

Jury awards \$47M for girl's disfiguring injuries in Johnstown malpractice suit

By Jeff Himler

STAFF REPORTER

A federal jury in Johnstown Thursday awarded \$47 million to a 5-year-old girl and her parents after U.S. District Court Judge Kim R. Gibson found Dr. John O. Chan and Conemaugh Memorial Medical Center liable for disfiguring injuries the girl suffered following her premature birth at the Johnstown hospital in 2012.

The award to Ian Harker, Corradina Baldacchino and their daughter is one of the largest in a federal medical malpractice suit in Pennsylvania.

The parents' attorneys, Dominic Guerrini and Mark Polin, argued that unusual care ordered by Chan — wrapping the newborn's head in ACE bandages to treat swelling — left the child with a deformed head and unable to grow hair on much of her scalp. The girl will need surgery to try to improve her condition, according to the attorneys.

“This isn't just some cosmetic thing that we throw a hat or a wig on. This is this little girl's being. This is her childhood. Her self-

esteem,” Guerrini told the jury during the four-day trial.

Duncansville attorney Michael A. Sosnowski, who represented Chan and the hospital, couldn't immediately be reached for comment Thursday evening.

In ruling against the defendants, Gibson found that “no reasonable jury” could find that they weren't liable in the case.

According to the judge, the plaintiffs “presented overwhelming and unequivocal evidence” showing that the head wrap ordered by Chan caused the girl's injuries, while the defendants “failed to present any evidence that could reasonably support an alternative theory of causation.”

Chan “explicitly testified that his conduct did not meet the standard of care,” the judge stated.

The jury award includes \$3.3 million for the girl's annual future medical expenses through 2095.