

Mom wins up to \$21.6M in botched birth from Hamot

PITTSBURGH (AP) — A northwestern Pennsylvania hospital now known as UPMC Hamot must provide up to \$21.6 million to the family of a boy left profoundly disabled because of a botched birth.

The verdict includes \$19.6 million to provide for Ja'Kareon Graham's future medical expenses in annual installments of varying amounts to be paid through 2081. Under malpractice law, those expenses will be covered by an annuity that will pay out less money should the boy not live that long.

The rest of the money covers past medical expenses and the lost lifetime earning capacity of the Erie boy, who is now 4.

"We are gratified that the jury found in favor of this young man and awarded significant funds to provide for his round-the-clock skilled nursing care needs," plaintiffs' attorney Shanin Specter said in a statement Thursday. "For patient safety and to bring themselves within the standard of care, Hamot needs to establish a policy that twin births will occur in the operating room."

The hospital, which became affiliated with the University of Pittsburgh Medical Center earlier this year, was an independent entity known as Hamot Medical Center when Tina Graham gave birth there to twins in 2006.

The woman delivered a healthy daughter. But she sued her obstetrician and a midwife who performed the birth — and whom the jury cleared of wrongdoing Wednesday, a verdict first reported by the Erie Times-News — and Hamot's nursing staff because of complications arising from the birth of her son.

The jury found the hospital and its nursing staff 100 percent liable for failing to adequately monitor Ja'Kareon's fetal heart rate when complications set in during his breech birth, which led to his eventual delivery by cesarean section, Specter said.

The oxygen deprivation the boy suffered resulted in cerebral palsy. He cannot speak and must be fed through a tube.

A spokeswoman for the hospital did not immediately return a call for comment Thursday, and Hamot's trial attorney, David R. Johnson, of Pittsburgh, declined to comment on the verdict.

Johnson had argued in court papers that the hospital staff "met all applicable standards of care" and said a hospital expert determined that the mother's weight — 322 pounds — caused fetal monitoring problems during labor and delivery, the newspaper said.

The Erie County jury heard testimony beginning April 11 and returned the verdict after deliberating a little more than four hours.

The hospital's attorney had argued for lesser damages, in part, because he said the boy was not likely to live as long as his mother's attorneys claimed.

But the newspaper said the plaintiffs argued in pretrial papers that an "eight-figure jury award" was warranted because, "He will never be a 'normal' little boy" but otherwise has a "near normal life expectancy with continued good care."