

## Kennedy v. Katzman / Home Depot

*Defense Verdict — Contested CRPS Causation and Spinal Cord Stimulator Implantation*

<b>Caption</b>	Kennedy v. Katzman, Home Depot U.S.A., Inc., et al.
<b>Docket</b>	BER-L-2811-23
<b>Court</b>	Superior Court of New Jersey, Law Division — Bergen County
<b>Trial Judge</b>	Hon. Kevin P. Kelly, J.S.C.
<b>Trial Dates</b>	May 11–20, 2026 (seven trial days)
<b>Verdict</b>	Unanimous 7–0 defense verdict on negligence
<b>Disposition</b>	Complaint dismissed with prejudice as to Home Depot U.S.A., Inc.
<b>Order Filed</b>	May 21, 2026
<b>Plaintiff’s Counsel</b>	Paul A. Krauss, Esq., Brandon J. Broderick, LLC
<b>Defense Counsel</b>	Kevin E. Hexstall, Esq., and Alicia L. Calaf, Esq., Marshall Dennehey
<b>Retaining Entity</b>	Leidos QTC (defense-side IME and expert retention)

### Case Posture

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The plaintiff brought a premises liability action against Home Depot U.S.A., Inc., and a co-defendant residential property holder, alleging that an incident on the defendant’s premises caused the onset of Complex Regional Pain Syndrome (CRPS) in the foot/ankle. The treatment course included referral to interventional pain management and ultimately spinal cord stimulator implantation. Claimed damages included past and future medical expenses, ongoing neuromodulation maintenance, and permanent partial disability attributed to the alleged CRPS.

The matter proceeded to a seven-day jury trial in Bergen County after pretrial motion practice and full discovery. The jury returned a unanimous defense verdict, and the complaint was dismissed with prejudice as to Home Depot.

### Central Diagnostic Question

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The dispositive medical question was whether the plaintiff met the **Budapest Criteria** for a clinically valid CRPS diagnosis, and — if not — what the appropriate diagnostic framework was for the documented pain complaints and the basis for spinal cord stimulator candidacy.

The Budapest Criteria, formally adopted by the International Association for the Study of Pain in 2012 and now the prevailing clinical and forensic diagnostic standard, require:

1. **Continuing pain** disproportionate to any inciting event.

2. **At least one symptom** reported in three of four categories (sensory, vasomotor, sudomotor/edema, motor/trophic).
3. **At least one sign** demonstrated on examination in two or more of the same four categories.
4. **No other diagnosis** that better explains the signs and symptoms.

A diagnosis of CRPS that fails any of these four prongs is not supported under the prevailing methodology.

## Forensic Consultation Role

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Dr. Chinweike Izeogu was retained on the defense (Home Depot) side through Leidos QTC as an interventional pain management and CRPS subspecialty expert. The consultation included:

- Comprehensive review of pre-incident and post-incident medical records.
- Independent medical examination of the plaintiff.
- Application of the Budapest Criteria across all four diagnostic domains.
- Analysis of the indications, methodology, and timing of the spinal cord stimulator trial and permanent implantation.
- Differential diagnostic analysis
- Causation and apportionment analysis with respect to pre-existing conditions and the alleged inciting event.

## Outcome and Observations

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The jury returned a unanimous 7–0 defense verdict on negligence after seven trial days. The court entered an order on May 21, 2026 dismissing the complaint with prejudice as to Home Depot U.S.A., Inc.

Without disclosing any confidential aspects of the defense strategy or deposition content, several observations are appropriate for the forensic and defense bar audience:

- **Operational Budapest application matters.** Forensic CRPS opinions that rely on general disagreement with the diagnosis are vulnerable on cross-examination. Opinions that engage each Budapest domain with documented specifics are more defensible.
- **Differential diagnostic analysis is decisive.** The fourth Budapest prong requires that no other diagnosis better explains the findings. Many contested CRPS cases turn on whether this prong was rigorously addressed in the treatment workup.
- **SCS implantation does not validate a CRPS diagnosis.** The candidacy and indication framework for spinal cord stimulator implantation is distinct from the diagnostic framework for CRPS itself. The fact that a stimulator was implanted does not establish that the underlying diagnosis was correctly made or that the response to stimulation confirms the diagnosis.

**Chinweike Izeogu, MD**

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*This case note describes a matter of public record. The case caption, docket number, court, judge, trial dates, verdict, and order of dismissal are public information. Nothing in this case discloses confidential defense strategy, work product, or deposition or trial testimony beyond the verdict and disposition reflected in the public court record. No identifying information regarding the plaintiff beyond the public case caption is included.*