



## \$5 Million Settlement Paid for Girl Who Suffered Brain Damage at Birth

A \$5 million settlement reached on behalf of an Essex County girl who suffered brain damage at birth was paid on Sept. 12 in *Vinci v. Montemurro*.

A portion of the settlement is being used to purchase an annuity for the girl, Natalia Vinci, which would make the projected total value of the settlement at \$10,215,715, according to the plaintiffs lawyer, **Daryl L. Zaslow** of **Eichen Crutchlow Zaslow** in Edison.

Vinci is now 6 years old. On Aug. 26, 2013, the child's mother, Amanda Roman of Nutley, who was 23 at the time, suffered complications while giving birth at Mountainside Hospital. At 9:30 a.m., under the care of defendant Dr. Robert Montemurro, she began suffering labor pains, according to Zaslow.

The suit claimed that by 3 p.m., uterine contractions were occurring every one to two minutes, which indicated a dangerous condition that can have a detrimental effect of placental perfusion and oxygenation to the fetus. Experts said prolonged tachysystole can lead to depletion of fetal reserves necessary to protect the fetus from harm during the course of labor, according to Zaslow, who maintained that the condition persisted and went untreated throughout labor.

By 9 p.m., there were episodes of fetal tachycardia, and plaintiff experts maintained that Montemurro failed to account for fetal distress on the electronic fetal monitoring, which should have prompted him to call for an emergency cesarean section. Instead, Vinci was not born until 12:54 a.m. the following morning, Zaslow said.

The suit claimed the delay resulted in Vinci sustaining an acute asphyxic event in the minutes before her birth, which left her with significant brain damage.

"She is behind on every milestone," Zaslow said in a phone interview. "She can talk and communicate somewhat, but is very far off and delayed in all neurological milestones and ability to communicate."

"She goes to school and has a one on one aide. She will need assistance for the remainder of her life," added Zaslow.

Also named in the case were the labor and delivery nurses, defendants Asia Morrison, R.N., and Catherine Halliwell, R.N., for allegedly failing to heed signs of tachysystole and fetal distress, and for not having invoked the hospital's "chain of command." The suit claimed Morrison and Halliwell should have exercised the chain of com-



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mand and circumvented Montemurro's authority as attending physician when Montemurro failed to account for signs of fetal distress.

The settlement was reached last May, approved by the court on July 19, and paid on Sept. 12, according to Zaslow.

Montemurro was represented by **Kenneth Brown** of **Weber Gallagher Simpson Stapleton** in **Bedminster**. Brown didn't return a call about the case.

Morrison, Halliwell and Mountainside Hospital were represented by **William J. Buckley** of **Schenck, Price, Smith, & King** in Florham Park. Buckley couldn't be reached for comment on the case.

— **Suzette Parmley**