

**BABY GIRL DOE v.  
DR. SMITH, DR. JONES AND  
HOSPITAL X**

At the end of the summer of 1990, John and Jane Doe were overjoyed to learn they were going to become parents once again. Mrs. Doe decided during her pregnancy to have a VBAC (vaginal birth after caesarean) delivery. This is a popular choice today for women who have previously had a caesarean section and now wish to experience natural child birth. Mrs. Doe's due date was April 30, 1991.

On April 29, 1991, Mrs. Doe arrived at Hospital X at 6:30 a.m. and was admitted under the care of Dr. Smith. Mrs. Doe's progress through the remainder of that morning was worrisome at best. In fact, at approximately 5:00 p.m., the nurses at Hospital X noted mild to moderate signs of fetal distress. Yet when they were sued and their depositions were taken under oath, these same nurses admitted these signs were actually moderate to severe fetal distress and ominous signs for the baby. Despite this ongoing problem, Dr. Smith chose to leave the hospital to play in a league softball game, gambling that this baby would not experience problems or even be delivered at all in his absence.

Unfortunately, the ominous signs continued until Dr. Smith returned some three and a half hours later. Shortly thereafter, Mrs. Doe's uterus ruptured, significantly decreasing the oxygen and blood supply to this already stressed baby. Nevertheless, Dr. Smith failed to recognize and appreciate the seriousness of this situation.

It was not until almost a half hour later that Dr. Smith called for a crash C-Section. However, due to a breakdown in the lines of communication, the on-call anesthesiologist (who was at home) was not told of the emergent nature of this procedure. Thus, though every second counted as this baby was being asphyxiated, Dr. Smith and the staff at Hospital X allowed this condition to continue substantially longer than necessary.

Baby Girl Doe was born at 10:49 p.m. via C-Section. Due to the heroic efforts of Dr. Jones, her pediatrician, Baby Girl Doe was resuscitated and survived this event. Unfortunately, Baby Girl Doe's brain was injured during these delays, resulting in cerebral palsy. Through the tremendous efforts of her parents, Baby Girl Doe has made a remarkable recovery, but has been left with noticeable motor problems.

Neuropsychiatrists examined Baby Girl Doe and noted physical limitations. She will never run or walk like a normal little girl.

Greg Barnhart and Todd S. Stewart were set to try this case, but on the eve of trial the case settled for \$1.475 million. This money will be placed in a guardianship account to care for this adorable little girl for the remainder of her life. ■