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US Government Hit With \$42M Birth Injury Verdict in Pa.

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A federal judge in Harrisburg has ordered the United States to pay \$42 million to a family whose baby suffered brain injuries during delivery because of a federally employed doctor's unnecessary use of forceps.

In her findings of fact and conclusions of law issued Thursday, U.S. District Judge Sylvia H. Rambo of the Middle District of Pennsylvania ordered the government to compensate Christina Late and Nathan Amolt, parents of D.A., for the brain damage their child suffered as a result of a cracked skull and destruction of parts of his brain during delivery. The ruling comes days after the government was ordered to pay \$4 million in a separate birth injury case.

As to fault, Rambo laid blame on obstetrician Dr. Thomas Orndorf, who worked at the federally funded Keystone Women's Center.

"Dr. Orndorf's negligence was a direct and substantial factor in causing D.A.'s injuries," Rambo said. "D.A. suffered harm and resultant damages from the injuries

inflicted upon him by Dr. Orndorf."

The damages broke down into \$9.28 million in future care costs—which include surgeries, therapy and placement in full-time care facilities—and \$32.3 million in future economic damages due to lost earnings. The court based the lost wages estimate on D.A. attaining an associate's degree and subsequent employment.

"D.A. has endured past pain and suffering, and will suffer from pain, embarrassment, humiliation, and loss of life's pleasures in the future. D.A.'s injuries occurred at birth and will cause him to suffer for the entirety of his life," Rambo said. "The brain injuries are severe, permanent, and will prevent D.A. from performing life's basic functions and caring for himself."

A spokesperson for the U.S. Attorney's Office of the Middle District of Pennsylvania said the office had no comment.

Regan Safier of Kline & Specter in Philadelphia represented the family.

"The judge really recognized the magnitude of the child's catastrophic injuries," Safier said. "The government argued throughout that we were overreaching and over-magnifying

the injuries, but the judge approved our entire life care plan."

Safier said Rambo was presented with three estimates for future economic losses in which D.A. attained different levels of education: a high school diploma, an associate's degree, and a bachelor's degree. It was up to Rambo to decide which compensation model made the most sense, although she did not explain her reasoning.

She said simply that "D.A. has lost his ability to earn wages from gainful employment in the future, and has lost the opportunity to receive the fringe benefits that would have been associated with his future employment."