

# MISSOURI LAWYERS WEEKLY

## Mother wins wrongful death suit over infant's apnea

*Plaintiff says pediatrician should have admitted child to hospital*



Morry S. Cole

### \$450,000 verdict

The mother of an infant girl who died from apnea has won a \$450,000 verdict from two central Missouri doctors.

Amanda Facey was born 14 weeks premature and was transferred by emergency vehicle to University Hospital in Columbia. She grew stronger during a two-month stay at the hospital and was discharged to the family home.

Just more than two weeks after her discharge, the infant suffered an apnea event and

stopped breathing for 3 to 5 minutes. Her mother revived her and took her to Bothwell Regional Health Center in Sedalia, where she was seen in the emergency department. The emergency physician called Timothy Reed, the child's pediatrician, for a consultation. Reed recommended that the infant be discharged to home.

Two and a half weeks later Amanda had another apnea event at home. She was taken by ambulance to the Bothwell emergency department, where Norman Clarkson, D.O., con-

tacted Reed by telephone, who discharged her. Reed denied being called regarding this visit to the ER. A few hours later, the infant died of another apnea event.

Plaintiffs alleged that Reed was negligent in failing to admit the infant to the hospital for apnea monitoring. Defendants countered that Reed was never called regarding the second emergency visit.

The jury deliberated for nearly four hours before returning its verdict in favor of the plaintiff.

### Facts of the Case

**Type of Action:** Medical negligence

**Type of Injuries:** Wrongful death

**Court/Case number/Date:** Pettis County Circuit Court/02CV316090/ May 18, 2007

**Caption:** Christina Martin v. Timothy Reed, M.D., et al.

**Judge/Jury/ADR:** Jury

**Name of Judge:** Robert L. Koffman

**Verdict or Settlement:** \$450,000 verdict for plaintiff

**Special Damages:** \$0

**Allocation of Fault:** 40 percent to Timothy

Reed, M.D., and 60 percent to Norman Clarkson, D.O.

**Last Demand:** None

**Last Offer:** None

**Plaintiff's Experts:** Eugene Saltzberg, M.D., Chicago, emergency room physician.

**Defendant's Experts:** None

**Insurer:** None

**Plaintiff Attorney:** Morry S. Cole, Gray, Ritter and Graham, St. Louis

**Defense Attorney:** Thomas Smith, Fax Galvin, St. Louis