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Regional News

PHILADELPHIA JURY AWARDS \$2.5 MILLION IN MOTHER'S DEATH AFTER CHILDBIRTH  
OB-GYN FAILED TO ORDER IMMEDIATE C-SECTION AFTER WARNING SIGNS

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The estate of a woman who suffered cardiac arrest and died after giving birth by Caesarean section was awarded a \$2.5 million judgment by a Philadelphia jury last week after a six-day trial before Judge Marlene Lachman in Common Pleas Court.

The jury held the decedent's obstetrician-gynecologist 75 percent responsible for medical malpractice and Albert Einstein Medical Center 25 percent responsible in the case of the late Ella Coney, who was 30 in November 1992 when she was treated during the pregnancy.

Plaintiffs' lawyer Stephen J. Pokiniewski Jr. of Anapol Schwartz Weiss Cohan Feldman & Smalley said that a delay damage petition seeking \$1 million in the case had been filed yesterday. Alan Schwartz of Anapol Schwartz was lead counsel for the Coney family in the case. No defense offer was made during the entire litigation.

The plaintiffs' theory of the case was that Coney was exhibiting signs of serious preeclampsia, or toxicity of the pregnancy, and should have been referred for an immediate C-section at week 37 of gestation, Pokiniewski said.

The defendant OB-GYN, Herman Reid, said that he was not told of the results of tests taken at Albert Einstein, tests that he had ordered in week 32 of the pregnancy, showing decreased amniotic fluid, elevated blood pressure or high levels of protein in Coney's urine that would be warning signs of preeclampsia.

Despite those warning signs, she was repeatedly sent home, Pokiniewski said, a course of treatment that was below the standard of care, especially since Coney had had problem pregnancies before and was having her first baby in 12 years.

On Nov. 5, Reid himself detected high blood pressure and urine protein levels and sent her to Einstein for more tests.

On Nov. 6 Coney suffered pulmonary edema, or swelling due to liquid in the lungs, and congestive heart failure. Pokiniewski quoted the treating physician at Albert Einstein as calling Coney "one of the sickest patients I had ever treated."

It took eight hours for Einstein doctors to stabilize Coney so that she

could deliver a baby girl, who is now a healthy six-year-old, Pokiniewski said.

It was on the third day after the C-section that Coney, who continued to suffer from pulmonary edema, had cardiac arrest. She went into a coma for one month and died from brain damage as a complication of the coma, Pokiniewski said.

In September 1998 the climate between the two defendants froze over, Pokiniewski said, with sweeping ramifications for the case. It was then that Reid wrote a letter faulting the post-natal care at Einstein, arguing that they mismanaged the fluid in her lungs. In a 1995 deposition, he apparently had denied knowing the cause of Coney's cardiac arrest.

While the plaintiff's side had its own expert, it was a defense expert who offered the opinion that an immediate C-section at week 37 would have been the standard of care. Reid never referred Coney for a C-section, only for more testing.

The divided defenses did not have a large impact on the jury according to Pokiniewski, who spoke to them after the two-day deliberation.

"They didn't realize how unusual it is for defendants in a medical malpractice case to go so strongly against each other," Pokiniewski said.

The plaintiffs did not let the defendant hospital off the hook for its post-natal management of Coney's case, but the major theme was that Reid, without referring her for a Caesarean section procedure or lengthy hospital admission, allowed his patient's condition to deteriorate to the point where the AEMC doctors could call her "one of the sickest patients" they had ever seen.