

Jury Hits Penn Medicine With Over \$180M Record Verdict

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- A Philadelphia jury has awarded over \$180 million to a 5-year-old boy with cerebral palsy and brain damage in a birth injury suit against Penn Medicine.
- The award appears to be Pennsylvania's largest-ever medical malpractice verdict.
- The defendant said it intends to fight the result and maintains that the plaintiffs received appropriate medical care.

A Philadelphia jury awarded more than \$180 million to a 5-year-old boy with cerebral palsy and brain damage in a birth injury lawsuit against the Hospital of the University of Pennsylvania.

The award is Pennsylvania's largest-ever medical malpractice verdict, according to data via VerdictSearch.

As of Thursday, the exact value of the verdict was unclear, as it had yet to be entered on the docket. However, plaintiffs counsel placed the verdict at \$189.7 million, while a court spokesperson said the award was around \$191.7 million. According to [the Philadelphia Inquirer](#), Penn recorded the verdict as \$182.7 million.

The plaintiffs' attorneys said the substantial damages are a reasonable reflection of the care the plaintiff will require over the rest of his life.

"The damages that were rendered in this case were fully justified," said Merritt Lentz, an attorney with Gilman & Bedigian who represented the plaintiffs alongside Briggs Bedigian and Jon Stefanuca.

The defendants, however, disagree.

Burns White partner James Young, representing Penn Medicine, said, "We continue to think that the medical care was entirely appropriate and obviously will pursue post-trial relief."

The plaintiffs, a minor referred to in the case as J.M. and his mother, Dajah Hagans, alleged that staff at Penn Medicine negligently managed Hagans' delivery of her son, causing J.M. to suffer hypoxic-ischemic encephalopathy (HIE).

They claimed Penn Medicine failed to properly document its care or communicate concerns with Hagans during her labor.

According to the plaintiffs' pretrial memo, the HIE caused J.M. spastic quadriplegic cerebral palsy and developmental delays requiring him to receive ongoing care for the rest of his life.

The defendants did not contest that J.M. was severely impaired but denied that they contributed to the impairment.

"The minor plaintiff's injuries did not occur nor worsen during the time period in which Ms. Hagans received care at HUP,"

Penn Medicine wrote in its pretrial memo. "Rather, it is clearly apparent that he sustained a significant brain injury prior to his mother's arrival to HUP as a result of a severe intrauterine infection."

Lentz said the jury did not buy the defendants' analysis of the cause of J.M.'s injury or how it would affect his lifespan.

According to the court spokesperson, the jury awarded \$110 million for future life care costs. While that number fell on the low end of the plaintiffs' \$108-\$161 million projection, it far eclipsed the defendants' \$2.5 million estimation for future life care needs.

The discrepancy between the two estimates likely were the result of the two sides' vastly different predictions of J.M.'s life expectancy, court documents show. The plaintiffs' experts said he would likely live into his 70s, while Penn Medicine's experts said he would probably only reach his early teens.

The jury awarded medical expenses based on an estimation that J.M. would live for another 65 years.

The jury also awarded \$1.7 million in future loss of earnings and \$80 million in noneconomic damages, according to the court's spokesperson.

Lentz said the plaintiffs were able to fend off the defendant's claims that a prior infection caused J.M.'s injuries by presenting substantial records tying the damage to HIE.

He said the plaintiffs further illustrated their point by bringing J.M. into the courtroom to demonstrate how he interacted with Hagens. Lentz said the jury could see how the child's injuries manifested.

According to Lentz, the jurors were affected by seeing J.M. and disappointed with the alleged mistreatment of the defendants: "They saw this as an opportunity where there were disappointments here to right a wrong."