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\$18 million for injuries during birth

By Ramon Coronado
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A mother and her 2-year-old boy, who suffered severe irreversible brain damage during birth at a Sacramento hospital, were awarded a jury verdict Thursday which over time will total \$18 million dollars.

After deliberating a day and a half, the Sacramento Superior Court jury found that Methodist Hospital and obstetrician Vance Knoll were negligent March 31, 1995, in the care of Lorena Correa and her son, Rafael.

According to evidence presented during the month-long trial, the child was injured when his mother's uterus ruptured and the baby was expelled into the abdominal cavity while the obstetrician was asleep at his home.

After the uterus had ruptured and the baby was floating free in the abdomen, it took 25 minutes to deliver the baby. During that time, it was asphyxiated and now suffers from severe cerebral palsy requiring 24-hour care, the attorney for the Correa family said.

Methodist Hospital spokeswoman Kim Griffin said the hospital has yet to decide what to do about the jury verdict.

"This case involved complex issues on which medical experts had differing views. Mercy Health Care Sacramento and Methodist Hospital have from the outset viewed this as a tragic event and have sincerely empathized with the family. However, the hospital does not believe it was at fault," Griffin said.

Tom Doyle, the doctor's lawyer, said Vance also feels saddened about the tragedy but disagrees with the verdict.

"He feels his actions were appropriate," Doyle said.

In deciding the case, jurors were quick and unanimous in finding there was negligence, but were divided and spent more time on deciding who was to blame and to what degree, said attorney Bruce G. Fagel, who represented the Correa family.

"There was evidence that the doctor expected the nurse to do certain things and the hospital's position was that the doctor was in charge," said Fagel, a former emergency room physician who specializes in medical malpractice lawsuits.

In the final vote, the jury found the doctor was to blame for 32 percent of the negligence and the hospital was at fault for 64 percent of the actions that caused the baby's injuries.

The actual dollar amount of the award was about \$6 million, but paid out as an annuity over 12 years, the award will amount to \$18 million, attorneys said.

The case goes back before the judge March 14, when attorneys for the doctor and the hospital are expected to ask that the award be reduced to about \$4 million based on legislation limiting cash awards against doctors and hospitals.

Even if the amount is lowered, the jury award will be among the highest medical malpractice judgments in the state, said Fagel, who is based in Beverly Hills and has offices in Sacramento, San Francisco and San Diego.

"In the state, medical malpractice judgments are generally between \$1.5 million and \$2 million," Fagel said.

According to trial evidence, Lorena Correa was admitted to Methodist Hospital by Knoll. Although she had previously had a Caesarean section for delivery of her first child in 1993, Knoll recommended she undergo a vaginal delivery.

Vaginal births after Caesarean or VBAC, as they are known, are encouraged by some medical professionals and health insurance companies to save costs of overnight hospital stays, Fagel said.

However, such deliveries have risks that require careful monitoring and an obstetrician should be readily available to intervene if necessary, Fagel said.

Though Correa was administered a drug that induced labor, 11 hours passed and she had made little progress. Vance then left the hospital to go to his home, 17 miles away, where he expected to be called when the patient's condition changed.

At about 3 a.m. the fetal monitoring showed a significant change in the baby's heart rate, yet the nurse did not report the change until 30 minutes later, Fagel said.

In trial, the nurse and the doctor disagreed about the communication they had between them. The doctor testified the nurse gave him inaccurate information about the patient which delayed his response to the patient's condition, Fagel said.

[excerpted quote:]

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