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HEADLINE: Pilot's \$4 million award over **LASIK** surgery is reinstated

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BODY:

By ANNE T. DENOGEAN

A man whose career as a commercial pilot was ended by a **LASIK** eye operation should get a \$4 million judgment, a judge ruled.

The Superior Court judge reinstated a \$4 million judgment against University Physicians Healthcare - formerly University Physicians Inc. - in the case of former United Airlines pilot Steve Post, whose night vision was reduced by the eye surgery.

With interest, the judgment is now at \$4.3 million, the largest verdict in a **LASIK** case in the United States.

Laser-Assisted In Situ Keratomileusis is intended to eliminate or reduce dependency on eyeglasses or contacts.

Post successfully claimed in his **lawsuit** in May 2002 that his large pupils made him an inappropriate candidate for such surgery and that proper screening and pupil measurement by UPI would have revealed this before his surgery. His surgery was performed at UPI's The **LASIK** Center, 655 N. Alvernon Way.

Post's loss of night vision left him unable to fly for commercial airlines. He said during trial he would not have had the surgery had he been told he was at increased risk for night vision problems.

Judge Kenneth Lee granted UPI's motion for a new trial when Post's expert witness, Dr. Jeffery Machat, a Canadian ophthalmologist, recanted testimony that UPI had fallen below the standard of care in performing **LASIK** on Post.

The Arizona Court of Appeals overturned the ruling in January, and the Arizona Supreme Court declined to review it this summer.

Lee ruled to reinstate the verdict late last week.

"I'm really disappointed and we're considering our options," said Norm Botsford, president and chief executive of UPI.

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