

NEWS

ABORT 'BOTCH' PAYOFF – \$4.2M FOR MOM

By [Alex Ginsberg](#)

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A Long Island woman who gave birth to a developmentally disabled boy after doctors allegedly botched her abortion inked a groundbreaking \$4.2 million settlement yesterday.

The agreement in Brooklyn Supreme Court is the first ever in the state to include damages solely for the mental suffering of a mother who wasn't physically harmed.

"The money can never compensate for all the anguish that happened, but at least it shows . . . I was given the wrong advice," said the mother, Karen Sheppard, 38.

Most of the settlement will go to the child, Jo'ell, 6, who has already undergone five surgeries.

But Sheppard will get \$300,000 to settle her claim that she was put through hell from the moment she consulted Dr. Leslie King, in Rockville Centre, for abdominal pain in July 1999.

King, supported by a second opinion from Dr. Ira Spector, allegedly told her that fibroids in her uterus made it dangerous for her to give birth.

King performed a chemical abortion in August 1999, administering two 50-milligram doses of methotrexate.

The mother was told the abortion was successful, but continued to feel discomfort.

Nineteen weeks later, she learned she was still pregnant.

She gave birth by Caesarean section March 3, 2000.

The suit blamed the doctors for administering too little methotrexate, which caused the birth defects.

The Court of Appeals ruled that Sheppard could seek emotional-distress damages for herself apart from the child's claim.

"It opened up a whole new door for women's rights in general," said lawyer Bruce Cohen. "It used to be that if the woman gave birth, she couldn't recover any money for herself. It was time to knock down the old laws and open it up for people like this." The settlement does not require either King or Spector to concede liability.

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