas did not experience any serious blood pressure issues, two nurse anesthetists gave him multiple doses of medicine designed to increase blood pressure.



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“The need for multiple doses of vasoactive medications means that Carlos’ blood pressure was actually much lower than was being recorded by CRNA Martin,” the suit says.

“We believe they created the handwritten record in order to cover up what really happened here, which was that Carlos’ blood pressure dropped and they didn’t address it quickly enough to protect his brain,” attorney Charla Aldous of Aldous\Walker said in a statement.

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Aldous and Brent Walker represented Rojas and his family. They worked with Bruce Steckler and Austin Smith of Steckler Wayne Cherry & Love PLLC.

Evidence presented in the case also included records that showed the nurse anesthetist failed to monitor Rojas' brain activity during the operations, despite such monitoring being required, and the nurse leaving the operation room for 12 minutes in the middle of the procedure.

Dr. Cline, the supervising anesthesiologist over Martin who was caring for Rojas, was also supervising three other CRNAs in different rooms with different patients.

“The jury sent a message to U.S. Anesthesia Partners and their doctors that allowing one anesthesiologist to supervise multiple CRNAs at the same time may be good for business but it's not good for the safety of patients,” Steckler said in a statement. “The consequences can be tragic.”

An electronic record of Rojas' blood pressure was not printed by the hospital but “was spoliated and left to be deleted on the electronic monitor,” the suit says.

“They should have taken care of (Rojas) and sent him on his way,” Walker said in the statement. “Instead, his family is left to care for him and provide all that he needs for the rest of his life because he is incapable of doing things on his own.”

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[Lana Ferguson](#), Breaking News Reporter. Lana Ferguson joined The Dallas Morning News after reporting in South Carolina's Lowcountry for The Island Packet & Beaufort Gazette newspapers. She graduated from the University of Mississippi where she studied journalism and Southern studies. She's a Virginia native but her work has taken her all over the U.S., southern Africa, and Sri Lanka.

[✉ iana.ferguson@dallasnews.com](mailto:iana.ferguson@dallasnews.com) [f](#) /LanaFergusonJournalist [t](#) @thelanabanana