

Attorneys:

Plaintiff: William E. Artz, Arlington
Andrew J. Waghorn, Arlington

Defendant: Withheld

Facts: The parties settled this case involving an infant who suffered oxygen deprivation and meconium aspiration at birth, allegedly due to the defendant's delay in performing an emergency C-section.

In December of 2000, plaintiff's mother presented to the hospital for a planned induction of labor. She was two weeks past her due date. At the hospital she came under the care of defendant, her OB/GYN. The defendant performed a vaginal examination which revealed a closed cervix. The defendant attempted to ripen the cervix with Cytotec, a drug which the FDA had not approved for use in pregnant women. Over the next 36 hours, there was no significant cervical dilation despite the use of Cytotec and Pitocin. When the mother's membranes were ruptured by the defendant, thick meconium was noted, which plaintiff claimed indicated that the baby was in distress. Contemporaneous fetal heart rate monitor tracings also purportedly suggested that the baby was under stress. A C-section was not performed for another eight hours after the membranes were ruptured. In the interim, the mother developed complications including preeclampsia and pulmonary edema. When the emergency C-section was performed, the baby was delivered limp and pale with no spontaneous movements or respirations. The baby was resuscitated and placed on a respirator. However, the baby had suffered severe oxygen restriction to the brain (hypoxia).

Plaintiff alleged that the defendant failed to perform a C-section despite ominous fetal heart monitor tracings and thick meconium, both signs of fetal distress. Plaintiff further alleged that defendant's negligence caused plaintiff to suffer severe hypoxia with resultant permanent brain damage and seizure disorder.

Defendant contended that the applicable standard of care was met at all times and nothing defendant did or failed to do contributed in any way to plaintiff's injuries.

The parties ultimately agreed to settle this case prior to trial for \$1,000,000.

Plaintiff Profile: Plaintiff was a newborn infant, sex unknown.

Alleged Injury: Meconium aspiration and severe hypoxia at birth resulting in moderate permanent brain damage and seizure disorder. It was unclear at the time of settlement whether plaintiff would be able to work, care for herself or live independently as an adult. Plaintiff claimed unspecified future damages.

Case Number: Withheld

Arlington County, VA

Circuit Court

\$1 Million Settlement for Brain Damage from Delayed C-Section

Case Caption:

Woe v. Dr. Loe

Settlement: \$1,000,000

Judge: Withheld

Settlement Date: 9/2003