

The Legal Intelligencer

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A doctor's failure to act promptly during the delivery of a baby caused the newborn to develop a severe case of cerebral palsy, according to a \$6 million verdict handed down in Indiana County Common Pleas Court Friday.

The award is believed to be the largest in county history, according to the plaintiff's lawyer [Thomas R. Kline](#) of Kline & Specter.

The jury of 10 women and two men deliberated three hours following a two-week trial before Judge Gregory Olson. The jurors found Dr. Sharad Ghate 75 percent negligent and Indiana Hospital 25 percent negligent for April Nicole Chichy's disabilities.

Because the medical-malpractice case, captioned Chichy v. Ghate, was filed in 1997, Kline said he would file a petition for at least \$1.5 million in delay damages.

Kline said Ghate waited for more than three hours to begin delivery after a hospital nurse told him that the fetus was acutely asphyxiated. The child's mother has pre-eclampsia, a condition causing high blood pressure and high amounts of protein in her system while she was pregnant.



KLINE

Kline said the woman was hospitalized on May 18, 1995, and should have remained hospitalized and transferred to a facility for specialized care. Instead, she was discharged May 23 and then examined June 1 in the doctor's office, at which time she was given a test that revealed more than 70 times the normal level of protein in her system, Kline said.

Ghate did not receive the test results until June 5, and the woman was then admitted to the hospital. While there, a fetal monitor strip indicated the fetus was in distress, and an obstetrical nurse called Ghate, who said he would not arrive for delivery until he was finished examining other patients, the plaintiff claimed.

Ghate arrived at 3:15 p.m., and the baby was delivered more than three hours later in a Pittsburg hospital, where the mother had been transferred by emergency helicopter.

Ghate contested plaintiff's claims of liability until the fourth day of testimony, when Kline called him as an adverse witness.

During his testimony, Ghate admitted his conduct violated the standard of care and chose to withdraw his defense after testimony had been presented against him, Kline said.

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Ghate's attorney Walter Wall of the Altoona offices of Meyer Darragh Buckler Bebenek & Eck and the attorney representing Indiana Hospital, John McIntyre Dugas Hartye & Schmitt, could not be reached for immediate comment.

Kline said the hospital offered a causation defense, claiming the injury to the baby occurred one to two weeks before the date of birth. The hospital also maintained the nurses were correct for not calling a supervisor once Ghate had said he was not immediately coming to the hospital for delivery.

Nineteen witnesses testified throughout the trial. Key plaintiff witnesses included a maternal fetal expert from Virginia and an obstetrical nurse from Massachusetts.

Defense experts included a placental pathologist from New York.

Kline said there was a partial settlement before trial with one of the primary insurers and the CAT fund, which will enable the entire verdict to be collected against the excess insurers.

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Kline said that April, now 5 years old, cannot walk, talk or feed herself.

Indiana Healthcare Corp., the owner of the hospital, was dismissed as a defendant before jurors began deliberating.

PMSLIC is the insurance carrier for Ghatge and PHICO is the insurance carrier for Indiana Hospital, Kline said.

Members of the Chichy family initially filed the lawsuit. National City Bank joined as a plaintiff later and the Chichys withdrew so that the bank will receive and control the money on behalf of the child.

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