

**Plaintiffs: baby's injuries occurred in final hour before birth
\$6.25 million settlement**

The plaintiff was expecting the birth of her second child on an estimated delivery date of April 12, 2008. On March 19 at about 1:40 a.m., she arrived at the hospital with spontaneous membrane rupture with clear fluid and no contractions. She was placed on fetal monitoring, which showed the baby's heart rate as reactive and strong.

Around 1 p.m., the defendant obstetrician visited the patient as the baby's heart rate began to rise. The obstetrician viewed the fetal monitor strips and indicated that everything looked good.

By 2 p.m., the baby's heart rate had increased further and the strips became non-reassuring. The worrisome findings continued for the next hour and were noted by the obstetrician and defendant nurse, but no intervention was made to get the child delivered.

The minor plaintiff was delivered by forceps at 3:11 p.m. Despite the fact that his Apgar scores were 8 and 9, he had immediate difficulty breathing and had to be intubated emergently, after which he was brought to the NICU. He was unable to feed and had a G-tube placed.

MRIs done in the first few weeks of life showed that the minor plaintiff suffered a global brain injury from lack of oxygen.

Today, the minor plaintiff cannot speak, cannot walk without assistance, is still fed through a G-Tube, and requires constant care for all his daily activities.

The plaintiffs were prepared to present expert testimony that the defendant nurse was negligent in failing to provide intrauterine resuscitative measures to assist the baby when the monitor strips became worrisome.

The expert was further expected to testify that the defendant obstetrician was negligent in failing to perform a Cesarean section when the monitor strips became worrisome at around 2 p.m.

The plaintiffs also were prepared to present expert testimony that the baby's injuries occurred in the last hour before birth, and that he would have been born without injury if the defendants had acted appropriately.

The defendants denied any wrongdoing. They were expected to present experts to opine that the injury occurred days to weeks before the mother presented in labor.

The case settled just after jury selection had begun.

By: [Mass. Lawyers Weekly Staff](#)