

## \$650,700 Settlement for Erb's Palsy

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"Jane Doe" v. St. Peter's Medical Center: "Jane Doe" was injured in November 1984 after Stephanie Duke, a second-year resident in obstetrics at St. Peter's Medical Center in New Brunswick, applied excessive force to her head during delivery, according to the plaintiffs' attorney. The force caused permanent damage to her right arm, which had been stuck, he adds.

Under the settlement, approved by Superior Court Judge Douglas Hague on March 16, "Jane Doe" will receive payments of \$951 a month for the rest of her life, with payments guaranteed for a minimum of 40 years in the event of her death. The payments will increase by 3 percent a year, for a guaranteed total of \$1.34 million according to her attorney.

"Jane Doe" will also receive guaranteed payments of \$30,000 a year from 2002 to 2005, and \$35,000 a year from 2006 to 2008.

The settlement also provides for \$8,824 in Social Security disability benefits; \$172,500 for legal fees and costs; and \$68,675 for "Jane Doe's" mother to care for her daughter.

The payments will be made by the Health Care Insurance Co. of Princeton, the carrier for the hospital and Duke.

Richard Amdur, who represents Duke and the hospital, says his clients deny liability. "We were concerned about the potential exposure because of the child's condition. But I still felt the case was winnable," says Amdur, a partner with Amdur, Boyle & Maggs in Eatontown.

By: Cheryl Winokur