Labor And Delivery: Prompt Cesarean Not Done, Jury Places Blame On Hospital's Nurses.

The parents filed a lawsuit on behalf of their child who now suffers the effects of brain injury at birth, neuro-muscular, cognitive and intellectual dysfunction and blindness.

The parents' lawsuit named as defendants the mother's own obstetrician, two obstetricians who actually delivered her baby vaginally at the hospital and the hospital itself as the employer of the labor and delivery nurses who cared for her during her labor.

As the scenario developed, the fetal monitor was reportedly showing signs of fetal distress. The mother's obstetrician was notified but was unaccountably delayed getting to the hospital.

At this point, it was alleged in the lawsuit, the labor and delivery nurses should have taken steps promptly to get assistance from another physician.

The mother sued her own obstetrician, the two physicians who delivered her baby and the hospital itself as the employer of the labor and delivery nurses.

The jury found the hospital 100% at fault for the baby's brain injury.

The nurses did not find another physician promptly when the mother's ob/gyn was delayed getting to the hospital.

DISTRICT COURT
SEDGWICK COUNTY, KANSAS
March 26, 2010

Two physicians did eventually step in and perform a difficult forceps delivery. The lawsuit alleged, however, that they performed the forceps delivery negligently, should have performed a cesarean instead and that the cesarean itself should have been started much sooner than it was.

The jury in the District Court, Sedgwick County, Kansas returned a verdict of $2,404,427.12 for the baby's past and future medical expenses.

The jury expressly found the hospital 100% at fault and the mother's obstetrician and the physicians who delivered the baby not at fault. Realizing the need for prompt medical intervention, the nurses should not have waited for the mother's physician but should have found backup assistance. **L.U. v. Montoya, 2010 WL 3261182 (Dist. Ct. Sedgwick Co., Kansas, March 26, 2010).**