

MAINE

FRANCO & McCORMICK OBTAIN DEFENSE VERDICT IN DENTAL MALPRACTICE CASE

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Mark Franco and Jeana McCormick obtained a defense verdict following a 7 day jury trial in Cumberland County Superior Court, Portland Maine on September 19, 2023. The plaintiff was alleging both dental negligence and battery against a general dentist as a result of a dental procedure that took place on April 23, 2015. The plaintiff was alleging that the dentist improperly performed occlusal adjustments to plaintiff's teeth without informed consent. Plaintiff alleged that he gave limited consent to the dentist to "smooth" one specific tooth and the dentist proceeded to adjust his entire mouth and also used a dental instrument to "saw between each and every tooth" taking his entire mouth out of occlusion and causing significant and permanent pain and suffering. One of the interesting and somewhat unusual aspects of the case was that the plaintiff was an attorney and represented himself at trial. Another interesting development in the case was the testimony of the plaintiff's current treating dentist who described the plaintiff as totally non complaint on recommendations for treatment including orthodontics. The defense actually designated the plaintiff's treating dentist as their expert witness and he proceeded to opine that the defendant dentist met the applicable standard of care at the appointment on April 23, 2015. During his closing argument the plaintiff told the jury he was seeking 1 million in damages but he would accept \$550,000 as fair and just compensation for his injuries. After a 90 minute deliberation the jury voted 10-2 in favor of the defendant on both the negligence and battery counts.



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