

## \$600,000 VERDICT IN BRACHIAL PLEXUS CASE

### *Medical Malpractice Trial Report*

### **BIRTH INJURY Medical Malpractice Lawsuit: Failure to Perform Caesarian Section and Excessive Traction Results in Permanent Brachial Plexus Injury**

At her first pre-natal visit the Mom's medical history was significant for PIH, glysuria during previous pregnancy with macrosomic infant who weighed 4,530 grams at 39 weeks.

Upon admission for delivery fetal macrosomia was noted with an estimated fetal weight of 10 to 11 pounds. The Mom's total weight gain was 57 pounds. Prior history of macrosomic infant was noted. The plan was to continue expectant management of vaginal delivery with possible shoulder dystocia precautions (EFW 10 to 11 lbs). Caesarian section was not discussed or offered.

The medical records indicate a shoulder dystocia was recognized at delivery. McRoberts maneuver was done, then suprapubic pressure. The posterior shoulder was grasped and the anterior shoulder dislodged under the pubic bone with a male infant delivered with Apgars of 6 and 9. A mediolateral episiotomy was cut at an undetermined time. The infant weighed 5,645 grams (12 lbs. 7 oz.).

Following delivery, the infant was noted to have no movement in the right arm. He was noted to have very weak grasp left hand, no spontaneous movement of the left arm, clavicle was intact. On discharge from the hospital, infant was noted to continued lack of spontaneous or evoked movements of the left arm consistent with brachial plexus palsy. The child does have a permanent brachial plexus injury.

The physicians ignored the prior history and failed to order an induction at 39 weeks to avoid any continued growth of the fetus. The hospital records indicate that there was concern about shoulder dystocia before delivery. Despite the concern about shoulder dystocia the Mom was not offered a caesarian section. If the Mom were offered a caesarian section due to shoulder dystocia and the risk of shoulder dystocia the brachial plexus injury would not have occurred.

Following a trial a verdict of \$600,000 was returned.