

# OF COUNSEL

A quarterly report  
to clients  
and attorneys.

VOLUME 02  
NUMBER 4

## *Holiday Medicine and Unqualified Doctor Dooms Baby's Brain*

**B**rianna Butler, age 5, was born on Christmas Day in 1996. Unfortunately Brianna and her family found themselves the victims of inattentiveness and a series of medical blunders, all of which caused Brianna's severe and permanent brain damage.

On two occasions during the week before Christmas, Mary Butler, Brianna's mother, went into labor prematurely. Each time she presented to the hospital for care and each time her labor was halted with the use of medications. Unfortunately, neither her doctor nor the nurses particularly noticed the low-grade fever or pinkish discharge she was experiencing. Instead, the doctor diagnosed a urinary tract infection and prescribed medication. Subsequently, while at home, Mrs. Butler started having chills and a fever, and she noticed a second discharge. She called her obstetrician's office, but was assured that she would be fine if she continued to take her prescribed medication.

Early on Christmas morning, Mrs. Butler awoke feeling poorly and realized that she was unable to feel her baby move inside her. She and her husband, Bill, rushed to the hospital where an emergency cesarean section was performed. Baby Brianna had become infected in utero, but her Apgar scores were good and it was therefore expected that she would be fine.

After Brianna's birth, she was treated by a hospital doctor who was purportedly a neonatologist, which is a



***l. to r. Brianna, Mary, Brittany, and Bill Butler.***

doctor specializing in the care of newborn babies. It was later learned, however, that the doctor had never taken the board certification exam in neonatology. In order to become a board certified neonatologist, a doctor must first pass his board exam as a pediatrician. According to his sworn deposition testimony, Brianna's doctor had failed his board certification exam in pediatrics as many as ten times. Adding insult to injury, the doctor admitted he had never been accepted to any American medical schools. Instead, he had earned his degree from a medical school in Bologna, Italy, where the curriculum was taught in Italian, a language he did not speak. ***Continued on page eight.***

## Repeated Errors by Doctors in Viewing CT Scan Results in Man's Death

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Ms. Byrom and Mr. Stewart contacted attorneys Chris Searcy and Bill Norton, who immediately began their investigation of the case. Expert testimony confirmed that Mr. Schatz's condition would have been easily detectable with the administration of a CT scan with contrast. Had Mr. Schatz been diagnosed correctly and on a timely basis, plaintiffs' experts opined that surgery would have saved Mr. Schatz's life.

In 2002, after a long and vigorously contested litigation, Mr. Searcy and Mr. Norton were able to reach a settlement with the defendant doctors and the hospital. Mr. Schatz's widow accepted a very small percentage of the total settlement in an effort to maximize the funds available to her stepchildren. The total settlement will be paid over the children's lifetimes to provide for college and financial security. ■

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Brianna should never have suffered the infection in the first place. Mrs. Butler's obstetrician was negligent for failing to hospitalize Mrs. Butler when she initially felt symptoms, and the hospital staff was also at fault for failing to instruct Mrs. Butler to return if she developed signs of infection. Even still, the effective use of antibiotics would have cured Brianna had she received such essential care.

Once Brianna was in his care, the so-called neonatologist applied a cookie cutter regimen to this child who needed much more. He allowed Brianna's blood platelet count to fall precipitously low without any type of therapy. Her blood sodium levels were allowed to rapidly shift up and down, a problem that can be directly linked with brain injury. The doctor also failed to appropriately regulate Brianna's blood sugar levels, which is also a critical factor for a baby fighting off an infection. Ultimately, the drastic shifts in Brianna's blood sodium levels caused her to suffer a brain hemorrhage. By the end of the week, Brianna had suffered a needless and tragic brain injury.

The Butlers retained attorneys Chris Searcy and Greg Barnhart to investigate their daughter's care. An extensive investigation ensued, revealing that Brianna's problems were indeed a consequence of medical malpractice.

After discovery took place and expert depositions were taken all across the country, the Butlers' case settled shortly before trial. The settlement amounts paid by each guilty party are confidential. Brianna has a host of needs that will last her lifetime, including therapy, one-on-one intervention, and a variety of medical equipment. The settlement procured for her by Mr. Searcy and Mr. Barnhart has been placed in a guardianship that will manage her affairs and satisfy her medical needs for the remainder of her life. Unfortunately, while the funds made available by this lawsuit will provide for Brianna's care, nothing can be done to restore the rich and happy life she would have lived. ■