

Obstetrics: Court Faults Caregivers Over Inadequate History.

A jury in the Supreme Court, New York County, New York gave a \$8,000,000 verdict for an infant born with hypoxic brain damage the jury related to complications during attempted vaginal delivery and to delay going forward with a c-section.

Previous Pregnancy, Large Baby Shoulder Dystocia, Fractured Clavicle

A nurse midwife interviewed the mother when she arrived at the hospital in labor at 4:00 a.m.

The nurse midwife neglected to get a complete history from her about her one and only previous pregnancy, according to the testimony of the patient's ob/gyn expert. That baby weighed 8 lbs. 12 oz. at birth and the delivery was complicated by shoulder dystocia and a fractured clavicle.

The mother testified in court that she tried to tell the nurse midwife that this, her second baby, was estimated to weigh more than her first.

Cesarean Delayed

A cesarean was finally ordered more than twelve hours after the mother came to the hospital in labor.

Labor had progressed toward vaginal delivery to the point that one of the baby's arms had become wedged behind the mother's pubic bone and the baby's humerus had been fractured intentionally.

The patient's medical experts testified the baby should have been delivered by cesarean before labor went that far.

Fetal Monitor

The verdict was based only on the complications from failing to appreciate the size of the baby based on the mother's history. The jury apparently did not believe the mother's caregivers were not watching the monitor and/or failed to understand what the monitor was showing, as was also alleged. **Avila v. New York Health & Hospitals Corp.**, 2007 WL 4234838 (Sup. Ct. New York Co., New York, October 18, 2007).