

**CASE TYPE:** Medical Malpractice  
**RESULT:** \$1.75 million

**COUNTY:** Los Angeles  
**REPORT TYPE:** Settlement

**SUMMARY:** Mother attempts vaginal delivery of second child after C-section of first; Infant, permanent vegetative state; emotional distress to parents

**CASE:** Doe Mother/Infant v. Roe OB/GYN and Hospital  
**PLTF ATTY:** Booth & Koskoff, By: Johnna J. Hansen, *Torrance*  
**DEFT ATTY:** Schmid & Voiles, By: Susan H. Schmid, *Los Angeles* for M.D.  
Rushfeldt, Shelley & Drake, By: Ken Drake, *Sherman Oaks* for Hospital

**FACTS:** Pltf mother delivered her first child by C-section after she failed to progress under the care of Deft M.D. She was desirous of attempting a vaginal birth after C-section (VBAC) for her second child, to which Deft OB/GYN agreed. On July 13, 1995 Pltf mother was admitted to Deft hospital. Deft M.D. induced labor with Pitocin. Pltf mother labored over twelve hours with very small progress. She was checked by Deft M.D. at 9:00 p.m. At that time she had dilated to 3-5 cm and was permitted to continue laboring. Deft M.D. then left the hospital. The labor was further monitored by a nurse employed by Deft hospital. At 1:00 a.m. on July 14, 1995, Pltf mother was fully dilated and ready to push. The nurse shut off the epidural and the Pitocin without advising any physician and permitted Pltf mother to push for over an hour without notifying any physician. Shortly before 2:00 a.m. the fetal heart monitor demonstrated fetal distress and bradycardia. The nurse failed to immediately notify the doctor of the changes in the fetal heart rate and ultimately lost the signal from the fetal heart monitor. The nurse also failed to insert an internal fetal scalp electrode.

At 2:00 a.m. the nurse notified Deft M.D. of the situation. He arrived at the hospital at approximately 2:10 a.m. and performed a crash C-section. Upon incision into the abdomen, it was discovered that the uterus had ruptured through the previous C-section incision line, and the child's head had emerged through the rupture into the peritoneal cavity. The baby was born before the anesthesiologist arrived, with the largest portion of the C-section done under a local anesthetic.

**PER PLTF:** That Pltf mother was a high risk delivery due to VBAC; that both Deft OB/GYN and Deft hospital, through the conduct of its nurse and failure to have an anesthesiologist on the premises, fell below the standard of care. (Deft M.D. wrote a letter to the hospital excoriating the nursing care rendered, which was in Pltf's counsel possession.) Pltfs contended that the mother was never a proper candidate for VBAC; that both Defts failed to properly monitor the progress of the labor with resulting damage to the infant.

**INJURIES:** Anoxic brain damage to infant with cerebral palsy; permanent vegetative state. Extreme emotional distress to both parents, as well as pain/suffering to mother during C-section under local anesthetic.

**DEFENSE:** Contended that the conduct of the Defts was within the standard of care; that Pltf parents insisted on VBAC delivery even though Deft doctor recommended a planned C-section; that the life expectancy of the infant was extremely questionable due to repeated episodes of pneumonia and lack of gas reflex.

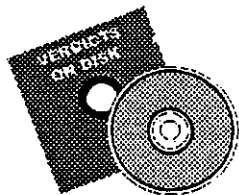
**SPECIALS:** \$15,000/mo. medical including 24-hour nursing care; \$10 million L.E. capacity (questionable due to life expectancy).

**SETTLEMENT:** \$1.75 million present cash value

**DATE:** 10/15/96 **ACTION FILED:** 11/07/95

**JUDGE:** Burton Bach **COURT:** L.A. County Superior Court, West Covina

**CRA # 7951**



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