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## 1992'S LARGEST VERDICTS

**Case:** *Estrada v. Columbia Presbyterian Medical Center*, 16438/84 (Sup. Ct., N.Y. Co.).

**Plaintiffs' attorney:** Thomas A. Moore of New York's Kramer, Dillof, Tessel, Duffy & Moore.

**Defense attorney:** Dennis A. Breitner of New York's Kanterman, Taub & Breitner P.C.

**Jury award:** \$12.7 million.

**H**OLAYA ESTRADA was 19 on Sept. 20, 1974, when she went to New York's Columbia Presbyterian Medical Center for the birth of her daughter, Ann. She was considered a high-risk patient because she had a history of protracted labor in a previous pregnancy and she also had a condition called pre-eclampsia, which includes high blood pressure as a symptom.

Once again, labor was protracted. The baby and mother were both in obvious distress, says plaintiffs' counsel Thomas A. Moore. "There should have been an immediate Caesarean." But the resident on duty was inexperienced and, instead, tried another, considerably riskier, procedure. "He extracted the child by forceps" — whereby the baby is pulled through the birth canal by its head, Mr. Moore says.

The procedure caused permanent brain damage, including mental retardation, a seizure disorder and speech defects, Mr. Moore reports. But the family didn't find this out until years later, when another hospital linked Ann Estrada's disabilities to injuries suffered at birth, Mr. Moore says.

The family sued Columbia Presbyterian for malpractice in 1984. The hospital denied any fault for Ann Estrada's problems. But on Oct. 5, 1992, a New York jury awarded the girl \$8 million for pain and suffering and \$4.7 million for future care. None of this is structured because the case was filed before the New York state law took effect. The decision is pending post-trial motions.