

## \$4.4 Million Awarded to Mother in Suit Against Hospital

**Courts:** Cedars-Sinai's failure to act left baby profoundly disabled, woman charged. Appeal is planned.

By Julie Marquis  
Times Staff Writer

A Los Angeles jury has awarded \$4.4 million to a Texas woman who argued that her newborn son was left permanently disabled in 1992 because Cedars-Sinai Medical Center employees did not summon an obstetrician quickly enough.

The award is considered substantial but not record-breaking for such cases. Once invested, it would yield \$30.8 million over the lifetime of Christopher Patterson, now 6, who is profoundly retarded, incontinent, must use a wheelchair, and limited in his ability to speak, according to his mother and her lawyers.

"My feeling is, they can't take back that moment," said Patterson's 34-year-old mother, Ina Hutchinson, of Arlington Texas. "I would rather have my child be normal than to have the money. But this is going to bring some [medical] help into my home."

Hospital attorney Michael A. O'Flaherty said Monday that the verdict, reached last Thursday in Los Angeles Superior Court, was based on sympathy, and that the hospital would appeal. O'Flaherty said the evidence showed that the boy's fate could not have been avoided and that he was brain damaged even before his mother had arrived at the hospital. He said the judge did not allow the hospital to present key evidence that its employees followed proper procedure.

"It was a very, very weak case on negligence and causation—very disappointing for Cedars," he said.

The award will be reduced by at least \$250,000, because jurors awarded the family \$500,000 in pain and suffering damages, twice the maximum allowed under California law. The amount could be cut further by the trial judge of appellate courts.

Lawyers for Hutchinson, a pharmacy technician and single mother of three, say that the lawsuit stemmed from the failure of resident physicians and registered physicians and registered nurses to summon the attending obstetrician, Dr. Carole Jordan-Harris, when monitors showed that the fetus had taken two significant turns for the worse. Jordan-Harris was dismissed as a defendant in the case and is not considered responsible for the outcome, the lawyers said.

"This case is about an unwillingness to keep the attending physician involved," said Jerome L. Ringler, the lead plaintiff's attorney. "A phone call would have prevented this tragic outcome."

According to Ringler, Christopher Patterson probably suffered from a condition in which his blood was escaping through the placenta into his mother's system. Over time, the blood loss meant he was severely deprived of oxygen, leading to brain damage in the form of cerebral palsy.

Ringler said a fetal monitor showed about 6:30 p.m. that the boy's heart rate had decreased. Alerted to the problem by telephone, Jordan-Harris decided to come in after a few hours to do a caesarean section, rather than a more traumatic vaginal delivery.

In the meantime, Ringler said, the baby took two more significant turns for the worse. His heart rate decreased again at 7:30 p.m. and at 7:50 p.m. In both instances, he said, the residents and registered nurses on duty failed to notify Jordan-Harris by telephone.

According to Ringler, the doctor testified that had she been told at 7:30 p.m. of the child's worsening condition, she could have come in to deliver him by 8 p.m. Instead, the baby was delivered at 9:29 p.m., "essentially dead," said another of the plaintiff's attorneys, David Bricker. "It took 16 minutes to revive him."

"Had this child been delivered by 8 p.m., he would have been normal," Ringler said. "Either [hospital employees] weren't paying attention . . . or they substituted their judgment for the treating physician. We believe either way was negligence."

Hutchinson, the boy's mother, said she continues to hope that her son's condition will improve. She said she will use most of the money, which is likely to be paid in installments over the boy's lifetime, to bring medical and respite care into her home. Thus far, she said, she has had difficulty finding sitters so that she can work and spend time with her other children, a 10-year-old girl and a 4-year-old boy.

"He can't be left alone," said Hutchinson, who is determined to keep the boy at home with the rest of her family.