

Nursing Negligence

Douglas Birch, a minor, by and through his next friend, parent and natural guardian, Donna Birch, and Donna Birch, individually, and Basil Birch, individually, v. Miguel A. Albert, M.D., Miguel A. Albert, M.D., P.A. and Hialeah Hospital, Inc.

Jury Verdict: \$18,376,250.00

Donna Birch was an obstetrical patient of Dr. Miguel Albert. Donna Birch ruptured her membranes after thirty-two weeks gestation and was admitted to Hialeah Hospital for observation. She went into premature labor four days later and her baby was delivered by the nurses at the hospital. There was no obstetrical physician available at the delivery. Plaintiffs alleged that the defendant obstetrician, Dr. Albert, was negligent in failing to attend the delivery of Donna and Douglas Birch who were high risk patients, and further, claimed that the nurses at Hialeah Hospital were negligent because they failed to obtain an obstetrical physician to attend the high risk delivery. As a result of a mismanaged delivery, Douglas Birch unfortunately sustained extensive brain damage and has been diagnosed as suffering from cerebral palsy and has a seizure disorder. Douglas today is totally dependent on his family and healthcare providers for all of his activities of daily living, and is 100% disabled. This trial lasted one week and a half after plaintiffs settled with the hospital. The jury returned a verdict in the amount of \$15,924,000 and \$1,500,000.00 each for his parents, Donna Birch and Basil Birch. Plaintiff had entered into a prior settlement with Hialeah Hospital, the amount of which is confidential. Manuel Epelbaum and Robert J. Dickman were the trial attorneys in this case.

John Doe v. Mount Sinai Hospital

Settlement: \$6,500,000.00

This case involved nursing negligence by staff at Mount Sinai Hospital. The plaintiff was in the well baby nursery within the first day of birth and nursing staff failed to detect that the baby was having apnea spells and by the time she was found, she had gone into full arrest. Plaintiffs were able to prove that the nursing staff in the well baby nursery at Mount Sinai Hospital did not follow their own protocols and properly attend to and properly resuscitate the baby. As a result, the baby suffered severe hypoxia to the brain resulting in permanent brain injury and cerebral palsy. This case was litigated by Robert J. Dickman and Manuel Epelbaum and was settled at mediation shortly before trial.

Gaiqui v. Ronald C. Dudan, M.D.

Jury Verdict: \$3,900,000.00

Robert J. Dickman and Manuel Epelbaum tried this case and were successful in proving that the defendant obstetrician failed to properly manage the labor and delivery resulting in delayed vaginal delivery of the baby. As a result of the delay in delivery, the baby suffered significant brain injury resulting in cerebral palsy. As a result of the verdict, plaintiff successfully proceeded to recover monies in excess of the policy limits in a bad faith lawsuit. Plaintiffs settled with the defendant hospital for a confidential amount.

Burley v. XYZ Hospital

Settlement: \$3,000,000.00

Christian Burley was born on July 12, 1998 in Atlanta, Georgia and today suffers from severe cerebral palsy as a result of problems, which developed during labor or immediately after birth. Plaintiff sued the hospital alleging that the nursing staff failed to properly evaluate non-reassuring fetal heart monitor tracings during labor. As a result of the failure to properly evaluate the fetal heart monitor tracings, the baby was delivered vaginally suffering from hypoxia and its sequelae. Plaintiff alleged that the failure to perform cesarean section timely resulted in injuries to the child. This case was litigated by Robert J. Dickman.

Martin v. XYZ Hospital

Settlement: \$2,200,000.00

This is an obstetrical malpractice case wherein a timely cesarean section was not done resulting in permanent brain injury to the child. This case settled during trial. This case was litigated by Robert J. Dickman and Manuel Epelbaum.

Theodore v. XYZ Hospital

Settlement: \$2,000,000.00

Plaintiff was in the seventh month of pregnancy and had been previously diagnosed with pregnancy induced hypertension. She attended a high risk clinic at the defendant hospital and was seen a few days before admission to the hospital with an abnormally high blood pressure. Rather than being admitted and placed on bed rest and medication, the Plaintiff was allowed to go home. One day later, the Plaintiff returned to the hospital and during the process of admission, suffered respiratory failure resulting in an emergency cesarean section being performed on the floor of the labor and delivery suite. Unfortunately, Ms. Theodore suffered severe anoxic brain injury and became quadriparetic. Her baby survived and suffered minimal injury and no residual effects of the emergency cesarean section. This case settled at mediation. This case was litigated by Manuel Epelbaum.

Daniels v. XYZ Hospital

Settlement: \$1,000,000.00

Plaintiff claimed injury to their child while being attended to by the nurses at XYZ Hospital as a result of their failure to adequately assess and monitor the labor of Deborah Daniels resulting in injury to the baby. This case involved the use of a medication called cervidil, which was contraindicated in light of the mother's multiparetic and large baby. As a result of the failure to properly attend to the mother, the mother suffered significant bleeding resulting in brain damage to the child. This case was settled prior to trial. This case was litigated by Robert J. Dickman and Manuel Epelbaum.