

Suits & Deals: Mother of Camden Girl Who Lost Right Arm Function at Birth Settles for \$1M

Charles Toutant, New Jersey Law Journal

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A 12-year-old Camden girl will receive \$1 million as compensation for loss of function in her right arm during her birth.

Yudilsa Rosa, the mother of plaintiff Ildeanis Martinez, agreed to the settlement with the carrier for the obstetrician defendant, Dr. Clinton Turner, at a hearing before Camden County Superior Court Judge Anthony Pugliese on May 23, according to plaintiffs attorney, **Daryl Zaslow**.

The case settled shortly before trial was to begin, said Zaslow, of the Edison office of **Eichen Crutchlow Zaslow & McElroy**.

Martinez was born May 4, 2004, at Our Lady of Lourdes Medical Center in Camden. According to the lawsuit, Turner indicated that there was a "terminal bradycardia" or a significant drop in Martinez's heart rate during the very end of the labor process and that Turner chose to use a vacuum to extract or deliver the baby, ostensibly in an effort to avoid asphyxia and brain damage. The baby needed to be resuscitated and was acidotic at birth.

Zaslow said neither the medical records prepared by Turner nor the nurses recorded that this delivery was complicated by shoulder dystocia. Zaslow said Turner failed to recognize or record that the delivery was complicated by shoulder dystocia. In support of this argument, Zaslow pointed to the fact that two maneuvers typically used by obstetricians to resolve a shoulder dystocia were used during the delivery.

To prevent injury to the brachial plexus nerves running from the neck through the shoulder and arm, the standard of care requires that the delivering physician not exert excessive force on the baby's head in attempting to deliver the baby, Zaslow said.

In this delivery, the lawsuit alleged Turner applied too much traction on Martinez's head as he attempted to free the shoulder, resulting in a permanent brachial plexus injury, and limited function of the shoulder, arm and hand, a condition known as Erb's Palsy. The child had nerve surgery when she was 4 months old, but still has residual loss of motion and weakness in her right arm.

The name of Turner's carrier was not available. **Thomas Reynolds of Reynolds & Horn** in Marlton, represented Turner, the sole defendant. Reynolds did not return a call for comment.

— By Michael Booth

\$885K for Head-On Collision

Manlapaz v. Ramundo: A woman who suffered a neck injury in a head-on crash agreed to an \$885,000 settlement of her Bergen County suit May 6.

Maria Manlapaz was driving on Hudson Street in Hackensack on March 23, 2013, when a pick-up truck driven by James Ramundo and owned by Driveway Builders crossed the center line and struck her car.

Manlapaz suffered herniations at C4-C5 and C6-C7, as well as fractures of her sixth rib and her right first toe. She experienced pain radiating down her arms, according to the suit. Now 54, Manlapaz was able to return to her job as a technician in a medical lab but still experiences significant pain, said plaintiff lawyer **Joseph LaBarbiera** of **LaBarbiera & Martinez** in North Bergen.

The defendants stipulated to liability, and the settlement was reached with the assistance of Bergen County Superior Court Judge **Brian Martinotti**, said LaBarbiera.

The defendants were represented by **Everett Gale III** of **McElroy, Deutsch, Mulvaney & Carpenter** in Morristown. He did not return a call for comment.