

Doctor Leaves Hospital Nurse Fails To Get Help Tragic Results

Monte and Katrina Belote had done everything possible to prepare for the birth of their first and only child. Katrina is a mortgage finance officer in Tampa and her husband, Monte, is the Executive Director of the Florida Consumer Action Network. They are dedicated and caring people and parents. As is the case with most first time parents, there was some anxiety as they prepared for the birth of their child. Katrina had seen a large obstetrical group in Tampa called Tampa Obstetrics. They had a number of obstetricians and she rotated through most of them. As it turns out, Tampa Obstetrics' obstetricians deliver babies in a number of Tampa area hospitals, including University Community Hospital.

Katrina did everything possible to ensure the health of her baby. She followed the doctors' instructions to the letter, refrained from coffee, alcohol,



The Belote Family: Monte, Katrina and Jacob

and anything other than vitamins, and took perfect care of herself during her pregnancy.

When it became clear that Katrina was going to have the baby shortly, Monte and Katrina went promptly to University Community Hospital. Once she was there, the labor and delivery room nurse hooked her up to a fetal heart monitor. The fetal heart monitor strip showed that the baby's heart rate, while healthy, was relatively low, indicating that the reserves of strength and nourishment that the baby would need to go through labor and delivery were questionable. Katrina's doctor, Joseph Saavedra, M.D., was **Continued on Page Four.**

Jacob Belote *Continued from Page One.*

called and he showed up at the hospital within half an hour. During the time it took for the doctor to get there, the labor room nurse had noted several ominous patterns on the fetal heart strip. Indeed, she later testified in deposition that she recognized the patterns as being potentially ominous. The doctor examined Katrina and her baby and he too noted the ominous fetal patterns, and in fact, made marks of reference on the strip itself. He discussed the possibility of a cesarean section with both Monte and Katrina, which is performed when a baby is in fetal distress. The purpose of taking the baby by C-section, rather than putting him through the stress of labor and delivery, is to prevent the baby from suffocating. Some babies just do not have the strength or ability to undergo the stress that labor and delivery cause, and undergoing a prolonged course of labor is enough to asphyxiate them (starve them of oxygen), causing severe brain damage or death.

Dr. Saavedra remained at the hospital for about 40 minutes and then, unbelievably, and without telling Katrina or her husband, he left the hospital. The labor and delivery room nurse who was caring for Katrina later testified that she was quite surprised by his departure and noted it all over the records due to her concern for Katrina and her baby. The nurse's concern, however, was never communicated to Katrina or Monte and they did not learn that their doctor had left until about 45 minutes had passed.

It turns out that Dr. Saavedra had gone to another hospital to deliver another baby. He left instructions (and later testified in the lawsuit) that if there were any changes in Katrina's condition he wanted to be notified. He testified that he would have done a cesarean section to take Katrina's baby and avoid potential asphyxiation had he been notified.

Over the next 90 minutes Katrina's baby went from bad to worse. The fetal heart monitor strip showed a number of ominous developments, which the labor room nurse later admitted after she was sued.

As it turns out, the hospital had written policies in place for just such an event. Unfortunately, the nurse failed to follow them and get coverage from another doctor. Instead, she kept trying to reach Dr. Saavedra who was performing surgery on another patient at another hospital. Finally, Dr. Saavedra's partner was reached and roused out of bed in the middle of the night. He realized and appreciated that there was an immediate emergency and, according to his later testimony, drove 100 m.p.h. to the hospital. When he got there, he realized the seriousness of the situation and performed a cesarean section in under two minutes.

Unfortunately, the hospital and the doctor had waited too long, and little Jacob Belote had been severely asphyxiated, causing him a massive brain injury. Today, because of that brain injury, Jacob Belote has severe cerebral palsy and is 100 percent disabled. He will never walk or talk in

the way we understand speech. He will be forever confined to a wheelchair and has a severely reduced IQ. Nonetheless, little Jacob is the apple of his parents' eyes. He is a beautiful little boy of four years old who has brought great love to his family, and he is truly an inspiration.

Due to Jacob's severe damage, he will need care for the rest of his life. The need for such care, which is enormously expensive, led Monte and Kristina to hire Greg Barnhart of Searcy Denney Scarola Barnhart & Shipley, P.A. The case was thoroughly investigated and then suit was filed against Dr. Saavedra, Tampa Obstetrics and University Community Hospital. After one and a half years of tough litigation, Greg Barnhart and Bill Norton settled the case one week before trial in Tampa for a present value of \$5,500,000. This settlement included an annuity which will pay to Jacob's guardianship over \$6,687,205 during the course of his life. "It was an honor and a pleasure to represent Katrina, Monte, and little Jacob Belote. I told them it was going to be difficult from the beginning and they never once faltered. Jacob is an inspiration to us all. It was a privilege to help provide the means to take care of him for the rest of his life," said Greg Barnhart. ■

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