

Use of Forceps Delivery Results in a \$63 Million Verdict

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During trial it became evident that since 1987, Dr. Eagleman never sent his prenatal records on any obstetrical patient to Bethesda Memorial Hospital prior to delivering the baby, including Jennifer Korzeniowski. It was also uncontested that Bethesda Memorial Hospital never investigated the facts underlying the administrative complaint filed against Dr. Eagleman by AHCA.

Plaintiffs' credentialing expert testified that the falsification of medical records was a serious matter, should have prompted an investigation by Bethesda Memorial Hospital, and that Dr. Eagleman should have been supervised by an obstetrician while treating his patients at Bethesda Memorial Hospital, including Jennifer Korzeniowski.

"Bethesda Memorial Hospital had a duty to supervise Dr. Eagleman's admission of patients for induction and a duty to supervise circumstances under which he performed forceps delivery," said attorney Searcy. "This disaster was a direct manifestation of the hospital's failure to assure Dr. Eagleman's competency through ongoing and careful review."

"The sloppy practice that ruined this little boy's life had been going on at Bethesda Memorial Hospital for more than 10 years before Jennifer Korzeniowski became a patient. If they had just fulfilled their duty to protect the safety of patients, this never would have had a chance to occur," said Searcy. "It's vital to the interests of every consumer that ends up hospitalized that all hospitals take seriously their duties to assure the competency of their medical staff." ■

Verdict Rendered Against Doctor "Frozen in Inactivity"

On February 26, 2004, a Tampa, Florida jury rendered a verdict in the amount of \$2.386 million on behalf of Chris and Rebeca Ipox. The case was brought on behalf of the Ipoxes' son, Christopher, who was born profoundly brain injured and who lived with severe disabilities up until his death at age two and a half.

On May 28, 1999, Rebeca Ipox was admitted to St. Joseph's Women's Hospital for induction of labor. Her pregnancy and prenatal testing had been completely normal, but she had passed the 41st week of her pregnancy. Her doctor, Luciano Martinez, M.D., therefore scheduled Rebeca's admission to the hospital. There, he ordered nurses to administer a drug called pitocin to start Rebeca's contractions.

Over the course of the day, Rebeca's contractions progressed in frequency and duration, causing what was referred to by many experts as "hyper-stimulation" of her uterus. As a result, Rebeca's baby, who had tolerated the contractions initially, began to show signs of distress. Eventually, the baby's heartbeat slowed dramatically, dropping from a normal range of 140 beats per minute to as low as 45.

Nurses on duty for Rebeca's labor and delivery repeatedly urged Dr. Martinez to consider delivering the baby by Cesarean Section, but the doctor delayed the decision to do so. Rather, he ascribed the baby's reduced heartbeat to an equipment malfunction. The nurses finally summoned a supervisor, who also urged Dr. Martinez to take action. After having been "frozen in inactivity," the doctor finally called for a "stat" (immediate) c-section, and Rebeca was rushed to surgery.



Rebeca Ipox with her son Christopher

Upon arriving in the operating room, Dr. Martinez listened for the baby's heartbeat and thought he heard it back in the 120-beat range. Concluding that the baby had recovered, he changed the status of the c-section from a "stat" to an "ASAP." Unfortunately, Dr. Martinez mistook Rebeca's heartbeat for that of her baby.

When baby Christopher was finally delivered, he was blue, limp, and not breathing. He had suffered severe and permanent brain damage during labor due to oxygen deprivation. Over the two and a half years of his life, young Christopher was never able to eat, talk, or even blink his own eyes. Christopher finally succumbed to pneumonia, a common complication suffered by profoundly brain damaged children.

Attorneys Karen Terry and John Shipley tried the case during the entire month of February. And while the Ipox family would much prefer to have Christopher back, the verdict represents a measure of justice for the tragedy they and their baby endured. ■