

Verdicts & Settlements

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CASE INFORMATION:

Case Name: Plaintiff v. Doe Hospital and Roe Physician
Case Number : Confidential
Case Type: Medical Malpractice

SETTLEMENT: \$ 2,000,000 (cash)

Court: Los Angeles Superior Court
Filing Date: June, 2008
Result Date: January, 2010

PLAINTIFF ATTORNEY:

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DEFENDANT ATTORNEYS:

Confidential

MEDIATOR: None

EXPERT WITNESSES:

Barry Schifrin, M.D.	Maternal-Fetal Medicine	Sherman Oaks
Zane Brown, M.D.	Perinatology	Seattle
Vickie Twitchell, RN	Labor & Delivery Nursing	Los Angeles
Kathleen McConnell, RN	Labor & Delivery Nursing	Seattle
Maureen Sims, MD	Neonatology	Los Angeles
Ronald Gabriel, MD	Pediatric Neurology	Los Angeles
Patrick Barnes, MD	Pediatric Neuroradiology	Palo Alto
Barry Pressman, MD	Neuroradiology	Los Angeles
Donna Barras, MD	Rehabilitation Medicine	Buena Park
Joyce Pickersgill, PhD	Economics	Santa Ana

CASE FACTS: Plaintiff is a two year old child whose parents were living in the United States while her father was studying for his Ph.D. at a Los Angeles University. Her mother became pregnant and delivered the plaintiff at a local hospital shortly before returning to her parents' native country in South America. For several hours prior to delivery, the baby's heart rate began to show signs of 'fetal intolerance to labor.' Labor augmentation with Pitocin was problematic, and the baby developed signs of distress as the mother entered the second stage of labor. The nurse called the obstetrician to the hospital, and when he arrived, the baby needed urgent delivery. The physician delivered the infant via vacuum extraction, through thick meconium. Although the baby was not substantially depressed at birth and her acid-base status was not significantly deranged, she suffered intracranial hemorrhages and dissections of one or both of her carotid arteries. These led to severe cerebral ischemia, with resultant cerebral infarcts and, ultimately, catastrophic brain damage.

Plaintiff Contentions: The nurse mismanaged the Pitocin infusion and then waited too long to call the obstetrician to the hospital. Once the obstetrician arrived, he performed a traumatic vacuum extraction, rather than proceeding with a safer, more controlled, Cesarean section. As a result, the baby suffered mechanical trauma to the intracranial contents as well as the arteries feeding her brain – leading to severe and permanent brain damage, including cerebral palsy, spastic quadriparesis, developmental delay, seizure disorder and mental retardation. She will need round-the-clock care for the rest of her life in South America.

Defendant Contentions: The Pitocin management was appropriate and the doctor was called to the hospital in a timely fashion. The vacuum extraction was expeditious and non-traumatic as the baby delivered without any difficulty. The child had 'perinatal strokes,' which were unrelated to any events during labor and delivery. In terms of damages, plaintiff's life expectancy is significantly shortened; moreover, economic damages are substantially less in their South American country.

FINANCIAL INFORMATION: **Total Settlement:** **\$2,000,000 (cash)**

Other Information: The obstetrician paid the full amount of his insurance policy to settle his portion of the case. The hospital matched this contribution.

Submitted by: Russell S. Kussman, M.D., J.D.

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