



\$850,000 Eye-Injury Settlement

Donnelly v. Dello Russo: A banker who claimed his vision was damaged during a laser operation will receive \$850,000 under settlements finalized Sept. 5 with the surgeon, the plaintiff's lawyer says.

Thomas Donnelly of New York claimed in a suit in Bergen County that nearsighted-correction surgery by Joseph Dello Russo at the New Jersey Eye Center in Bergenfield left him with blurred vision in his right eye and

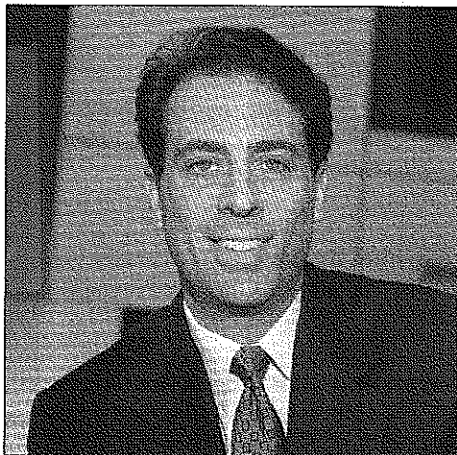


PHOTO BY CARMEN NATALE

SHORT-SIGHTEDNESS ALLEGED: David Mazie says his client had a condition that made laser surgery inadvisable.

caused chronic headaches.

Dello Russo should not have operated because Donnelly had forme fuste keratoconus, a steepening of the cornea, which made him an unacceptable candidate for laser surgery, according to Donnelly's attorneys, **David Mazie** and **Adam Slater** of **Mazie Slater Katz & Freeman** in Roseland.

Defense counsel **John Tomaszewski** of **Marulli, Lindenbaum, Edelman & Tomaszewski** in New York did not return a call. But Mazie says a defense expert opined that standards of care at the time of the surgery in 1999 did not require doctors to refrain from operating on patients like Donnelly.

Donnelly, who has received \$200,000 from primary insurer Interstate Insurance Co., will receive an additional \$650,000 from excess carrier Princeton Insurance Co., under the settlement, Mazie says.

The case was among a dozen Dello

Russo settled privately in 2004 in an arbitration proceeding that was designed to bind Princeton but was voided by an appeals court.

— *By Henry Gottlieb*