

2004 WL 3256992 (N.Y.Sup.)
For Opinion See [2004 WL 5528261](#) (Trial Order)

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Supreme Court, Ninth Judicial District, Rockland County, New York

SUSAN TAYLOR, BY HER GUARDIAN AD LITEM, ROSEMARY TAYLOR V. LOUIS A. MARTORELLA,
M.D., OBS-GYN OF ROCKLAND, P.C. & NYACK HOSPITAL

No. 5169/02

DATE OF VERDICT/SETTLEMENT: October 21, 2004

TOPIC: MEDICAL MALPRACTICE - DELAYED TREATMENT - MEDICAL MALPRACTICE -
ANESTHESIOLOGY POSTPARTUM HEMORRHAGE LED TO BRAIN DAMAGE, PLAINTIFF ALLEGED

SUMMARY:

AWARD: \$1,313,000

RESULT: Verdict-Plaintiff

The jury rendered a plaintiff's verdict. It awarded Taylor \$1,313,000.

EXPERT WITNESSES:

Plaintiff: [Alan Gibstein](#), M.D.; OB-GYN -- See also Gynecology; Great Neck, NY [Hal S. Gutstein](#), MD; Neurology; Bronx, NY

Defendant: [Frank Manning](#), M.D.; OB-GYN -- See also Gynecology; Bronx, NY [Jay Coblentz](#); Neurology; Rye, NY

ATTORNEYS:

Plaintiff: [Conrad Jordan](#); trial counsel for Burns and Harris; New York, NY

Defendant: [Richard W. Nicholson](#); Schiavetti, Geisler, Corgan, Soscia, DeVito, Gabriele and Nicholson; New York, NY

JUDGE: [William A. Sherwood](#)

RANGE AMOUNT: \$1,000,000-1,999,999

STATE: New York

COUNTY: Rockland

INJURIES: After the delivery, Taylor remained in the hospital's intensive-care unit for 26 days. During that time, she developed a coagulation disorder and a paralytic ileus, which resulted in malnutrition, fevers, anemia and pleural

effusions.

SUMMARY:

Insurance Carrier: Frontier Insurance Co. (in rehabilitation) for all defendants

FACTS:

On May 22, 1998, plaintiff Susan Taylor, 36, a full-term pregnant woman, presented to Nyack [N.Y.] Hospital for delivery of her third child. Dr. Louis Martorella, Taylor's treating obstetrician, performed the vaginal delivery. After delivering a healthy baby at 6:12 p.m., Taylor began to hemorrhage. Martorella ordered administration of Pitocin, Methergine and Hemabate to create uterine contractions necessary to deliver the placenta. The placenta could not be delivered through normal means. At approximately 6:25 p.m., Taylor was transferred from the labor room to the operating room, where a hysterectomy was performed.

Five months after her release from the hospital, Taylor claimed that she was suffering from mild hypoxic-ischemic encephalopathy, fibromyalgia and depression. She contended that the conditions stemmed from complications during the hysterectomy.

Taylor's guardian ad litem, Susan Taylor, commenced a medical malpractice suit against Martorella; his employer, OBS-GYN of Rockland P.C.; and the hospital.

Plaintiff's counsel contended that the defendants departed from the accepted standard of care by performing a manual removal of the placenta in the labor room without anesthesia, which caused a delay and excess bleeding. Plaintiff's counsel also argued that the defendants' attempted manual removal of the placenta either never occurred or was too late.

Taylor testified that she believed that Martorella attempted a manual removal in the labor room. She testified that she was in great pain and was in the labor room for an extended period. The plaintiff produced a pathology report, which indicated that the placenta was received in fragments.

Taylor's expert OB-GYN testified that, given that this was a vaginal birth after a previous Caesarean section, it was essential for the defendants to have two units of blood available in the labor room during delivery. He opined the two large infusions between 6:30 p.m. and 7 p.m. were too late.

The defendants claimed that they did not depart from the standard of care. They denied performing a manual removal of the placenta in the labor room, and they contended that the blood replacement was timely. They claimed that a partial successful manual removal was performed in the operating room prior to the hysterectomy.

Martorella testified that he examined Taylor's cervix and vagina in the labor room, but that he did not perform a manual removal until she was in the operating room, at approximately 6:25 p.m. He testified that Taylor's uterus responded to the medication. Martorella also testified that he acted promptly and sequentially in attempts to deliver the placenta, order medications, examine Taylor's cervix, attempt a manual removal of the placenta, and then perform a hysterectomy.

The defendants' expert neurologist testified that Taylor's postpartum clinical picture was insufficient to result in brain damage. He opined that her complaints and the five-month delay in presentation were inconsistent with a hypoxic injury.

Five months later, Taylor complained of memory loss and difficulty concentrating. She was diagnosed with mild hypoxic-ischemic encephalopathy, fibromyalgia and depression. Taylor continues to complain of chronic fatigue and joint pain. She claimed that she is unable to return to work.

The plaintiff's expert neurologist testified that Taylor's brain damage and fibromyalgia were causally related to the incident. He opined that Taylor exhibited no evidence of previous neurological or psychological problems.

Taylor asked the jury to award \$2.35 million.

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