

S92-02-03

Medical Malpractice: Childbirth, Failed to Perform AFP Test

\$2,000,000 (cash)

**Plaintiff Attorney: Lawrence R. Booth & Donald J. Beck
(Booth & Koskoff), Los Angeles**

(213) 515-1361

Court: L.A. Central

- Facts:** Plaintiff was born with a severe deformity call Spina Bifida. He sued his mother's OB/GYN on the theory that he failed to performed an AFP test which was mandated by state law prior to his birth. The AFP test will show existence of Spina Bifida giving the parents the option of aborting the fetus. Plaintiff's medical bills were entirely covered by Kaiser and therefore are not recoverable on a medical malpractice under MICRA.
- Contentions:** Defense argued that Plaintiff's general damages were limited by MICRA to \$250,000 and that it is not likely that there will be future medical expenses because of the collateral source exclusion in MICRA.
- Experts:** None
