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JURY AWARDS LACEY TOWNSHIP COUPLE \$3.5M. IN MEDICAL MALPRACTICE SUIT

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A Superior Court jury awarded a former Mays Landing couple \$3.5 million after finding a doctor negligent for prescribing Ibuprofen during the woman's last trimester of pregnancy - ending in her delivering a twin with kidney failure who now has disabilities.

The eight-member jury, which heard testimony over two weeks, deliberated 90 minutes Thursday before finding Dr. Stuart Sackstein negligent because he deviated from acceptable medical standards when he prescribed the drug to Donna Milana. The jury, which was unanimous in all votes, agreed Ibuprofen caused kidney failure in Sean Milana, now 9 years old.

They found that Sackstein, co-chief of staff of the obstetrics unit at Atlantic City Medical Center, Mainland Division, failed to advise Milana about Ibuprofen. The jury agreed Milana would not have used the drug had she known about its risks and benefits.

Jurors assessed \$2.5 million for Sean's loss of enjoyment, pain, suffering, disabilities and impairment, and \$1 million in lost wages because he will not be able to do more than entry-level work. Adding prejudgment interest, the award would total \$4.8 million.

Before the verdict, defense attorney John Dughi and Milana's attorney, Donald Targan, agreed to a high-low settlement, capping damages at an undisclosed amount and admitting no liability.

Sackstein has been sued several times, but the cases were settled.

Jurors heard testimony that Sackstein was not board certified, but records show Superior Court Judge Daryl Todd had barred Targan from presenting evidence that Sackstein had failed the exam four times.

Targan called the award fair, noting the American College of Obstetricians and Gynecologists published standards state Ibuprofen can be prescribed only between 20 and 32 weeks of pregnancy on an experimental basis. It can be given from one to three days, only if the doctor monitors a patient daily.

"They have known that Ibuprofen is a dangerous thing," Targan said, adding that doctors are aware it can cause kidney damage to a fetus. "When you give this medicine to a mother of twins, studies have shown it generally only affects one of two twins."

Milana's other twin, Ryan, has no disabilities.

Dughi had argued that Ibuprofen did not cause the disabilities or kidney failure.

"The child had a malformed brain well before he prescribed the drug, but the jury didn't believe that," Dughi said.

Under the confidential settlement, Dughi said, Sackstein's medical malpractice insurer will pay far less than the award.

Milana has an older child and had another child since then, without problems, with her husband, Robert Milana. They moved to Lacey Township, Ocean County, about five years ago.

According to testimony, Sackstein prescribed Milana to take Ibuprofen in her 32nd week, along with Brethine. Sackstein continued Milana on Ibuprofen for 29 days. She received 44,000 milligrams over that period.

Targan showed Sackstein did not adequately monitor Milana or her fetuses through ultrasounds and other tests with testimony of Milana, two medical experts and others.

Sean was born Jan. 24, 1992, in kidney failure, which caused other organs to fail and deprive his brain of oxygen, according to testimony. His brain was permanently damaged.

Twenty-four hours later, Sean was taken to Atlantic City Medical Center, City Division but was rushed to Cooper Health System, where doctors saved his life and kidneys, according to testimony.

Still, he had seizure problems and was hospitalized later that year. Seven years later, his right kidney failed and had to be removed.

At trial, Targan showed with two experts that Sean's learning disabilities would cause about \$500,000 to \$1.3 million in economic loss during his lifetime.

Dr. Sheila Buchbinder and Dr. Daniel Adler testified about Ibuprofen and medical standards.