

Jury awards family \$11M in man's death

Perth Amboy oral surgeon held responsible

BY SUE EPSTEIN
STAR-LEDGER STAFF

A jury in New Brunswick decided yesterday that a Perth Amboy oral surgeon caused the death of a Woodbridge man in 2005 and awarded his family more than \$11 million in damages.

The jury deliberated less than three hours over two days before finding that George Flugrad committed medical malpractice when he failed to get clearance from Francis Keller's doctor to remove Keller's wisdom teeth after Keller told him he had an impaired immune system.

The jury of four women and two men cleared Keller's family dentist, John Madaris of Fords, of any negligence in Keller's death on Aug. 5, 2005, 12 hours after Flugrad removed his teeth.

When the jury's verdict, with interest, is combined with other settlements reached in the case, Keller's parents will receive more than \$12 million, according to their attorney, David Mazie, a partner in Mazie Slater Katz & Freeman of Roseland.

After the jury's verdict was recorded, Helen Keller, who filed the suit representing her son's estate, broke down in tears.

"The money will never bring my son back no matter how much I get," Keller said. "I only hope it prevents someone else from going through this heartache."

Madaris also broke down when the jury cleared him of medical malpractice and was consoled by his wife, Barbara.

Flugrad was not in the courtroom to hear the verdict. His attorney declined to comment.

During the week-long trial in New Brunswick, attorneys for Madaris and Flugrad blamed each other for Keller's death and brought in expert doctors, as did Mazie, to testify to what the "standard of care" in handling the 21-year-old's condition should have been.

Keller had a hereditary condition that caused his immune system to react to any trauma to his face or hands by swelling. He had been hospitalized only two months prior to his death after his larynx swelled and he almost suffocated.

He visited Madaris in late July 2005 because of pain in his gums. Madaris told him he needed his wisdom teeth removed and gave him the names of two oral surgeons, including Flugrad. Keller chose Flugrad, according to testimony in the trial. Madaris also told Keller his teeth needed a cleaning.

Testimony in the trial revealed that when Keller returned days later to Madaris' office for the cleaning, he told the dental hygienist about his condition and she wouldn't clean his teeth without medical clearance. She contacted his doctor's staff who told her Keller couldn't have any dental work until he came to see his doctor first. She told Keller that he should go to his doctor before having any dental work done because of his condition.

The question of blame centered around a phone conversation Madaris and Flugrad had the evening of Aug. 4, 2005, when Keller had his surgery.

Flugrad testified Madaris called him and they discussed Keller. He said Madaris never told him that Keller's doctor had not given him medical clearance. The oral surgeon also said Keller told him he had medical clearance for the surgery.

But, Madaris said the conversation never took place. He testified he called Flugrad only to tell him to have a good vacation. Flugrad was leaving for vacation Aug. 5, 2005 for two weeks.

Madaris said he felt "vindicated" by the jury.

"I did nothing wrong," he said. "But, every Aug. 5, I'll grieve for this family."

Sue Epstein may be reached at sepstein@starledger.com or (732) 249-5670.



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The official added, that the swearing-in of the nation's first black president was not a time to take the two office

PROBATION FOR THE ORIGIN OF OFFICE, according to two sources involved in the matter.