

# Jury awards \$58 million to Norwalk couple in baby case, the largest verdict in state history

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By CHASE WRIGHT, Hour Staff Writer



**Dr. Richard Viscarello**



**Attorneys with Koskoff Koskoff & Bieder and Dominic and Cathy D'Attilo, of Norwalk, comment on the lawsuit of Maternal-Fetal Care and Stamford Hospital, for \$58 million after the D'Attilo's newborn son, Daniel, was born with**

severe injuries during a cesarean section in 2002, during a press conference in Bridgeport Wednesday. Hour photo / Erik Trautmann Hour photo / Erik Trautmann



Attorneys with Koskoff Koskoff & Bieder, Kathleen Nastri and James Horwitz, center, comment on the case of Dominic and Cathy D'Attilo, of Norwalk, who sued Dr. Richard Viscarello, of Maternal-Fetal Care and Stamford Hospital, for \$58 million after their newborn son, Daniel, was born with severe injuries during a cesarean section in 2002, during a press conference in Bridgeport Wednesday. Hour photo / Erik Trautmann Hour photo / Erik Trautmann

Something went terribly wrong when Danny D'Attilo was born on Feb. 2, 2003.

The problems were immediately evident -- Danny appeared pale, he was limp, unable to breath and had an irregular heartbeat. Weeks later, it was learned that Danny had a severe form of cerebral palsy. He would never be able to walk, talk or eat on his own.

A jury in Waterbury determined on Wednesday that Danny's condition was preventable, and awarded his parents, Dominic and Cathy D'Attilo of Norwalk, \$58 million -- the largest medical malpractice judgment in state history, according to the family's attorneys.

Cathy D'Attilo called the verdict, reached by a jury of six men who deliberated for 2 1/2 days, "bittersweet."

Internet link: [Norwalk parents discuss \\$58 million verdict in medical malpractice case](#) from [The Hour Newsroom](#) on [Vimeo](#).

"Daniel can't take back what happened to him," she said. "I'm grateful today. This (money) will help Danny and all his future needs."

Attorneys James Horwitz and Kathleen Nastri argued during the month-long trial that Dr. Richard Viscarello of Maternal Fetal Care in Stamford delayed performing a Caesarean section on Cathy and made critical errors during her childbirth, which caused Danny's condition.

The lawyers say Danny should have been delivered two days before his actual birth date when Cathy D'Attilo's embryonic fluid dropped drastically. Instead, his birth was delayed until she went into labor, and a series of missteps by Viscarello further complicated the delivery.

"We feel good about the verdict," Nastri said. "The D'Attilos will go home to Danny, but he still is in a wheelchair. He still can't walk, or talk or eat on his own."

James Rosenblum, attorney for the doctor, vowed to appeal the verdict.

Rosenblum said the verdict was driven by sympathy for the parents but was contrary to the evidence. He said the doctor followed proper procedures and attributed the baby's troubles to a rare inflammatory complication that could not be detected before birth.

"It was a total miscarriage of justice by the jury," Rosenblum said. "His treatment was impeccable. It's a shocking verdict. There was overwhelming evidence supporting the doctor. There was no credible evidence supporting the plaintiff."

Dominic D'Attilo, an unemployed masonry contractor who has lived in Norwalk for more than 40 years, said getting justice for Danny proved to be a long and arduous journey.

The D'Attilos have been fighting for damages since their blond, blue-eyed son was born eight years ago. During that time, they have incurred more than \$500,000 in medical bills for their son. Their Suburban Drive home is currently in jeopardy of being foreclosed on.

"It's been rough, but we're very happy with the outcome," Dominic D'Attilo said. "We still have a long road ahead of us."

"We have to take care of our little boy," he added. "It's a struggle every day, but we love him so much. We'll do anything for him. Now that we won, we can put this behind us and we can concentrate on our little boy."

*The Associated Press contributed to this story.*