



Verdicts & Settlements

Debra Freid, Verdicts & Settlements Editor

Confidential Malpractice

In this medical malpractice case, Plaintiff's counsel overcame facts including an arguably non-compliant Plaintiff-mother and seemingly prompt medical response and demonstrated that even minutes matter when emergencies occur in the delivery of a baby, by using a focus group approach to case preparation.

Although the Plaintiff-mother kept most of her appointments at the hospital's prenatal clinic, she missed nine non-stress test appointments which were ordered when an ultrasound showed that she would likely have a small baby and other abnormalities, including a small subchorionic bleed in the first term. At 41 weeks, the Plaintiff was admitted for induction of labor due to the suspicion she was going to have a small baby. Fetal monitoring was mostly reassuring. However, records documented a "sudden gush of bright red blood," at one point after which the heart tones were bradycardic and then lost altogether. An emergency C-section was performed within 29 minutes of the bleeding.

Plaintiff-minor had low Apgars and suffered hypoxic-ischemic encephalopathy according to the records but he was normal size at delivery. The records further showed the bleeding in labor was due to vasa previa which is a very rare condition where the baby bleeds out near the time of delivery. Fetal brain damage can occur within minutes where the baby loses 50% of its blood volume, as was the case here. Fetal mortality is in excess of 70%.

After delivery, Plaintiff-minor was transfused with plasmate within 9 minutes of delivery and with packed red blood cells within 58 minutes of the delivery.

Plaintiff asserted that the delivery should have occurred within 15 minutes of the bleeding during labor (instead of 29 minutes) and that the transfusion of packed red blood cells should have occurred within 30 minutes of delivery (instead of 58 minutes).

Defendants claimed that brain damage likely occurred at the time of the bleed and that a delivery performed sooner would not have made a difference in the outcome. Defendants also asserted that the 30-minute C-section rule applied and that this C-section occurred within 29 minutes. Finally, Defendants asserted that Plaintiff's injuries were not as severe as claimed by Plaintiffs. In fact, Plaintiff-minor showed great improvement as he grew older. His IQ was found to be in the low-normal range and he had little or no evidence of cerebral palsy by age 5-1/2 although, he does have speech delays.

After multiple focus groups with the InFocus Research Group, the case was resolved for \$1.1 million.

Plaintiffs were represented by Jesse M. Reiter of Bloomfield Hills.

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