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PRESS RELEASE - FOR IMMEDIATE RELEASE

Johnson Devadas and Saramma Devadas v. Kevin Niksarli, M.D.,
Manhattan LASIK Center, PLLC, and NewSight Laser Center, PLLC
*New York County, Supreme Court of the State of New York
Index # 107637/07*

On August 12, 2011, a judgment in the amount of \$4,520,299.58 was entered against LASIK surgeon, Kevin Niksarli, M.D., and his professional corporation, Newsight Laser Center, PLLC.

On June 10, 2009, a Manhattan jury returned a verdict against Dr. Niksarli, in Devadas v. Niksarli, Index No. 107637/2007, for his medical negligence in having performed LASIK surgery on a patient who was not a good candidate for surgery because of the condition of his corneas. As a result, the evidence showed that Mr. Devadas developed a visually disabling condition, post-LASIK ectasia.

Following the verdict, Dr. Niksarli asked the trial court to overturn the verdict. By decision and order dated July 14, 2010, the trial judge rejected Dr. Niksarli's motion.

The judgment, which exceeds Dr. Niksarli's available malpractice insurance by more than \$1 million, may be appealed within approximately 30 days.

The judgment modifies the jury's verdict, to reduce the awards of \$2,360,000 for loss of income and \$3,100,000 for pain and suffering, to present value. It is believed to be the first such judgment entered in a medical malpractice case in the New York County Supreme Court, since the statute, CPLR Article 50-A, §5031 – 5039, was implemented by the legislature to protect doctors and hospitals.

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