

The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES 1843-2011

PHILADELPHIA, THURSDAY, MARCH 22, 2018

An **ALM** Publication

Parents Awarded \$47M in Med Mal Suit Over Infant Disfigurement

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Of the Legal staff

The parents of a baby girl whose scalp was disfigured after a doctor wrapped an ACE bandage around her head to treat swelling following her premature birth has been awarded \$47 million by a federal jury.

A 12-member jury in the U.S. District Court for the Western District of Pennsylvania returned the verdict in favor of plaintiffs Ian Harker and Corradina Baldacchino, parents of G.H. The couple sued Dr. John O. Chan and Conemaugh Memorial Medical Center.

The child, now 5, is permanently disfigured and unable to grow hair, according to the plaintiff's court papers.

"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," the plaintiffs' attorney Dominic Guerrini, of Kline & Specter, said in a statement Thursday.

The parents zeroed in on the fact that Chan's head-wrapping technique was learned in the Philippines and was not a normal practice in American medicine.

"This technique, which Dr. Chan learned in the Philippines, is not a recognized treatment for subgaleal hemorrhage," plaintiffs' court papers said. "In fact, as happened here, it can make a baby's condition markedly worse. As a result, G.H. suffered catastrophic and disfiguring injuries to her scalp and cranium that will require multiple reconstructive surgeries by a craniofacial plastic surgeon at high risk of significant complications, most notably infection. Moreover, despite these reconstructive surgeries, G.H. will remain significantly disfigured for life."

The defendants characterized the incident as Chan doing what he could to stop the baby's condition from getting worse.

"The treatment at issue, and the claims arising therefrom, center around Dr. Chan's decision to utilize the head wrap. He did this in an effort to be proactive in managing a bleeding situation, which potentially could have been dangerous to a small, premature infant," defense papers said. "He had done this on multiple occasions previously, and had never encountered abrasions of a baby's head or worse. Because of this, Dr. Chan and the other defendants deny that this was the cause of the scalp necrosis suffered by the baby. However, it is not disputed that she has suffered significant necrosis of the scalp, which has required extended surgical treatment to attempt to remedy."

Michael A. Sosnowski of McIntyre, Hartye, Schmitt & Sosnowski represented the defendants and did not respond to a request for comment.