

BELOW IS A RESULT THAT WAS OBTAINED FOR ONE OF
OUR CLIENTS:

QUEENS COUNTY — SUPREME COURT

MEDICAL MALPRACTICE — CHILDBIRTH — FAILURE TO DIAGNOSE URINARY INFECTION
IN PREGNANT WOMAN, CAUSING PREMATURE LABOR — BIRTH ATTENDED BY RESIDENT
— PROFOUND BRAIN DAMAGE

Sherry Royal, indiv. and as m/n/g of Tristan Royal v. Booth Memorial Medical Center and Dr. Robert Post
11718/89 5-week trial Verdict 10/1/96 Judge Joseph F. Lisa, Queens Supreme

VERDICT \$23,500,000. Breakdown: \$2,000,000 for past pain and suffering; \$3,000,000 for future pain and suffering; \$13,000,000 for custodial care; \$3,000,000 for impairment of earning capacity; \$2,500,000 for speech, occupational, and physical therapy.

FACTS Pltf.'s mother, pregnant with her first child, presented to Deft. Hospital on 3/4/88 where she was tested for a possible urinary tract infection. Pltf. claimed that although the test revealed that she had an infection, she was never notified or treated. She contended that she returned to the hospital 3 weeks later, but she was still not told about the infection or treated for it. Pltf. claimed that urinary tract infections commonly cause premature labor. She suffered a premature rupture of her membranes on 3/29, and was treated for the infection at that time. Pltf. went into labor on 4/7/88 at 31 weeks gestation. She claimed that she was not seen by a doctor for several hours. After she was finally examined, she was scheduled for an emergency Caesarean section, but that procedure was not performed for 2 hours. Pltf. contended that by that time, the child's head had moved far down into the birth canal. Deft. Dr. Post, the head of obstetrics at Deft. hospital, attended the birth with a resident. Pltf. contended that Dr. Post negligently allowed the resident to handle the delivery, and that the resident applied too much pressure on the infant's head, causing trauma to the head and bleeding in the brain.

Defts. conceded that they departed from proper medical practice for failing to provide an attending doctor for several hours during labor, and for failing to treat the urinary tract infection. Defts. contended, however, that Pltf.'s condition was caused by fetal maternal transfusion, or bleeding *in utero*, and the fact that the infant was born prematurely. Defts.' experts testified that fetal maternal transfusion can occur for unknown reasons.

Injuries: profound brain damage with mental retardation; cerebral palsy. Pltf. is unable to walk and requires a wheelchair. Pltf.'s experts testified that Pltf. is profoundly disabled and will require institutionalization.