

\$1,375,000.00 VERDICT IN BRACHIAL PLEXUS CASE *Medical Malpractice Trial Report**

BIRTH INJURY Medical Malpractice Lawsuit: Excessive Traction Results in Permanent Brachial Plexus Injury

The mother was admitted to the Beth Israel Deaconess Hospital for pitocin induction of labor for labile hypertension with complaints of headache. Estimated fetal weight by clinical exam was 8 pounds. She was admitted at 19:55 with a cervical exam of 4cm dilation/80 percent effaced and minus 2 station. Her pregnancy blood sugar control evaluated with hemoglobin A1c of 9/9/03 of 5.8. She had an epidural for pain management. An insulin drip was initiated for blood sugar control. Artificial rupture of membranes for augmentation of labor was performed. Pregnancy induced hypertension labs revealed an elevated uric acid and magnesium sulphate therapy was initiated. Complete dilatation of the cervix was noted at 03:00 and pushing was initiated. The Attending obstetrician, a Resident and Nurse were present at the delivery. The delivery note documents a left occiput anterior presentation. A shoulder dystocia was encountered, recognized and by report lasted less than 1 minute. The patient's legs were flexed. The anterior shoulder was rotated to the oblique position. Traction was applied. A right mediolateral episiotomy was cut prior to the delivery of the head. A female baby with birth weight of 8 pounds 11 ounces or 3965 grams with apgar scores of 8 at 1 minute and 9 at 5 minutes.

It was immediately recognized that there was an absence of movement of the left upper extremity, which was the posterior arm. Initial assessment noted bruising to both forearms, wrist flexion in a waiters tip position.

It was argued that the Resident was inexperienced in recognizing shoulder dystocia and as a result placed excessive traction upon the baby's head and neck resulting in permanent damage to the brachial plexus.

When physical therapy reached a point of maximum improvement surgery consultation was obtained. The child was diagnosed with subluxation of the glenohumeral joint by MRI and clinical parameters. She underwent tendon transfer surgery on October 25, 2004 by Dr. Peter Waters at the Children's Hospital in Boston.

After trial a verdict in the amount of \$1, 375,000.00 was returned

* As reported in Massachusetts Lawyers Weekly.