



### \$1M Medmal Settlement

**Dodge v. Dello Russo:** A Connecticut woman accepted \$1,019,000 on June 16 to settle her Essex County suit claiming her eyes were permanently damaged by eye surgeon Joseph Dello Russo.

Patricia Dodge, 55, alleged that the Bergenfield doctor performed a lasik procedure even though she was not a good candidate. She claimed that she later suffered a wrinkling of the cornea due to a faulty follow-up by a physician employed by Dello Russo, William

Kellogg. Dodge must now use eye drops daily and wear thick glasses to see, says her attorney, **Bruce Nagel**.

Princeton Insurance Co., the carrier for Dello Russo's Bergenfield clinic, the New Jersey Eye Center, will pay \$725,000, while his personal liability carrier, Interstate Insurance Co., already agreed to pay the remainder, says Nagel, of Roseland's **Nagel Rice**.

Princeton retained **John Tomaszewski**, of New York's **Marulli, Lindebaum & Tomaszewski**, who did not return a call.

Dodge's claim was among 13 against Dello Russo that resulted in awards totaling \$15.3 million in an arbitration process approved by him and his personal counsel in 2004. Interstate Insurance agreed to pay \$3 million but Princeton Insurance balked on grounds its consent was not obtained.

An appeals court ruled in 2007 that Princeton did not have to fund the arbitration awards, putting the cases back on track for trial with Princeton providing



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coverage. In most settlements, Princeton has paid less than it would have under the arbitration agreements. Dodge had been awarded \$1.2 million in the original arbitration, Nagel says.

— *By Michael Booth*