

**ROE v.  
THE HOSPITAL,  
DR. A, DR. B, AND DR. C**

Jane Roe presented to The Hospital at about 6:30 one morning at 38-1/2 weeks gestation. She had advised Dr. A that she had not felt the baby move since early afternoon of the previous day. Upon admission, she was placed on an external fetal heart monitor in order to assess the well-being of the fetus. The fetal heart monitor showed an abnormal heart tracing which required immediate attention and further observation. Dr. A claimed that The Hospital's nurses did not properly advise him about the abnormal fetal heart tracing. Dr. A went off-duty shortly after 7:30 a.m. and advised Mrs. Roe that his partner, Dr. B, was finishing a surgery at another local hospital, and that Dr. B would arrive shortly to follow with the delivery of her baby.

Shortly before 9:50 a.m., the fetal heart monitor showed a slowing of the fetal heart rate down to a very abnormal 60-70 beats per minute. The slowing of the fetal heart rate lasted for 4-1/2 minutes, indicating that the baby was in trouble, not getting enough oxygen, and may need to be delivered immediately via an emergency C-section. Dr. B and The Hospital's nurses continued to monitor both mother and fetus. It was not until 10:33 a.m. that the decision was made by Dr. B to perform an emergency C-section.

Baby Roe was born at 10:43 a.m. via C-section. She did not take her first gasp of breath until 10:50 a.m. She was intubated, placed on a mechanical breather, and transferred to the hospital nursery. Her blood sugar level at 12:40 p.m. was 0. She was supposedly given Lactated Ringers and Sublimaze to replenish her blood sugar, but at 12:58 p.m. her blood sugars remained at 0. There was a serious question as to whether she ever actually got the sugars that were ordered. It is well known that diminished blood sugars in an already fragile baby can and often does contribute to brain damage.

While Baby Roe was in the nursery she had to be intubated. Unfortunately, the endotracheal tube was placed too low and she was not being properly ventilated. It was not until a subsequent chest x-ray was taken that The Hospital nurses and Dr. C realized that she had a collapsed lung as a result of the improperly placed breathing tube.

Baby Roe now suffers from permanent brain and neurological damage. She is developmentally delayed, and will require specialized support services throughout her lifetime. She will require continued occupational therapy, physical therapy, and speech therapy, as well as future medical care. Michael Kennedy and Chris Searcy obtained a \$2.5 million settlement from all defendants. ■

***"Let the judge  
answer  
on the law;  
the jury  
on the question  
of fact."***

- - Latin legal phrase

