

TOP VERDICTS

Lopes v. Salimitari

Verdict: Defense

Los Angeles Superior

Topic: Medical

Subtopic: Malpractice

Detail: Negligent Surgery

Defense – Kent T. Brandmeyer (Law + Brandmeyer LLP)

Plaintiff alleged medical negligence related to an esophageal perforation during weight loss surgery after a bougie dilator was passed despite known narrowing in the lower esophagus.



MEDICAL

MALPRACTICE

Negligent Surgery

Verdict: Defense

CASE/NUMBER: Donita Lopes v.
Shahram Salimitari, M.D., et al. /
21STCV15344

COURT/DATE: Los Angeles
Superior / Mar. 24, 2026

JUDGE: Wendy L. Wilcox

ATTORNEYS:

Plaintiff - Brian C. Gonzalez (Law
Offices of Brian C. Gonzalez)

Defendant - Kent T. Brandmeyer
(Law + Brandmeyer LLP)

FACTS: Plaintiff Donita Lopes alleged medical negligence related to an esophageal perforation that was caused by defendant Dr. Shahram Salimitari during a weight loss surgery that was performed on Aug. 20, 2020. Before the surgery, plaintiff underwent an upper endoscopy, which showed narrowing in the lower esophagus. This test was known to Dr. Salimitari but not disclosed to the other personnel in the operating room, including the anesthesiologist.

During the surgery, the anesthesiologist went to pass a bougie dilator. On the way down, the dilator encountered significant resistance. The anesthesiologist informed the surgeon Dr. Salimitari about the resistance, which was presumably caused by the previously detected narrowing. Dr. Salimitari still didn't disclose the narrowing. Rather, he told the anesthesiologist to switch to a tapered dilator and try to pass it again. When the anesthesiologist did so, all in the O.R. noticed that the blue, tapered nose of the dilator was seen protruding out of a hole in the lower esophagus on the laparoscopic video monitor.

Plaintiff contended that the tapered dilator should not have been passed until the narrowing was further investigated and remedied.

Dr. Salimitari contended that the hole in the esophagus was caused not by the dilator, but earlier during the dissection of other tissue from the outside of the esophagus. This cause was a recognized risk of the surgery.

Prior to the trial, plaintiff settled her claims against the anesthesiologist, the surgical center, and the weight loss center.

RESULT: Defense verdict
FILING DATE: Apr. 22, 2021