

## 1. Massage Therapy Case Summary

The plaintiff, age twenty-four at the time, was a registered guest at the Las Vegas Hilton Hotel. She sustained serious injury to the left temporomandibular joint in the course of receiving a full body massage at the defendant hotel's health spa. Testimony was adduced that the defendant's masseuse had not attended a registered school of massage therapy. The masseuse admitted in cross-examination that she had learned her technique of acupressure facial from a Lindsay Wagner videotape. Although she failed the licensing examination in her home state, she thereafter became licensed in Nevada.

While having her face massaged, the plaintiff suddenly heard a sharp crack in her left ear and instructed the masseuse to stop immediately. The plaintiff felt so dizzy that she was unable to get off the table. When she started to return to her room, she had, to lay down on a chaise lounge at the swimming pool. When she arose, she noticed blood had oozed from her left ear onto the towel which had covered the chaise lounge.

The plaintiff was referred by the defendant to the Las Vegas Medical Center Clinic, where she was treated. The plaintiff returned home and was diagnosed with traumatic TMJ. An MRI revealed either a partial tear or a displacement of the plaintiff's left TMJ disc. The plaintiff was then treated by an oral/maxillofacial surgeon in New York, New York. The plaintiff's treatment included arthrocentesis. When the plaintiff failed to respond favorably to the treatment she was advised to undergo extraoral arthroscopic surgery, which would leave a stab wound on the left side of the face near the ear. The surgery, however, has a low success rate.

The defendant's expert advised the plaintiff to defer the surgery in favor of continuing conservative treatment. The plaintiff underwent treatment from a specialist in head and facial pain without favorable response and was then advised to undergo the arthroscopic surgery and then under radiofrequency cautery surgery. The surgery had not been performed at the time of trial. The plaintiff continues to suffer facial pain, tinnitus, ear aches and incapacitating recurrent headaches.

A jury awarded the plaintiff \$75,000, to which the judge granted an additur of \$57,000, bringing the total judgment against the defendant to \$150,000, plus prejudgment interest.

**Plaintiff's Experts:** Alan Schwimmer, D.D.S., oral/maxillofacial surgery, New York, NY. Ira A. Klemons, D.D.S., Ph.D., head/facial pain, South Amboy, NJ. **Defendant's Experts:** Gary M. Heir, D.M.D., orofacial disorders, Bayonne, NJ. Chris P. Anayiotos, M.D., neurology, West Long Branch, NJ. **Georgia Meese v. Las Vegas Hilton Corp., et al.,** Monmouth County (NJ) Superior Court, Case No. MON-L4837-92. Adrian I. Karp, Morris Plains, NJ for the plaintiff. Richard E. Synder, Morgan, Melhuish, Monaghan, et al., Livingston, NJ for the defendants.

*With permission from Medical Malpractice Verdicts, Settlements & Experts; Lewis Laska, Editor, 901 Church St., Nashville, TN 37203-3411, 1-800-298-6288*

