

Jury Awards \$4.2M for Child Who Suffered Permanent Nerve Damage at Birth

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James Horwitz of Koskoff Koskoff & Bieder Courtesy photo

A New London jury has awarded \$4.2 million to a child who sustained permanent nerve damage during her difficult 2009 birth, according to court records.

The jury reached the verdict Friday at the end of a six-day trial in Connecticut Superior Court. The suit was filed in 2011 on behalf of Jenniyah Georges by her mother, Maria Leoma, against Bridgeport-based Ob-Gyn Services and certified nurse midwife Brenda Gilmore. The family, which lived in Norwich when Jenniyah was born, now lives in Pennsylvania.

James Horwitz, an attorney with the Connecticut firm Koskoff Koskoff & Bieder who represented the child and her mother, said the jury of three men and three women arrived at the verdict after deliberating between seven and eight hours over a day-and-a-half.

The verdict, he said, "is a great result for this child," now a 7-year-old second-grader who, as a result of her birth injury has only limited use of one arm. "I thought the jury did an extraordinary job. ... They were attentive and careful. The fact that they spent so much time deliberating is a credit to them and to our system. The mom is enormously gratified at the decision."

Defense attorney Thomas Boyce Jr., a lawyer with Halloran & Sage in New London, could not be reached for comment on Friday's verdict.

The suit claimed that the defendants failed to make safe treatment choices, and failed to timely diagnose and treat Leoma's in utero infant's shoulder dystocia, a condition where the emerging infant's shoulders are situated in such a way that they cannot pass through the mother's birth canal.

The birth injury, Horwitz said, left the child with permanent nerve damage, known as Erb's palsy, that resulted in a shortened, weakened and disfigured right arm with limited mobility.

Horwitz said that while not a frequent occurrence, the condition is well-known and that there are accepted techniques for safely resolving the dystocia without causing harm to the emerging child. "One technique they are never supposed to do is grab onto and hold the baby's head and twist and turn," he said.

Although the midwife insisted she had not applied the improper technique, Horwitz said that appears to be exactly what happened during Jenniyah's birth. The lawyer said that there are only a limited number of circumstances that result in the kind of injury Jenniyah sustained, and that he was able to eliminate other realistic alternative causes for her injury.