

Jury: \$20 million to boy who went blind

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A 6-year-old Bucks County boy who went blind shortly after he was born at Abington Memorial Hospital has been awarded \$20 million by a jury that concluded that the hospital and the physician in charge of the newborn unit were negligent.

The verdict, returned by a Montgomery County jury on Thursday, is considered among the largest ever awarded by a suburban Philadelphia jury in a medical malpractice case. City courts are generally regarded as more sympathetic - and generous - to plaintiffs in such cases.

The award came in a medical malpractice lawsuit filed on behalf of the child, Emmitt Lee, of Richlandtown, Bucks County. Lee had been born premature and developed an eye disease, retinopathy of prematurity, that is common in premature babies.

Shanin Specter, an attorney for Lee and his parents, said the jury concluded the hospital was 60 percent responsible for what happened to the child, and that Dr. Ara Moomjian, the head of the neonatology unit, was 35 percent responsible.

In a statement Friday, hospital chief of staff John J. Kelly said he and the staff were saddened by the "tragedy that occurred to the Lee family," and that the circumstances of the child's care "have been thoroughly reviewed.

"Our hospital's number one priority is providing the safest care possible. We pledge to work harder than ever to improve the safety of care we provide to our patients," Kelly stated.

The infant was seen at the hospital by a pediatric ophthalmologist, Harold Koller, shortly after he was born in June 2000. The child developed an early stage of the disease by late July 2000.

He was to have been seen again by Koller in the hospital on Aug. 8 - but was discharged that day, Specter said, and Moomjian told the family to call Koller for an appointment.

"The parents were never told this was an urgent matter," said Specter, a Center City attorney.

When the family called Koller's office the next day, they were told to bring the baby in on Aug. 30 - and by that time, the disease had progressed to a late stage and the baby was already blind, according to Specter.

He said the jury concluded that Koller's medical practice was 4 percent responsible, and that the child's pediatrician was 1 percent responsible.

Kevin Fitzpatrick, an attorney for Koller's practice, said he was pleased that the jury did not find that Koller was negligent, but declined further comment.

James L. Griffith, a veteran Center City civil lawyer who was not involved in the case, said he could not recall such a large award in any malpractice case in the suburbs.

He said that Philadelphia juries have long been known for generous awards to plaintiffs in medical malpractice cases, and for having "anti-physician and anti-hospital" sentiments.

But as city residents migrate to the suburbs, he said, they are bound to take such sentiments with them. "You're getting different jurors than traditionally exist out there," said Griffith.