

Mother settles case for \$18.2 million

Lack of oxygen at birth injured child

By MARIE ROHDE
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The federal government has agreed to pay a Milwaukee woman and her child \$18.2 million to settle a malpractice lawsuit stemming from a traumatic birth injury 10 years ago.

In June 2006, U.S. District Judge Lynn S. Adelman awarded the woman and her daughter nearly \$21 million in damages. The lower figure was negotiated to avoid an appeal, said **Euel W. Kinsey**, a Detroit lawyer who represented Jacqueline Lugo and her daughter.

Lugo was at high-risk for complications during delivery because she had a history of having large babies and had symptoms of gestational diabetes. She received care during her pregnancy through a federally funded program for the poor at the 16th St. Medical Clinic.

Kinsey said Lugo was not referred to an obstetrician or a specialist in high-risk pregnancies but instead was seen by family practice doctors or nurse midwives only.

On June 18, 1998, she went to the former Sinai-Samaritan Hospital to deliver her baby and was left for more than 12 hours without a midwife or doctor attending her prior to her delivery. During the birth, the baby was stuck for more than 20 minutes in the birth canal and suffered severe brain injury because of a lack of oxygen, Kinsey said.

The girl faces future medical expenses in excess of \$12 million, Kinsey said. That money is being held in trust.

Adelman approved attorney fees of about \$4.3 million, the 25% allowed by federal law, and legal expenses of about \$100,000.