

# Daily Business REVIEW

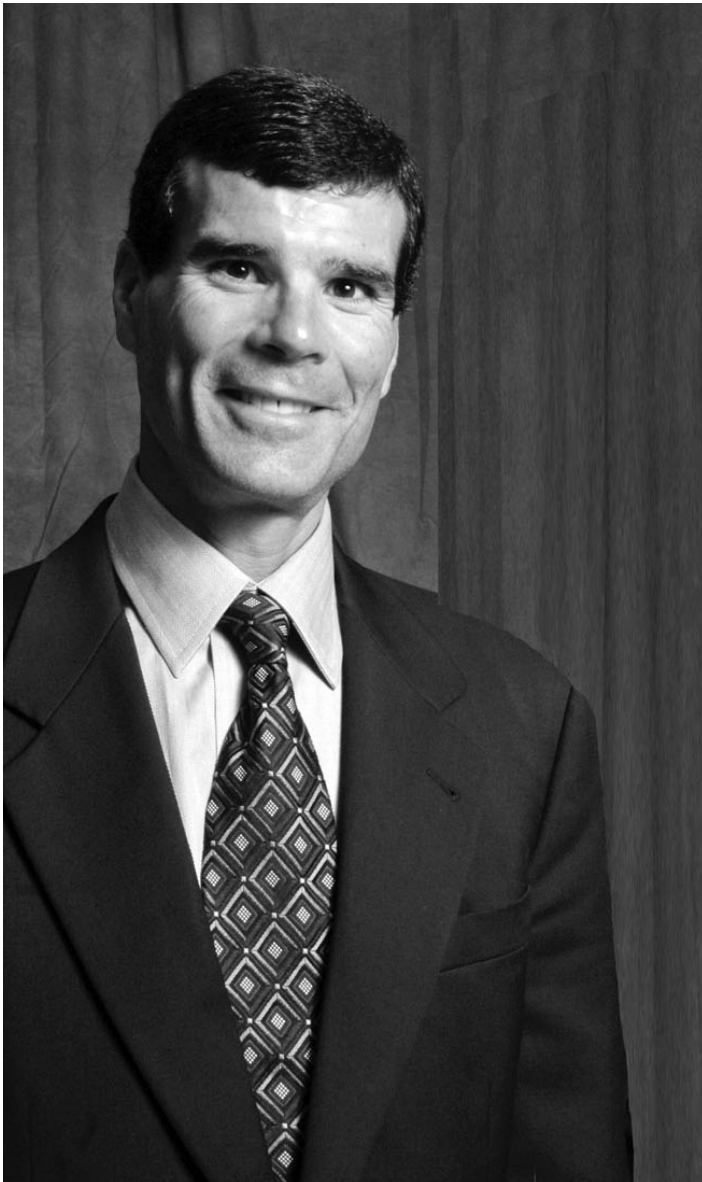
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## Hospital negligence case yields record award

**C**oral Gables attorneys **Ervin A. Gonzalez** and Deborah J. Gander won the largest federal tort claims verdict ever awarded in the United States on behalf of a child who suffered a catastrophic brain injury before delivery in a Jacksonville naval hospital.

The \$61 million verdict came in November 2005, after a three-week bench trial before U.S. District Judge Jose A. Gonzalez Jr. in Fort Lauderdale. At trial, the two plaintiff attorneys from Colson Hicks Eidson in Coral Gables showed how negligence at the Navy Hospital of Jacksonville led to the injury suffered by Kevin Bravo Rodriguez.



A.M. HOLT

The verdict has since been reduced to almost \$41 million — still a record for a federal tort claims case. Judge Gonzalez reduced by \$10 million each the pain and suffering awards for Kevin's parents. Federal sovereign immunity law does not limit the amount collectable by the plaintiff. The government has appealed the verdict.

The Federal Tort Claims Act requires all cases against the U.S. government be decided by a judge, not a jury. Shortly after the trial, Kevin's father, Oscar Rodriguez, a resident of Miami-Dade County, shipped off to Iraq for naval duty.

The mother reported to the hospital for an induced delivery early in the morning on June 10, 2003. The fetus was healthy but late.

Her water broke at 4 p.m. that day and there were signs of fetal distress. But the doctors and hospital staff took no immediate steps to deliver the baby.

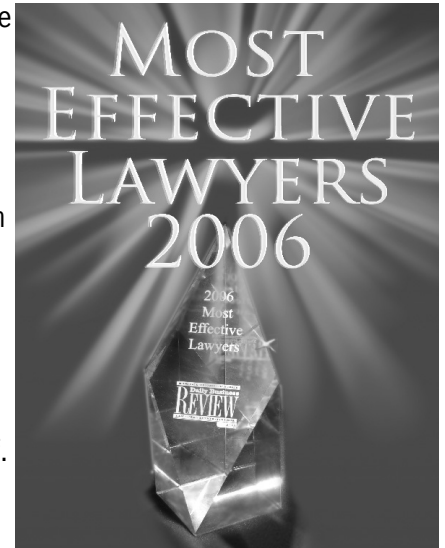
The fetal heart rate decelerated through the night. By the next morning, the heart rate had crashed.

Doctors delivered the baby by Caesarean section, more than 29 hours after the mother had arrived at the hospital. Kevin was blue, had no heart rate and was not breathing. After 15 minutes of CPR and three epinephrine injections, he was resuscitated. But he had been without oxygen for too long, and suffered a catastrophic brain injury.

**Gonzalez** said he had concerns about trying the case before a judge without a jury but that his trial team handled the case the same as if it had been a jury trial. He brought in experts and recreated a day-in-the-life of Kevin.

U.S. Sen. Bill Nelson, D-Fla., launched an investigation of the problem-prone hospital after the trial concluded because of information that came to light in this case.

— Rebecca Riddick



**Record result: Ervin A. Gonzalez and Deborah J. Gander earned a \$61 million award, which has since been reduced to \$41 million.**