

Florida Office of Insurance Regulation Medical Malpractice Closed Claims Report

Department File Number :	M200117667
Claim Number :	9410078157
Date Submitted :	9/27/2001

Insurer Information

Insurer Name		Coverage Type	
ZURICH AMERICAN INSURANCE COMPANY		Primary	
Insurer FEIN	Professional License Number		
36-4233459			
<u>Insurer Contact Information</u>			
Type	Entity Name		
Entity	ZURICH US		
Street Address			
Attn Mary Miller, 1400 American LN T1-14			
City	State	Zip	
Schaumburg	IL	60196-1056	
Phone	Ext	Fax	E-Mail Address
(847) 413 - 5287		(847) 416 - 5049	mary.p.miller@zurichus.com

Insured Information

Type	First Name	MI	Last Name
Individual	HARVEY	C	ROTH
Insurer Type	Street Address of Practice		
Licensed	20423 STATE ROAD 7, F6-199		
City	State	Zip Code	County
BOCA RATON	FL	33498	Palm Beach
Policy Number	Per Claim Policy Limits		Aggregate Policy Limits
GPC 2192871 03	\$250,000		\$750,000
Profession or Business		Other Profession or Business	
Medical Doctor			
License Number	Specialty Code & Classification		Certification Number
ME64837	Gynecology - Minor Surgery		01

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Injured Person Information			
First Name	MI	Last Name	Date of Birth
Street Address		Gender	County where Injury Occurred
City		F	*NR
		State	Zip Code
Location where injury occurred		Other location where injury occurred	
Hospital Inpatient Facility			
Name of Institution		Code	
WEST BOCA MEDICAL CENTER		110008	
Location of Institutional Injury		Other Location of Institutional Injury	
Labor and Delivery Room			
Date of Occurrence		Date Reported to Insurer	
2/20/1997		11/7/2000	

Diagnostic Information
Final Diagnosis For Which Treatment Was Sought Including Patient's Actual Condition
Preterm labor at 35 weeks of twin pregnancy. Second twin later diagnosed with cerebral palsy.
Operation, Diagnostic, Or Treatment Procedure Rendered Causing The Injury
First twin delivered vaginally. Second twin was in a breech position and doctor attempted to delivery vaginally. Cesarean section was done after the vaginal attempt.
Diagnostic Code :
Misdiagnosis Made, If Any, Of Patient's Actual Condition
*NR
Principal Injury Giving Rise To The Claim
Alleged failure to perform a timely cesarean section resulted in the second twin's brain damage.
Severity Of Injury
Permanent: Grave - Quadraplegia, severe brain damage, lifelong care or fatal prognosis.

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Legal Information

Date of Suit	Circuit Court Case Number
3/26/1999	CL 99-3059 AF
County Suit Filed in	Date of Final Disposition
Palm Beach	1/5/2001

Other Defendants Involved in this Claim

TENET HEALTH SYSTEMS C.M. D/B/A WEST BOCA MEDICAL CENTER
BRIGGS, JOHN D
JOHN D. BRIGGS, M.D., PA

Stage of Legal System at which Settlement was Reached or Award Made

More than 90 days, after suit filed and prior to or during the course of mandatory settlement conference.

Final Method of Claim Disposition

Settled by parties

Court Decision	Other
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No Court Proceedings.

Arbitration

Claim not subject to Arbitration.

Date of Payment

Financial Information

Was there a settlement Resulting in payment to the Plaintiff?	Ye
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Indemnity Paid by Insurer on behalf of Insured	\$250,000
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Loss Adjust Expense Paid to Defense Counsel	\$35,877
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All Other Loss Adjustment Expense Paid	\$5,648
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Injured Person's Total Non-Economic Loss	\$200,000
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Deductible	\$0
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Injured Person's Total Economic Loss

	<u>Incurred to Date</u>	<u>Anticipated</u>
Medical Expense	\$2,485	\$0
Wage Loss	\$51,000	\$0
Other Expenses	\$8,821	\$0

Safety Management Steps Taken by Insured to Make Similar Occurrence Less Likely

Earlier consideration will be given to performing a cesarean section on a patient with a twin pregnancy with a breech presentation.

Updates

No updates found.