

The STAMFORD ADVOCATE®

SATURDAY, FEBRUARY 9, 2008 • VOL. 178 NO. 299 / 22 PAGES 3 SECTIONS • WWW.STAMFORDADVOCATE.COM • SERVING THE COMMUNITY SINCE 1829 • FIFTY CENTS

Jury awards \$38.5M in malpractice case

By Zach Lowe
Staff Writer

STAMFORD — A jury yesterday ruled a city obstetrician must pay \$38.5 million to the family of a baby born with cerebral palsy in what may be the state's largest medical malpractice award ever.

The jury found the obstetrician, Corinne De Cholnoky, should have performed an emergency Caesarean section at Stamford Hospital in 2003 when it became clear the umbilical cord was cutting off blood flow to the baby's brain, attorneys said.

Ruling against obstetrician could be state's largest

De Cholnoky, who has a private practice in Stamford, tried to deliver Spencer Oram naturally for 12 minutes before switching to a Caesarean section. Spencer was born 15 minutes later with cerebral palsy.

His twin sister, born 27 minutes earlier, is healthy, according to Richard Silver, a partner at Silver, Golub & Teitell, the Oram family's Stamford law firm.

The jury cleared Stamford Hospital's

staff of any wrongdoing in a separate claim.

"This was a dire emergency," Silver said. "The jury found (De Cholnoky) failed to manage this emergency appropriately."

De Cholnoky's attorney, James Rosenblum, criticized the verdict, saying the jury was "overcome by sympathy" and ignored evidence that his client acted "reasonably, appropriately

and thoughtfully."

De Cholnoky understood the emergency and believed she could deliver the baby more quickly without using a C-section because the baby was "almost out," Rosenblum said.

Rosenblum said he presented expert witnesses who testified that the baby may have been suffering severe health problems in the womb.

He promised an appeal of the verdict,

which he said "was contrary to the evidence."

Rosenblum said De Cholnoky's insurance only can cover a "tiny" fraction of what is believed to be a record award.

Silver and Angelo Ziotas, his partner on the case, had experts testify De Cholnoky should have performed a C-section immediately and that, once she decided to do so, it shouldn't have taken her 15 minutes to deliver the baby, the attorneys said.

De Cholnoky filed a separate complaint. Please see **MALPRACTICE**, Page A4

Malpractice

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plaint accusing Stamford Hospital's nursing staff of failing to react properly to the emergency.

The Oram family, who lived in Norwalk in 2003 and have since moved to New York, eventually took up that complaint against the hospital.

The jury cleared the hospital of all charges, attorneys on both sides said.

"We are, of course, pleased with the jury's verdict," said Scott Orstad, a hospital spokesman. "At the same time, we are always sorry when any of our patients have to face difficult health care situations."

De Cholnoky has been practicing for 20 years and was sued only once before; that case was dismissed because the statute of limitations had

expired, Rosenblum said.

"She's extremely talented and very popular," he said.

There have been a handful of medical malpractice verdicts in Connecticut totaling more than \$20 million, including the case of a Stamford truck driver whose doctors failed to diagnose his heart problems during an appointment; he later died of a massive heart attack.

The jury awarded \$30 million to the Oram family to cover the past and future costs of caring for Spencer, attorneys said.

It awarded \$7.5 million to compensate Spencer for his suffering and \$1 million to his parents.

The family is "incredibly emotionally drained," Silver said.

— Staff Writer *Natasha Lee* contributed to this story.