

# The Journal News



## Jury awards \$14.7M in malpractice suit

Yonkers mom sought damages after son born brain-damaged

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The Journal News

A Yonkers woman whose son was born with brain damage at St. John's Riverside Hospital in 1998 has been awarded \$14.7 million.

The White Plains jury deliberated for eight hours Tuesday before deciding on a verdict in favor of Zoila San Martin, who sued on behalf of her son, Marc Quezada, 4, who was born with brain dam-

age. The lawsuit alleged that obstetrician Christopher O'Reilly-Green failed to monitor the fetal heart rate machine.

The Yonkers hospital, which also was named in the malpractice suit, was found not responsible for the acts of an independent doctor.

Evan Goldberg, a partner with Trolman, Glaser & Lichtman law firm in Manhattan, said the machine was indicating the umbilical cord was being compressed during labor, depriving the baby of oxygen to the brain.

Marc, who suffers from speech and cognitive disabilities, will have to be in therapy for the rest of his life, Goldberg said. "He was a vic-

tim of malpractice before he even had a name," he said.

Goldberg said Judge Aldo Nastasi did not comment on whether the amount could be reduced. There were no settlement offers made during the six-week trial, he said.

The jury awarded \$5 million for pain and suffering, with the rest going toward medical costs to be incurred throughout Marc's life, and potential earnings losses.

With legislators pushing for a \$250,000 cap on awards for pain and suffering, the verdict is especially significant, Goldberg said.

"This boy is damaged for the rest of his life. How can a cap be

put on that?" he said. "This verdict is important in this day and age. The power of the jury to decide justice in medical malpractice lawsuits must not be taken away. There is a control mechanism for frivolous lawsuits. It's called appellate court."

O'Reilly-Green was represented by George Van Setter of the Martin, Clearwater & Bell law firm in Manhattan, who did not return phone calls.

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