

SETTLEMENT IN BRAIN DAMAGED INFANT/BRACHIAL PLEXUS  
CASE IS \$1,500,000.00\*

*Medical Malpractice Trial Report*

**BIRTH INJURY Medical Malpractice Lawsuit: Failure to Appreciate Fetal Distress Results in Brain Damage and Cerebral Palsy**

This was the first pregnancy for the 28-year-old Mom. The pregnancy was eventful for the following conditions: maternal obesity; maternal smoking; pruritis; excessive weight gain; urinary tract infection, reflux, macrosomia, induction for macrosomia. The pregnancy was well dated by clinical and ultrasound dating. At 40 weeks an ultrasound was performed and showed a fetal weight of 4090 grams. An induction was then planned on the basis on fetal macrosomia.

The induction failed after 11 hours and the Mom was discharged. She returned the next day for another attempt at induction. The fetal heart monitor strip indicated several late decelerations with recovery to baseline. After 10.5 hours the induction failed, and the Mom was again sent home.

Two days later induction was again attempted. There appears to have been a protraction of the descent of the presenting part indicating a protracted second stage of labor. During the course of the labor there was an artificial rupture of the membranes and a fetal monitor placed. In the last two hours fetal tachycardia and deep decelerations are noted as well as non-reassuring pattern.

Vacuum extractions was performed over eight contractions and lasted approximately thirty minutes. The child was delivered two hours after full dilation. The apgars' were 1 at one minute and 3 at five minutes. The baby required extensive resuscitation at birth. An umbilical cord gas was lost en route and done some three hours after the specimen has been obtained. An arterial blood gas after delivery was significant for metabolic acidosis. The child had seizures within the first twenty-four hours as well as cerebral edema and renal ischemic insult. The child suffers from permanent brain damage and cerebral palsy.

The doctors failed to appreciate the fetal distress evidenced on the fetal heart monitor strip, failed to perform a caesarian section and caused the child to lack oxygen for a significant period of time.

Following mediation the case was settled for the amount of \$1,500,000.

\*As reported in Massachusetts Lawyers Weekly