

ATTORNEY MARK FRANCO WINS UNANIMOUS DEFENSE VERDICT DECIDED BY 12 JURORS

Maine / New Hampshire - DrummondWoodsum

Mark Franco is a Trial Services Practice Group member at Drummond Woodsum, with 40 years of experience in state and federal courts. Attorney Franco has managed and tried over 100 jury trials, including many non-jury and administrative hearings, and has been recognized as part of New England Super Lawyers in personal injury defense, professional liability, and employment law since 2007.

This past February, Attorney Franco won a favorable verdict for his client after a seven-day jury trial. The plaintiff alleged that during a dental procedure on April 17, 2019, he suffered a gum lesion resulting from his dentist (defendant) slipping with a high-speed dental instrument. The plaintiff alleged that the defendant failed to notify him of the incident or note it in his dental chart. The plaintiff also alleged that he was in constant pain from the incident that occurred on April 17 until he returned to the practice on May 8, 2019, for his final dental procedure.

During the plaintiff's visit on May 8, three separate dental providers saw the plaintiff, and none noted a gum lesion. In addition, a 3D scan failed to identify a lesion. The plaintiff returned to the practice the following day, May 9, with complaints of pain as a result of the procedure the previous

day. The dentist who saw the plaintiff identified the lesion, photographed it, and recommended he use a prescription mouthwash. The plaintiff alleges he was still not made aware of the lesion or that it had been photographed. The plaintiff returned to the practice for a handful of additional visits and on May 31 insisted on seeing the owner of the practice. The owner told the plaintiff that the defendant caused the lesion during the appointment on April 17 and insinuated that the defendant hid the lesion from the plaintiff. After that visit, the plaintiff developed post-traumatic stress disorder (PTSD) and has not worked since April 2019 as a result of the PTSD.

A key piece of evidence for the defense was the photographs taken of the plaintiff on May 8 as they do not show a lesion, proving that the lesion could not have been present on April 17. In addition, an expert witness for the defense testified that the lesion that presented on May 9 developed overnight as a result of normal gum manipulation during the procedure the previous day on May 8.

After a two-hour jury deliberation, a unanimous (12 juror) verdict for the defense was returned. Congratulations to Mark Franco and the Trial Services Group at Drummond Woodsum.

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