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NEWSLETTERS

Colo. Judge Lets Pilot's \$7.3M LASIK Verdict Exceed Cap

By [Jonathan Capriel](#) · [Listen to article](#)

Law360 (April 20, 2026, 11:05 PM EDT) -- A 27-year-old former pilot who claims an ophthalmology clinic destroyed his career after negligently clearing him for LASIK secured a \$7.3 million judgment, after a Colorado judge found good cause to allow the award to go above the state's \$1 million economic damages cap.

District Court Judge Chantel Contiguglia granted plaintiff Nicholas Lara's motion to exceed the cap under set by the Colorado Health Care Availability Act. His young age coupled with his pilot career strongly suggest he will miss out on a good deal of money, the judge's [order](#) said.

"Plaintiff will spend the majority of his life suffering from this injury that impacts his quality of life daily," the judge said. "Plaintiff will also suffer the loss of his professional career decades before the end of his work life according to the expert testimony at trial. Plaintiff's young age and life expectancy support Plaintiff's assertion that there is good cause to exceed the damages cap and that imposing the cap would be unfair."

The court entered a [final judgment](#) Thursday of nearly \$5.8 million in damages plus \$1.5 million in interest against [LCA-Vision Inc.](#) doing business as LASIKPlus.

In February, a jury awarded him just over \$8 million, counsel for Lara, Todd J. Krouner of the Law Office of Todd J. Krouner, told Law360 on Monday.

"The jury's record \$8 million verdict is a resounding rejection of the defendant LCA's business model that places patient profit over patient safety," he said. "Moreover, the trial court rejected the defendants' argument that such exceptions were only appropriate in cases involving catastrophic injuries. The trial court's decision recognized the critical importance of vision to all aspects of the plaintiff's daily life activities, including, but not limited to, his imperiled piloting career."

At the time of the surgery, Lara was a 24-year-old pilot, according to the court orders.

His medical malpractice suit named as defendants LCA-Vision and Dr. Gary Bircham. He claimed that they failed to implement adequate policies for pre-operative screening, according to his counsel. Specifically, LASIKPlus cleared Lara for surgery despite test results revealing warning signs of keratoconus, an incurable progressive eye disease that damages vision and can occur in some people who undergo LASIK, the counsel said. After his vision fell below 20/20 Lara lost his ability to work as a pilot, the counsel said.

The jury returned a split verdict on Feb. 11, 2026. It found Bircham not liable but found LCA-Vision 75% at fault for his vision loss. A nonparty was found to be the remaining 25% responsible, according to the court orders.

Representatives of LCA-Vision did not immediately return a request for comment Monday.

Counsel information for the defendants was not immediately available.

Lara is represented by Todd J. Krouner of the Law Office of Todd J. Krouner, Alana M. Anzalone of Anzalone Law, and Jennifer Simpson of [Buckley Simpson Law](#).

The case is Nicholas Lara v. Gary Bircham, O.D., et al., case number 2025CV30130, in the District Court for Jefferson County, Colorado.

--Editing by Michael Watanabe.

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