

Daily Journal

FEBRUARY 3, 2021

TOP VERDICTS

THE LARGEST & MOST SIGNIFICANT VERDICTS AND APPELLATE REVERSALS IN CALIFORNIA IN 2020

TOP PLAINTIFF'S VERDICT BY DOLLAR

I.P., a minor, by and through his Guardian ad Litem, I.P., N.P. v. United States of America

Finding a U.S. Marine Corps base doctor failed to perform a timely cesarean section on a pregnant woman, a San Diego federal judge awarded a family \$24.805 million to help care for the child who was born with brain damage and other defects.

Arguing on behalf of the family were San Diego attorneys Kenneth M. Sigelman, Andrew Chivinski and Penelope A. Phillips of Kenneth M. Sigelman & Associates.

Sigelman said unlike many medical malpractice cases, which often become a "battle of the experts," he wanted to present the rather complicated set of facts in such a way that the trial judge could reach a conclusion using his own common sense.

"It really wasn't just a battle of the experts. There was really one opinion that was far more informed by common sense, reality and facts," Sigelman said.

"What I pointed out was that the medical situation at the time the defendant could have and should have intervened was materially similar to what it was when they finally decided they needed to do an emergency C-section," the attorney continued.

"And it begs the question, what was different? Why didn't

they do it two and a half to three hours earlier? And they had no reasonable explanation for that. I think pointing that out in a clear way, was key on the liability issue," he added.

On Dec. 31, 2013, a pregnant woman, referred to as N.P. in court documents, arrived at the Naval Hospital Camp Pendleton with uterine contractions. She was admitted to the hospital after her fetal monitor tracing in triage reading was nonreassuring, according to the complaint.

The child, known as I.P., was delivered by urgent cesarean section about four hours after his mother initially arrived at the hospital, according to the complaint.

At birth, I.P. was blue, showed no signs of spontaneous respiratory effort or crying and experienced seizures prior to being transferred to Naval Medical Center in San Diego.

After finding the government negligent under the Federal Tort Claims Act and responsible for the child birth injury, U.S. District Judge John Houston of San Diego awarded the mother \$250,000 for noneconomic damages and \$237,120 for past extraordinary parental care.

The child was awarded \$250,000 for noneconomic dam-

case INFO

Federal Tort Claims Act, medical malpractice

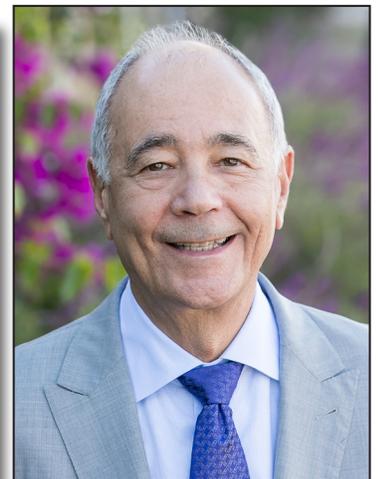
Southern District of California

U.S. District Judge John A. Houston

\$24.805 million

Plaintiff's Lawyers: D Kenneth M. Sigelman & Associates, Kenneth M. Sigelman, Penelope Ann Phillip, Andrew R. Chivinski

Defense Lawyers: U.S. Department of Justice, Stephen R. Terrell



SIGELMAN



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ages, \$3,437,205 for lost earning capacity, and \$20,631,055 for future care.

Sigelman noted that the mother and father endured for seven years before receiving compensation, caring for their disabled child and three other children.

"I was very pleased for the family, that a huge burden was going to be lifted from mom's and dad's shoulders so that they can go back to being parents, not just to my client, but to his siblings," Sigelman said.

The government has not

appealed the case. *I.P., a minor, by and through his Guardian ad Litem, I.P.; N.P. v. U.S.*, 16-CV01911 (S.D. Cal., filed July 29, 2016).

— Blaise Scemama