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VIRGINIA'S LARGEST VERDICTS OF 2010

MEDICAL MALPRACTICE

#14

\$2.36 million

Confidential

Type of Case: Medical malpractice

Court: Norfolk Circuit Court

Attorneys: James C. Lewis, Virginia Beach; David M. Kopstein, Seabrook, Md.

Summary: An infant suffered injuries to four nerves in his brachial plexus when he was delivered by a nurse midwife at Sentara Leigh Hospital in November 2006.

Contemporaneous notes reflected that the midwife had performed the techniques used to address shoulder dystocia – the McRobert's maneuver, application of suprapubic pressure and adduction of the posterior shoulder.

There was no record of the application of traction to the child's head or neck, but the midwife testified that she used "gentle downward pressure" in an effort to overcome the dystocia.

The child's grandmother and father disputed this description and described pulling, tugging and twisting of the child's head with much more force than admitted by the midwife.

The jury awarded the child \$2.3 million and the mother \$60,000 for her medical expenses. The award was reduced to the cap of \$1.85 million, and the case will be resolved as a structured infant settlement.



LEWIS



KOPSTEIN