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VERDICTS AND SETTLEMENTS

Jury faults hospital over delivery delay, awards \$7M

CASE TYPE: *medical malpractice*

CASE: Millan v. New York City Health
and Hospitals Corp., 14089/86 (Sup.
Ct., Bronx Co., N.Y.)

PLAINTIFFS' ATTORNEY: *Judith A.
Livingston, of New York's Kramer,
Dillof, Tessel, Duffy & Moore*

DEFENSE ATTORNEY: *Kenneth R.
Larywon, of New York's Martin,
Clearwater & Bell*

JURY VERDICT: *\$7.44 million*

WHEN ANA MILLAN went to Jacobi Medical Center in the Bronx, N.Y., in March 1984 for the birth of her third child, she had severe pre-eclampsia, a predelivery condition characterized by abnormally high blood pressure, said plaintiffs' counsel Judith A. Livingston. Ms. Millan's first two children had been delivered by Caesarean section; the pre-eclampsia indicated that the third child should be delivered by Caesarean as well. Ms. Livingston added. But after Ms. Millan's admission, she said, "nobody examined her for several hours," and hospital personnel indicated that "they were considering a vaginal delivery."

Joel Millan was delivered by C-section, but the delay in the delivery, Ms. Livingston said, caused permanent brain damage and left the child with mild cerebral palsy. Joel Millan did not sustain any impact on his intellectual abilities, but he does have a significant limp and diminished use of one hand, she added.

Ana Millan, on her son's behalf, sued the city of New York and the New York City Health and Hospitals Corp., operator of Jacobi Medical Center, charging negligence. On June 30, a Bronx jury awarded Joel Millan \$7.44 million.