

## **Erb's Palsy – Case Study**

**Our client v NHS Foundation Trust hospital**

**Year of incident: 1997**

**Date of Settlement: 2018**

**Acting: John Vallance, director at Wake Smith Solicitors**

### **Facts:**

The client suffered foetal birth trauma in 1997 after being delivered by a difficult ventouse delivery in hospital resulting in Erb's Palsy in the right arm.

A preliminary report highlighted major concerns with the management of the delivery of the case:

- There was no need to proceed to ventouse delivery on the grounds of foetal distress alone in presence of a normal CTG trace
- The choice of ventouse delivery was inappropriate and a caesarean section should have been considered first
- The doctor ignored the warning signs of outlet obstruction resulting in the ventouse cap coming off with vigorous contraction
- Having delivered the head, no manoeuvres were considered to avoid impaction of the foetal shoulders.
- It was therefore alleged that the management of the second stage of labour could not be supported and fell below a reasonable standard of care.

### **Consequences:**

As a result, the client suffered the following injuries/consequences:

- A brachial plexus injury involving nerve roots C5, 6 and 7
- The physical disability had a significant psychological impact including behavioural problems
- Permanent limited elevation of right shoulder and slight restriction in forearm rotation
- Restricted lifestyle and job/occupation opportunities due to injury

### **Expert Evidence:**

We instructed experts to prepare reports for the client in the disciplines of:

- Obstetrics
- Orthopaedics
- Care
- Occupational Therapy
- Educational Psychology
- Neuropsychology



- Physiotherapy
- Psychiatry
- Independent Financial Advice

### **Admission of liability:**

The Trust admitted a breach of duty in respect of the management of the claimant's birth and that such management had caused the injury resulting in Erb's Palsy.

### **The Proceedings:**

The matter was settled by mediation without pre-court proceedings

### **Settlement:**

**The claim settled for a value of £750,000.**

We have a wealth of experience in resolving disputes for those who have suffered a medical injury from Private or NHS treatment including:

- Birth & Gynaecological Injuries
- Surgical Error (Including Cosmetic Surgery)
- Misdiagnosis / Misprescription / Medication error
- GP Negligence
- Fatal Accidents and Inquests
- Sepsis
- A&E Claims

For further information, or for specific advice please contact our leading clinical negligence team on 0114 266 6660.