

Bank v. Mickels

Case Number

S-18-0427

Call Date

March 1, 2019

Court Number

Douglas

Case Location

Lincoln

Case Summary

S-18-0427 Carl Bank and Theresa M. Bank (Appellants) v. Jason J. Mickels, M.D., and Omaha Orthopedic Clinic & Sports Medicine, P.C.

Douglas County, Hon. Thomas A. Otepka

Attorneys: Jason M. Bruno and Jared C. Olsen (Sherrets Bruno & Vogt, LLC) (Appellant) --- William M. Lamson, Jr. and William R. Settles (Lamson, Dugan & Murray)

Civil: Medical Malpractice

Proceedings Below: The district court entered judgment consistent with the general jury verdict in favor of Dr. Mickels and Omaha Orthopedic (collectively, Dr. Mickels). It overruled the Banks' motion for mistrial, motion to alter or amend, and motion for new trial.

Issues: The Banks assign that the district court erred in (1) refusing to instruct the jury regarding aggravation of a preexisting condition, (2) improperly instructing the jury regarding informed consent, (3) allowing and refusing to strike testimony regarding the standard of care, (4) excluding evidence that would have rehabilitated the credibility of an expert witness, (5) refusing to give a curative jury instruction regarding insurance, (6) refusing to declare a mistrial following the violation of an order in limine, (7) refusing to alter or amend the judgment, and (8) denying the Banks' motion for new trial.
