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For Immediate Release:

Purple Heart Recipient Paralyzed by VA Hospital's Negligence

Athens Law Firm Secures \$3.23 Million for veteran

ATHENS, Ga. – (November 27, 2018) – U.S. Army veteran George “Mike” Egan, who served as a 1st Air Cavalry helicopter door gunner and crew chief during the Vietnam War, suffered a lower back injury and shrapnel-riddled legs when his helicopter was shot down. He spent a week in a field hospital, finished his tour, and was honorably discharged with a Purple Heart.

When Egan’s back pain became unbearable, he sought treatment at the local VA hospital near his home in Columbia, SC. An MRI at the VA showed a massive disc extrusion that severely compressed the cauda equina nerves in his lower spine.

Egan needed a spine surgeon to treat the problem by surgically decompressing the nerves. Otherwise, he would inevitably develop permanent nerve damage called cauda equina syndrome and lose function and sensation below the waist. Instead, Egan’s VA providers gave him drugs to manage his pain for more than 18 months and refused to refer him to a spine surgeon until after he suffered incontinence and lost the ability to walk.

It was too late.

Egan permanently lost control of his bowels and bladder, and he requires assistive devices to stand. Athens [Attorneys Jim Matthews](#) and [Lee Atkinson](#) of [Blasingame, Burch, Garrard & Ashley, P.C.](#) filed a lawsuit against the United States, proved that the VA’s care was grossly negligent, and secured a \$3,225,000 settlement for him on the eve of trial.

Egan’s VA medical providers initially attempted to treat his back pain conservatively with drugs and physical therapy. When his pain did not respond to the treatments, he underwent an MRI of his lumbar spine in October of 2010. The MRI showed that a ruptured disc obliterated 95 percent of the spinal canal around the cauda equina nerves at L2-3. The practical effect was that the nerves were placed under severe pressure. Over time, the nerves would suffer permanent injury unless they were decompressed.

The VA hospital had a neurosurgery department but did not have any neurosurgeons and staffed the department with a nurse practitioner who worked under the supervision of a general surgeon. Rather than send Egan to another hospital with a spine surgeon, his VA providers kept him in-house and attempted to relieve his pain with injections and oral drugs that did nothing to relieve the pressure on the cauda equina nerves.

After almost sixteen months of ineffective treatment, Egan woke up in excruciating pain and was unable to stand. He was admitted to the VA hospital in Columbia in February of 2012 and underwent another MRI that showed his nerves were still severely compressed. His VA providers heavily drugged him and planned to send him home, but his wife begged them to let him stay one more night.



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Over the course of that night, the drugs caused Egan to develop severe delirium. He was put in a medically induced coma for weeks. When he finally came to, he had lost sensation and function in his legs and couldn't control his bowels or bladder. Despite the obvious cause of his symptoms, his VA providers refused to send him to a spine surgeon until April 11, 2012. He underwent decompression surgery on April 12, but several of his cauda equina nerves were already permanently damaged.

Because the VA providers failed to send Egan to a spine surgeon sooner, he has permanently lost the ability to sense when he must urinate or have a bowel movement, he has lost sensation in his legs below his knees, and he has a condition called foot drop in both feet because he has lost the ability to raise them. He can walk short distances with the aid of a rolling walker and braces on his feet, but primarily relies on a wheelchair to move around.

Holding the VA Responsible

Because of tort reform in South Carolina, compensation for pain and suffering in medical malpractice cases is currently limited at about \$450,000 unless the injured person proves the hospital and doctors were grossly negligent. While negligence is the failure to exercise ordinary care, gross negligence is the failure to exercise even slight care or demonstrating inadvertence to the point of recklessness.

[Jim Matthews](#) and [Lee Atkinson](#) were determined to hold the VA accountable and maximize the Egan's recovery by proving gross negligence. They hired nationally recognized medical specialists to serve as expert witnesses and established through numerous depositions that the various VA providers inexcusably neglected Egan's obvious nerve compression. The attorneys convinced the court to preclude the United States from using any of its own expert witnesses. As the trial neared, the United States was forced to acknowledge the likelihood that the VA providers would be found grossly negligent and settle the Egan's claims.

While no amount of money can make up for the loss Egan suffered, BBGA was able to secure compensation that will provide for the medical care he needs and help Egan and his wife have the quality of life they deserve.

For more information on Egan's story, visit the BBGA Blog at: <https://www.bbga.com/news/3-23-million-for-purple-heart-recipient-paralyzed-by-va-hospitals-negligence/>

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