

COURT OF APPEALS OF VIRGINIA

Loudoun Eye Care, P.C. v. Michael Bartin

Loudoun Eye Care, P.C. v. Michael Bartin · No. 0217-25-4 · Decided February 10, 2026

SUMMARY

The Court of Appeals of Virginia reversed a jury verdict for Michael Bartin in his medical malpractice action against Loudoun Eye Care and Dr. Gitanjali Baveja. The court held that, in a failure-to-refer case, the plaintiff must present expert testimony establishing the standard of care applicable to the physician to whom referral allegedly should have been made, as well as the nature and probability of treatment that would have affected the outcome. Because Bartin presented no qualified retinal-specialist testimony on that standard of care, the court entered final judgment for Loudoun Eye Care.

CASE DETAILS

COURT	Court of Appeals of Virginia
WRITING FOR THE COURT	Dominique A. Callins; O'Brien; Chaney; Callins
JURISDICTION	Court of Appeals of Virginia
DECIDED	February 10, 2026
DOCKET	0217-25-4
DISPOSITION	reversed
PROCEDURAL POSTURE	Loudoun Eye Care and Dr. Gitanjali Baveja appealed from a judgment entered after a jury verdict for Michael Bartin in a medical-malpractice action. The trial court denied the defendants' post-trial motion to set aside the verdict.
STANDARD OF REVIEW	When reviewing the refusal to set aside a jury verdict, the court considers whether the verdict is plainly wrong or without evidentiary support, viewing the facts in the light most favorable to the prevailing party and presuming the correctness of the trial court's judgment.
PRECEDENTIAL VALUE	Published Virginia Court of Appeals opinion
PARTIES	Loudoun Eye Care, P.C., Dr. Gitanjali Baveja v. Michael Bartin

TOPICS

- medical malpractice
- expert testimony
- standard of care
- proximate cause
- appellate procedure

PRACTICE AREAS

medical malpractice

professional negligence

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether Bartin presented sufficient evidence of causation in a medical-malpractice failure-to-refer case when he lacked expert testimony establishing the standard of care applicable to the physician to whom referral allegedly should have been made.
2. Whether the evidence was sufficient as a matter of law to support the jury's verdict and the trial court's denial of the defendants' motion to set aside the verdict.
3. Whether the defendants preserved their challenge to the qualification of Bartin's expert by presenting evidence of the same character through their own expert.

HOLDINGS

1. To establish causation in a failure-to-refer medical-malpractice case, the claimant must ordinarily present expert testimony establishing the standard of care applicable to the physician to whom referral allegedly should have been made, including the nature and probability of the treatment that physician would have provided.
2. Bartin's evidence was insufficient as a matter of law to establish causation because no expert qualified in retinal-specialist practice testified regarding the applicable standard of care or the treatment a retinal specialist would have provided upon earlier referral.
3. The defendants could not obtain reversal on their separate challenge to the admission of Dr. Etter's testimony because they introduced evidence of the same character through their own expert.

KEY QUOTATIONS

"We conclude that Dixon logically extends to require, for purposes of causation, presentation of expert testimony to establish the standard of care applicable to a physician upon referral." (at 7-8)

"And since an expert must be qualified "by knowledge, skill, experience, training, or education," the standard of care applicable to the physician upon referral ordinarily will need to be established by an expert in that physician's field, rather than by an expert in the field of the alleged tortfeasor." (at 8)

"Without evidence "to establish the nature of the treatment [Bartin] could have undergone" had he been referred sooner and "the probability that such treatment would have" prevented Bartin's damages, Bartin's evidence was insufficient as a matter of law." (at 9)

FACTUAL BACKGROUND

After cataract surgery performed by Dr. Baveja, Bartin had retained lens material, elevated eye pressure, worsening vision, and later a retinal detachment. Dr. Baveja did not refer him to a retinal specialist immediately after surgery, and Bartin was ultimately diagnosed with a retinal detachment and suffered permanent loss of approximately 85 percent of his vision. At trial, Bartin's ophthalmology expert, Dr. Jonathan Etter, testified about

what a retinal specialist would have done upon referral, although he conceded that he was not a retinal specialist and lacked the additional training and equipment used by retinal specialists.

PROCEDURAL HISTORY

Bartin sued Loudoun Eye Care and Dr. Baveja in March 2022, alleging negligent failure to refer him to a retinal specialist after cataract surgery. Following a five-day jury trial, the jury awarded Martin \$1,500,000 plus pre- and post-judgment interest. The trial court denied the defendants' motion to set aside the verdict, and the defendants appealed. The Court of Appeals of Virginia reversed and entered final judgment for the defendants.

DISPOSITION

reversed

CASES CITED

- Ferguson Enters., Inc. v. F.H. Furr Plumbing, Heating & Air Conditioning, Inc., 297 Va. 539, 547-48 (2019)
- Reed v. Commonwealth, 85 Va. App. 196, 217 (2025)
- Bitar v. Rahman, 272 Va. 130, 137-38 (2006)
- Perdieu v. Blackstone Fam. Prac. Ctr., 264 Va. 408, 420 (2002)
- Raines v. Lutz, 231 Va. 110, 113 (1986)
- Pergolizzi v. Bowman, 76 Va. App. 310, 339 (2022)
- Dixon v. Sublett, 295 Va. 60, 63-68 (2018)
- Bryan v. Burt, 254 Va. 28, 35 (1997)
- Tahboub v. Thiagarajah, 298 Va. 366, 369-77 (2020)
- Lee v. Illinois, 476 U.S. 530, 543 (1986)
- Butcher v. Commonwealth, 298 Va. 392, 396 (2020)
- Commonwealth v. White, 293 Va. 411, 419 (2017)
- Saunders v. Commonwealth, 211 Va. 399, 401 (1970)

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