

## Maternal Fever, Cesarean Delay: Settlement Paid By Hospital.

The mother came to the hospital in labor at thirty-six weeks, two weeks before she was already scheduled to come in for a cesarean. She had a fever of 101.3. She was given Tylenol but over the next six hours it did not reduce her temperature.

When the fetal monitor was started the first reading was 170. Over the next four hours the progress notes penned by a second-year medical resident and the staff nurses showed the heartbeat was in the 170-180 range and reactive in the opinion of the resident and the nurses.

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***The mother was already scheduled for a cesarean, her third, two weeks before she came into the hospital in labor.***

***When she came in her temp was 101.3.***

SUPREME COURT, KINGS COUNTY  
NEW YORK  
April 19, 2007

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The baby was finally delivered at 7:10 a.m. by cesarean, six and one-half hours after the mother first presented at the hospital. The child was subsequently diagnosed with moderate right-side hemiparesis and cognitive impairment from cerebral infarctions and is developmentally delayed.

### **Why Was The Cesarean Not Done Right Away?**

The parents' lawsuit on the child's behalf in the Supreme Court, Kings County, New York settled for \$3,000,000.

The plaintiff's attorney was prepared to argue there was no justifiable reason to leave the mother, who inevitably was going to deliver by cesarean anyway, in labor in the care of a resident and the nurses for six hours. **Ballard v. Henry, 2007 WL 2491531 (Sup. Ct. Kings Co., New York, April 19, 2007).**