

Baby Client Receives Large Settlement Despite State Caps

In June, attorneys Chris Searcy and Chris Speed were able to effect a settlement of \$4.6 million on behalf of their client, Baby Jason. This case was filed several years ago in the State of Maryland for medical negligence, which occurred during the time frame of Jason's birth.

On Jan. 19, Jason's mother arrived, in labor, at the Defendant hospital. All signs indicated that she was carrying a healthy fetus. The family looked forward to the birth of a healthy, normal baby.

Tragically, the attending physician and the nursing staff at the Defendant hospital failed to recognize significant distress that the fetus was experiencing. From 7:00 p.m. until 12:00 a.m., the fetal monitor strip exhibited less and less reactivity, which was a clear indication that Baby Jason was struggling in the uterine environment. Instead of taking Jason's mother for immediate C-Section surgery, the nursing staff and the attending doctor did the unthinkable--they took Jason's mother from the labor and delivery suite and, without any further monitoring, transferred her to another room in the labor unit for the next eight hours.

The next morning, Jan. 20, fetal monitoring was restarted and it showed that the fetus was still in distress. The monitoring ***continued on page two***

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continued for almost five hours before the correct decision was finally made to perform a C-Section and deliver Jason. Jason's profound injury became apparent soon after his birth. Jason will never develop intellectually beyond the level of a one-year-old. Although he has the ability to crawl and scoot around on the floor, he's unable to walk. He has virtually no communication skills and requires 24-hour care. Despite these debilitating injuries, Jason is very healthy and is expected to live well into his 60s.

The egregious medical care provided, coupled with the significant injury suffered by Jason, led Jason's family to hire Mr. Searcy and Mr. Speed as primary trial counsel for the case. Mr. Searcy and Mr. Speed hired more than a dozen expert witnesses, all of which were unanimous in their opinions that negligent care was provided, thus causing the significant injuries to Jason.



Young Jason

Expert testimony notwithstanding, Baby Jason's family would face another hurdle in the case. Maryland has laws which curb the amount of damages a victim can collect, even if it is proven that the medical care providers were negligent. Injured victims can only collect \$350,000 for pain, suffering, loss of enjoyment of life, and the mental anguish that goes with significant disability. Maryland law does not place a cap on economic damages, but it does allow a trial judge to adjust the amount of damages if they are made periodically into the future instead of all at one time.

After nearly fifty depositions, and with the trial just around the corner in July, the parties agreed on a settlement of \$4.6 million. The majority of this money will be used to provide a lifetime of medical care and benefits for Jason. It will also allow Jason's family to purchase an appropriately equipped vehicle and to receive home health care to alleviate some of the burden on the family. It also frees Jason's family from the psychological worry of who will take care of Jason when they have passed on.

It is the firm's position that caps, such as the one in Maryland, only profit big business and insurance companies. Families who can least afford medical care and do not have any financial resources to pay for it, are forced to bear the burden. The political issue of tort reform is not reform in any way. It is simply extra profit in the treasuries of companies that are already profitable.

According to the mediator in Jason's case, this was the largest medical negligence settlement he had seen in that area of Maryland in twenty years. Mr. Searcy and Mr. Speed were delighted that they were able to help Baby Jason and his family. ■