

ROBIN BURGESS

GRANTED DISMISSAL AND SANCTIONS

Arizona - Sanders + Parks

Attorney Robin Burgess was recently granted dismissal and sanctions in a matter due to plaintiff's inaccurate disclosure of/failure to disclose unfavorable information. In the underlying matter, Plaintiff had been treating with an OB/GYN specializing in chronic pelvic pain for over three years. Plaintiff claimed that she experienced a complication of treatment in the form of a hematoma in her pelvic area, which was subsequently drained. Plaintiff alleged that the hematoma compressed nerves in her legs causing permanent paralysis, foot drop and complete disability, resulting in an inability to work as a result of her "paralysis." Surveillance demonstrated that Plaintiff had no paralysis or even a limp,

and an Independent Medical Examination revealed that Plaintiff had no evidence of injury, could walk easily without any assistance, and did not have weakness or paralysis as claimed. In light of the refusal by Plaintiff to provide truthful, updated information, Ms. Burgess moved for the Rule 37 sanction of dismissal of the case in its entirety due to Plaintiff's perpetuation of falsehoods, inaccurate discovery responses, and her failure to truthfully reveal her improved condition which led to significant discovery expense for Defendants. The Motion for Sanctions was granted, and the case dismissed in its entirety with an award of fees and costs.

FEATURED ATTORNEY(S):



Robin Burgess

602.532.5783

robin.burgess@sandersparks.com