

NEW MEXICO DIRECTED VERDICT IN VETERINARY MALPRACTICE TRIAL



During a twelve-person trial by jury, YLAW founding partner Joseph B. Wosick and associate Miguel P. Archuleta convinced trial judge James Sanchez to direct a verdict in favor of their veterinarian client concerning claims of malpractice. Plaintiffs alleged the veterinarian Defendant breached the standard of care in treating their purebred American Bully dog and such action had been the cause of the dog's death. The animal had been examined by the Defendant doctor thirteen days before its death, and Defendant had recommended the dog be neutered in order to resolve its enlarged prostate condition. Plaintiffs' damages expert testified the breeding quality of the dog could produce income upwards of one hundred million dollars (\$100,000,000). During

contested cross-examination of Plaintiffs' identified veterinarian expert, YLAW forced the expert to admit he could not render a supportable opinion concerning the cause of the dog's death. When Plaintiffs later rested their case, YLAW presented its Motion for Directed Verdict due to failure to prove proximate cause as based on the expert's testimony. The cross of the expert had been so thorough that Judge Sanchez interrupted YLAW's oral argument on the motion, and then proceeded himself to explain to Plaintiffs' counsel how the testimony elicited from his own expert had doomed his case. The Court granted Defendant's Motion for Directed Verdict and dismissed the empaneled jury.



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