



THE MICHIGAN TRIAL REPORTER

Your Essential Guide To Case Evaluation Since 1987

Wayne County

Circuit Court — Detroit

Newborn's Injury Claims Result in Pretrial Settlement

Case Caption:

Anonymous Female and Minor v. Anonymous Physician and Hospital

Settlement: \$1,100,000

Judge: Withheld

Settlement Date: 4/2/2008

Attorneys:

Plaintiff: Jesse M. Reiter, Bloomfield Hills

Defendant: Withheld

Facts: Plaintiffs claimed a delayed C-section and blood transfusion post-delivery caused permanent injuries to a newborn infant. Defendant denied the injuries were caused by the delay, but settled plaintiff's claims for \$1,100,000 prior to trial.

Plaintiff mother treated prenatally at a hospital clinic and made most of her appointments during gestation. Prenatal ultrasounds showed the pregnant mother would likely have a small baby, as well as evidence of a small subchorionic bleed in the first term. Treators ordered plaintiff to have continuing ultrasounds and non-stress tests throughout the pregnancy. Plaintiff, however, missed nine non-stress test appointments. At 41 weeks gestation, the mother was admitted for induction of labor due to the suspicion she was going to have a small baby. Fetal monitoring was mostly reassuring. At 10:13 p.m., medicals records documented a sudden gush of bright red blood. Subsequently, heart tones were bradycardic and then lost altogether. Ultrasound showed severe bradycardia. An emergency C-section was performed within 29 minutes of the bleeding.

Plaintiff child had low Apgars and blood gases and suffered hypoxic-ischemic encephalopathy according to records. The baby

was normal size at delivery. Records further showed the bleeding in labor was due to vasa previa, a very rare condition in which fetal blood vessels transverse the lower uterine segment and 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. After the delivery, the baby was transfused with plasma within nine minutes of delivery. He was transfused with packed red blood cells within 58 minutes of the delivery.

Plaintiffs alleged that delivery should have occurred within 15 minutes of the bleeding during labor, instead of 29 minutes, and that transfusion with packed red blood cells should have occurred within 30 minutes of the delivery, instead of 58 minutes. As a result of both delays, plaintiff claimed the child sustained permanent brain damage.

Defendant contended that brain damage likely occurred at the time of the bleed due to extreme fetal blood loss and hypovolemia. Therefore, sooner delivery would not have made a difference in the outcome. Defendants also asserted that the 30 minute C-section rule applied and this C-section occurred within 29 minutes. Lastly, defendants claimed that plaintiff child's injuries were exaggerated.

Plaintiff Profile: Plaintiff was a newborn male who was five years old at the date of settlement.

Alleged Injury: Hypoxic ischemic encephalopathy with brain damage. Plaintiff showed great improvement as he grew older. His IQ was in the low-normal range and he had little or no evidence of cerebral palsy by age 5. He had residual speech delays.

Evaluation: N/A

Case Number: WITHHELD