

### **Jury awards \$1.5M in birth-injury lawsuit**

*ANN W. PARKS - Daily Record Assistant Legal Affairs Editor*

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A Baltimore jury has awarded nearly \$1.5 million in a malpractice action brought by a woman whose child was injured during delivery, according to her attorneys.

The six-person jury deliberated over a five-day span before handing down the verdict in favor of Tarajee King, on behalf of her minor child. King sued Dr. Karen Perkins and Metropolitan OB/GYN Associates after her child suffered a shoulder dystocia during her June 29, 2002 birth.

During delivery, the infant's head was pulled and her shoulder got stuck, explained King's attorneys, Mark C. Kopec and Frank W. Spector of the Baltimore firm of Spector & Kopec, LLC. That action stretched the network of spinal nerves, known as the brachial plexus, in the baby's neck.

As a result the infant, Basheerah Ruffin, suffered a permanent injury that impaired the use of her right arm. The child cannot reach above her chest and she is limited in the amount of weight she can lift, say the plaintiffs' attorneys.

The verdict "gives the minor child the ability to get the medical attention she needs and have security, because she's not going to be able to do jobs that the rest of us without disabilities can do," Kopec said Wednesday.

Ronald U. Shaw, who represented the defendants, said a large portion of the verdict stemmed from a vocational expert's testimony that the child would be limited in her earning capacity.

Nevertheless, there was testimony that the child would still be able to use a keyboard if modifications were made to rest her arm, he said. If the child goes to college, she would not experience employment problems, he asserted.

"The jury apparently wanted to give money to the child because the child was 4 years old and has a disability using her arm," Shaw said, noting that the jury was deadlocked for days.

The lone holdout, Shaw said, felt that the jurors were improperly focused on the child's injury as opposed to actual malpractice. On Tuesday, though, the juror agreed to the verdict.

"After five days he was coerced to go along with the others," Shaw said, adding that he will appeal the decision. A verdict like this, he said, could double the obstetrician's insurance premiums or make her uninsurable.

The trial began Jan. 16 in front of Judge Robert Kershaw.

The plaintiffs claimed that the defendants failed to carefully diagnose King's condition and to take appropriate procedures to correct the problem. The jury, which found that the defendants were in fact negligent, awarded \$47,468 in future medical expenses, \$633,908 in lost earning capacity and \$800,000 in non-economic damages. An informed consent claim did not go to the jury, King's attorneys said.