

Emergency: Hospital Drops “Rescue Team” Defense, Pays Settlement.

According to the patient’s lawyer, the obstetrician and the labor and delivery nurses failed to realize the electronic fetal monitor was picking up the mother’s (slower) heartbeat rather than the fetus’s heartbeat and consequently believed that an expedited vacuum extraction was necessary, with the fetus still too high in the birth canal to do that safely.

When the electronic fetal monitor began tracing the mother’s rather than the fetus’s heartbeat, the physicians decided that an emergency vacuum extraction was necessary.

SUPERIOR COURT, RIVERSIDE COUNTY
CALIFORNIA
December 7, 2007

The defendants’ lawyers asked the judge in the Superior Court, Riverside County, California, to dismiss the lawsuit, citing a California state statute which substituted a good-faith standard in place of a common-law negligence standard for hospital emergency code teams.

Before the judge ruled one way or the other on the requested dismissal, a settlement of \$3,250,000 was agreed upon.

Apparent Emergency

Was of Defendants’ Own Making

A civil-court defendant cannot claim special consideration based on emergency circumstances, that is, a false belief that emergency extraction is necessary, based on the defendants’ own negligence in misreading the pertinent medical data. **John Doe v. Confidential Hospital, 2007 WL 4788549 (Sup. Ct. Riverside Co., California, December 7, 2007).**