

Chicago Tribune

Milwaukee family gets \$18M after birthing injury

By DINESH RAMDE | Associated Press Writer
July 17, 2008

MILWAUKEE - A judge has approved an \$18.2 million settlement from the government for a Milwaukee family whose daughter suffered brain damage during birth at a federally funded clinic.

The lawsuit was argued in U.S. District Court because the clinic where the birthing complications occurred was a community health center funded by the federal government.

Euel Kinsey, the family's attorney, said the settlement will be paid from a fund the government maintains to back the community health centers.

When Jacqueline Lugo gave birth in 1998, her daughter was stuck in the birth canal for more than 20 minutes, and the girl sustained severe brain injury due to lack of oxygen, Kinsey said. The daughter will need assistance for the rest of her life, he said.

"While we cannot reverse the emotional and physical damages, this award will assist the family in putting the pieces of their life back together," Kinsey said.

A message left by The Associated Press with the U.S. attorney's office in Milwaukee wasn't immediately returned Wednesday.

In court papers, federal lawyers said the family failed to prove how the government was at fault. There may have been negligence, the documents acknowledge, but it was on the part of people over whom the government had no responsibility.

The settlement was approved July 8.

Lugo was 37 and had already delivered two children when she became pregnant again in 1997, court records show. She received prenatal care at the Sixteenth Street Community Health Center in Milwaukee.

In June 1998 a clinic physician advised her to go to a Milwaukee hospital for a drug treatment that would induce birth with shortened labor. Lugo went to the hospital, where nurses managed the drug treatment while in phone contact with clinic nurses.

But the baby became stuck in the birth canal. It took nurses several minutes to dislodge the infant with their fingers.

The child survived and later received follow-up treatment at the Sixteenth Street clinic for seizure disorder, developmental delay and severe cerebral palsy.

The family's lawsuit originally asked for \$85 million for the child and \$40 million for the mother.

Kinsey said the settlement should provide sufficient money for the daughter's continuing care.

As for Lugo, "on the one hand she's relieved," Kinsey said. "On the other hand she'd rather have her daughter whole. What she'd rather have more than anything is a normal child, so it's definitely bittersweet for her."

AP staffer James Carlson contributed to this report.