

Hinshaw Secures Dismissal of Dental Malpractice Case on the Eve of Trial Selection

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A Hinshaw legal team consisting of Jill Eckhaus, Peter Walsh, and Amanda Nowicki secured the dismissal with prejudice of a medical malpractice lawsuit filed against a general dentist and dental group following aggressive pretrial motion practice in the Circuit Court of Cook County.

The plaintiff originally filed her malpractice claim in 2021, claiming that the defendant general dentist negligently performed a third-molar extraction of her impacted tooth #32, resulting in a complete transection of the lingual nerve, and failed to secure informed consent for the procedure.

The defendants put on a vigorous defense for three years, including conducting an investigation of the plaintiff, which resulted in the assertion of a contributory negligence claim. The Hinshaw legal team argued pretrial motions in limine and trial briefs on the Friday before the trial was scheduled in the Cook County Law Division.

The original policy limits demand was then reduced by the plaintiff to \$500,000 and further reduced, absent any offer of settlement, to \$75,000 after arguments and rulings on the pretrial motions. Over the weekend, the plaintiff attempted to settle, but the defendants were prepared to move forward with jury selection and opening statements on Monday morning. On Monday, the plaintiff outright dismissed the entire action with prejudice, permanently ending the case.

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