

## L & D: Nurses Denied Patient's Request For C-Section, \$3,500,000 Settlement Awarded.

The parents' case against the hospital was settled during an out-of-court mediation session for a reported payment of \$3,500,000 for the benefit of their profoundly developmentally delayed child, based on negligence by the hospital's nursing staff during the mother's delivery.

The settlement was reported with a stipulation that the names of the parents, physicians and the hospital would be kept confidential.

The mother, thirty years old at the time, entered the hospital pregnant with her first child and two weeks past her expected due-date.

Her pre-natal care, including non-stress tests eight and two days before admission, had been entirely normal. The first fetal monitor tracings in the hospital were also entirely normal.

The patient, however, was having extreme pain, charted by the labor and delivery nurse as 10/10. Six hours into her labor, still having intense pain, the mother requested a c-section. Her request was dismissed by a labor and delivery nurse on the basis that, "We do not do c-sections for first time pregnancies."

The nurse reportedly dismissed the patient's request without conferring with the certified nurse midwife or with the ob/gyn who were readily available on or near the unit. The husband asked again for a c-section several hours later.

The membranes ruptured spontaneously, with some meconium detected, soon after Pitocin was started. The monitor strips were still OK.

Late the next morning, thirty-six hours after admission, late decelerations were seen on the monitor. The nurse midwife notified the ob/gyn who called for an immediate c-section. The infant was delivered with Apgars of 1,5 and 5.

The labor and delivery nurses were also faulted for failing to appreciate the mother's risk factors, including elevated blood pressure, meconium seen at rupture of membranes and maternal fever, which should have prompted earlier evaluation by the ob/gyn.

Earlier evaluation by the ob/gyn, it was alleged, would have resulted in a more timely c-section delivery. **Confidential v. Confidential, 2008 WL 2020373 (Sup. Ct. Los Angeles Co., California, March 25, 2008).**