

"Birth-Negligence Case Yields Record \$16.5 Million Verdict"

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A Cook County jury has awarded a record \$16.5 million to a 7-year-old Geneva girl who suffered brain damage after her mother's uterus ruptured at the time of the girl's birth.

The award set a record in Cook County for a verdict in an obstetric medical negligence case, according to records from the Cook County Jury Verdict Reporter. The previous high had been \$11.06 million in 1991. The state record of \$36.4 million in an obstetric medical negligence case, which was also awarded in 1991, still stands.

Madyln Bellino was admitted to Alexian Brothers Medical Center in Elk Grove Village on Jan. 14, 1990, complaining of abdominal pain. She had been scheduled for a Cesarean section two days later. Bellino had a medical condition that placed her at high risk of a uterine rupture, said a partner at Corboy & Demetrio who represented the plaintiffs.

She was admitted to the hospital between at about 7:30 a.m. and a monitor showed that she was experiencing uterine contractions. Her obstetrician, Dr. R.S. Raju, ordered continued observation.

The firm said the only known and accepted medical management of such a condition was delivery of the baby. At the time of admission, a full medical team was available for delivery, he added.

Bellino continued to complain of abdominal pain during the next hour, but a physician did not examine her. At about 9 a.m., Bellino's uterus ruptured and an emergency C-section was performed.

The fetus was found under the mother's rib cage covered in blood. The placenta, which supplies oxygen to the baby, had pulled free from the uterine wall.

Attorneys

- Thomas A. Demetrio

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Following her birth, Samantha Bellino required incubation and also suffered seizures. She has been diagnosed with cerebral palsy and walks with canes and wears braces on her legs, the firm said. Her speech is very poor and she has fine-motor control problems, he said.

The child now attends second grade in Geneva.

The jury awarded the exact amount the plaintiffs requested in five or six areas, the firm said. The jury gave \$8 million for disability, \$1 million for disfigurement, \$4 million for pain and suffering, \$2.3 million for future medical expenses, \$1.12 million for future earnings and \$80,400 for past medical expenses.

The plaintiffs had asked for \$4.1 million for future medical expenses.

Both the plaintiff and defense attorneys expressed surprise at the size of the jury's verdict. Just before the trial began, the plaintiffs asked for \$3.5 million to settle the case, but the defendants countered with an offer of \$2 million, the firm said.

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