

## **MARK SCHIFFER WINS A RECORD 7 MILLION JUDGEMENT AGAINST TLC SURGEON, DR. MARK SPEAKER**

**Former Banker Awarded \$7M in Damages From LASIK Eye Surgery**

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New York Law Journal

A Manhattan jury has awarded a former investment banker \$7.25 million in damages for vision impairment he claimed resulted from LASIK eye surgery.

The award -- \$4.5 million in lost income and \$2.75 million in pain and suffering - is the largest to date in a suit over the popular vision correction surgery. It is against one of New York's leading LASIK practitioners as well as the corporation that has become the nation's largest provider of LASIK surgery.

Mark Schiffer had LASIK surgery on Oct. 6, 2000, a week after he first visited an optometrist affiliated with the TLC Laser Eye Center, which operates LASIK surgery centers with affiliated doctors nationwide.

The surgery was performed by Dr. Mark Speaker, then-medical director of TLC, who also has his own practice. One of the most well-known LASIK surgeons in New York, Speaker has performed thousands of procedures and has been a frequent media commentator on the practice.

In his suit, Schiffer, 32, claimed he suffered distorted and blurred vision, particularly in his left eye, because the TLC-affiliated doctors failed to determine that he had keratoconus, a degenerative corneal condition that made the laser surgery unsafe.

A graduate of Yale University and the Wharton School of Finance then working at the Dresdner Kleinwort Wasserstein investment banking firm, Schiffer claimed his vision impairment forced him to leave his highly paid Wall Street career and take a job with his father's Long Island banking security company.

In a trial before state Supreme Court Justice Alice Schlesinger, Schiffer's lawyer, Chappaqua personal injury specialist Todd Krouner, argued that the failure to diagnose keratoconus was a result of TLC's high-volume practice, which he called

the "McDonalds of LASIK surgery."

He said TLC had placed Schiffer on a "conveyor belt" of LASIK patients, noting that Speaker performed procedures on 10 other patients the same day he operated on Schiffer. In the rush, Krouner argued, the TLC doctors ignored signs that Schiffer was not a proper candidate for LASIK.

Lawyers for TLC and Speaker took issue with Schiffer's claim of keratoconus and argued that all tests and medical records at the time showed Schiffer had a healthy cornea. They also took issue with the severity of his impairment, noting that he drove himself to the trial.

The defense attorneys attacked in particular Schiffer's claims for damages based on future earnings as an investment banker. They argued there were indications Schiffer had other reasons besides poor vision for leaving Wall Street and called his request for \$35 million in damages "obscene."

Although well below \$35 million, the jury's award is considerably higher than the \$4 million verdict that had previously been the largest reported in a LASIK personal injury suit. That Arizona case involved a former United Airlines pilot who claimed the surgery ruined his night vision and made him unable to fly.

Speaker was represented by Peter Kopff of Kopff, Nardelli & Dopf. TLC was represented by Ralph Catalano of Catalano, Gallardo & Petropoulos. Neither lawyer could be reached about whether their clients planned to appeal.

<http://www.law.com/jsp/article.jsp?id=1122627916703>

Posted by Admin at July 30, 2005 11:55 AM

Comments
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### **Jury's judgement**

Posted by: **Admin** at July 30, 2005 08:08 PM