

REGIONAL NEWS

Parents of Stillborn Receive Montco Jury Award

Plaintiffs Allege Baby Died Because Physician Waited Too Long to Perform C-Section

BY LAURIE STEWART

Of the Legal Staff

A Montgomery County jury has awarded \$1.025 million to the parents of a stillborn infant who died because a physician allegedly waited too long after the infant's condition began failing before performing a Cesarean section.

The jury found the doctor 85 percent liable for the plaintiffs' injuries. However, a confidential pre-trial settlement with the doctor limits the amount of the award the plaintiffs will actually receive.

In December 1995, Dorothy Long, then 28, went into labor and was admitted to Abington Memorial Hospital about 4 p.m. She was put on

Pitocin, a drug that increases the duration and frequency of contractions, to speed up labor. At 11 p.m., Long's physician, Patricia Sullivan, increased the dosage of the drug. Sullivan then left Long in a nurse's care.

Between 11 p.m. and 3 a.m., the nurse continued to increase the level of Pitocin, despite the fact that a fetal monitor showed that the baby's heart rate was falling and the

fact that Long's uterus had become hyperstimulated, plaintiffs' attorney Gavin Lentz of Bochetto & Lentz said.

Lentz said that Long's uterus began to tear at 2:40 a.m. and that the attending nurse did not call for Sullivan until 3 a.m. Sullivan then stopped administering the Pitocin. However, the drug's effects last for up to an hour, Lentz said.

At 4:30 a.m., Long underwent a C-section, but the baby was dead at birth.

The Longs then filed suit against Abington Memorial Hospital and Sullivan for the wrongful death of their child. The attending nurse was not named in the suit. The Longs settled the case with Sullivan prior to trial in a confidential agreement.

Lentz argued that Sullivan ordered that Long receive Pitocin until her contractions were 2 to 3 minutes apart. This order followed hospital protocol, Lentz said, but no instructions were given on steps to take if the baby showed signs of distress.

"The doctor should have been called when the heart rate started to decelerate," Lentz said. "The continued giving of Pitocin should have been stopped or reduced to prevent the uterine rupture, and the C-section

should have been done sooner."

According to Lentz, defense attorney Richard A. Kolb of White & Williams argued that the nurse who administered the drug was just following orders and that the well-being of Long and her baby rested on Sullivan.

At trial, both the plaintiffs' and defendants' experts testified that the fetus was healthy and would most likely have survived had the C-section been performed earlier, Lentz said. Among experts Lentz called to the stand were Marvin Krane, an obstetrics expert, and Caroline Crawford, a neonatologist.

However, Lentz said that the records with the doctor's instructions seemed to speak louder to the jury than the witnesses. "The records told the unfortunate tale better than the witnesses," he said.

The jury deliberated for four hours before finding Sullivan 85 percent liable and the hospital 15 percent liable for the Longs' injuries.

Judge Thomas Branca oversaw the three-day trial.

Kolb did not return a telephone call seeking comment by press time. •

News from the Suburbs

Judge May Determine Paternity If Related To Settling Benefits

BY LORI LITCHMAN

Of the Legal Staff

A workers' compensation judge has the authority to determine paternity as it relates to the entitlement of a child's benefits within the workers' compensation context, the Commonwealth Court has ruled in an issue of first impression.

"This conclusion, so long as it rests on findings based on substantial evidence in the record, is in no way different than other family relationship questions decided by a WCJ," Judge Emil E. Narick wrote for the majority in *Rossa v. WCAB*.

The court's decision allows a Philadelphia police officer's illegitimate daughter to receive benefits from a fatal claim petition. Officer Daniel R. Boyle was killed in the line of duty on Feb. 6, 1991.

Patricia Rossa filed a fatal claim petition on behalf of her daughter Ashley on March 17, 1992.

Rossa presented testimony that she had engaged in sexual relations with Boyle up until March 17, 1990, and hadn't dated anyone else during that time. She also presented evidence that she informed Boyle of her pregnancy in April 1990 and placed

Paternity continues on 6



LENTZ