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C-Section Delay Leads To \$12.8 Million Award

CASE TYPE: *medical malpractice*

CASE: *Acevedo v. New York City Health and Hospitals Corp., 19506/87 (Sup. Ct., N.Y.)*

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

DEFENSE ATTORNEY: *Gunther H. Kilsch, of New York's McAloon & Friedman*

JURY VERDICT: *\$12.8 million*

WHEN NORMA RODRIGUEZ, then pregnant with her son Louis, was admitted to New York's Metropolitan Hospital in January 1978, she was 23 days past her due date and the infant was showing signs of distress, said plaintiff's attorney Judith A. Livingston. This should have triggered an immediate Caesarean delivery, she said, but Ms. Rodriguez was given the labor-inducing drug Pitocin instead.

Labor did not progress, and several hours later Louis Acevedo was delivered by an emergency C-section. "By then, permanent damage had already been done," Ms. Livingston said. "His head was severely molded and swollen, and his skin was cracked and leathery." Louis Acevedo, now 18, is severely retarded, she said.

Years later, his family learned that his problems might have been caused by malpractice, and they sued New York's Health and Hospitals Corp., charging that inexperienced doctors at Metropolitan had ignored warning signs of fetal distress. The plaintiffs also charged HHC had tried to cover up medical records.

HHC denied any negligence, said defense attorney Gunther H. Kilsch. "We followed accepted standards of practice. There was no causal relationship between our care and his retardation," he said. Because the plaintiffs had delayed filing the case, some records were unavailable at the time of trial, he added.

On Oct. 17, a Manhattan jury awarded Louis Acevedo \$12.8 million, finding the Metropolitan staff negligent. Post-trial motions are pending.