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\$13M settlement reached in birth injury suit

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Cook County agreed to pay \$13.2 million to settle a lawsuit alleging an infant suffered severe brain injuries at birth as a result of negligence on the part of physicians and other medical personnel working for the county's Health and Hospitals System.

Attorneys for S.M. maintain the boy was left with cerebral palsy and other motor and mental deficits after his mother was given too much of a contraction-enhancing drug during her 30 hours of labor and his head was compressed in the birth canal for an extended amount of time.

S.M. is now 8 years old and must use a wheelchair for mobility, according to his attorneys.

They contend S.M. will continue to suffer from the effects of his delivery for the rest of his life. They also contend that S.M. and his mother have incurred large bills for medical services and other care for S.M. and will continue to incur such bills in the future.

S.M. and his mother, Victoria Marin, are represented by attorneys who include Todd A.

Smith and Jason R. Williams, both of Smith LaCien LLP.

Smith contended S.M. and his mother were denied a reasonable standard of medical care during delivery.

"The mother was entitled to have her child born safely and in a reasonable amount of time," Smith said in a statement Monday. "The child's life would be much different if that had happened."

Williams said he is pleased with the settlement.

"This was a challenging case to prove in light of some of the evidence. However, we felt confident in pursuing it," Williams said. "It is extremely gratifying to be able to tell a family that their disabled child will be taken care of for life."

Cook County was represented by attorneys who included Cook County Assistant State's Attorney William R. Ragen.

A spokesperson for Cook County Health could not be reached for comment.

The suit Marin filed on behalf of herself and her son maintained S.M. suffered seizures a few hours after his birth in August 2015.

Medical imaging showed S.M. was suffering from brain



Todd A. Smith

ischemia, an injury caused an insufficient flow of blood to the brain, the suit alleged. It alleged the ischemia was a result of an overdose of Pitocin, the contraction-enhancing drug, and prolonged compression of S.M.'s head in the birth canal.

The suit contended medical personnel deviated from the proper standard of care by failing to screen Marin for cephalopelvic disproportion, a childbirth condition that occurs when the baby's head does not fit through the opening of the mother's pelvis.

Medical personnel also failed to take into account pregnancy complications that included Marin's obesity and high blood pressure, the suit contended.



Jason R. Williams

And it contended the delivering physician did not look at Marin's medical chart until after S.M. was born.

The suit alleged the doctors should have halted the administration of Pitocin and delivered S.M. by cesarean section.

The Cook County Board of Commissioners approved the settlement in late October and the board's finance committee approved the payment of the money a few weeks after that.

The settlement later was approved by Cook County Circuit Judge Daniel R. Degnan of the Probate Division and then by Circuit Judge Maureen O. Hannon of the Law Division.

The case is *S.M., et al. v. Cook County Health and Hospitals System, et al.*, No. 2019 L 004821.