

Attorneys to Re-file Suit

Reported by: *Lauren Lea, KARK 4 News*

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The family of a boy suing Arkansas Children's Hospital, should know in the next few days if they'll re-file their lawsuit.

Cody Metheny's family claims, surgery on the wrong side of his brain, caused permanent brain damage.

Friday, the family's attorneys asked for a mistrial because of concerns about the jurors.

The judge denied that request, so they stopped the trial.

The family has a year, to refile their lawsuit.

"For a fair trial, you take all the facts into consideration, and once the note came from the jurors, we felt pretty convinced we needed to nonsuit and refile," said the Methenys' attorney, Phillip Duncan.

He was referring to a note one juror sent them, saying other jurors were being disruptive during the trial.

The hospital's attorney says there was no jury misconduct and even alleging that, is offensive to all the jurors and everyone involved in the suit.