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Laflin baby's brain injury suit settled for $19.5M

BY TERRIE MORGAN-BESECKER / PUBLISHED: SEPTEMBER 15, 2018

A Laflin couple whose son suffered severe brain damage after being deprived of oxygen in the womb settled a medical malpractice lawsuit against Wilkes-Barre General Hospital and two area physicians for $19.5 million.

The settlement with William and Carolina Hughes ranks among the largest payouts for a medical malpractice case in Lackawanna County Court history, according to court records.

The Hughes filed suit in 2016 against Commonwealth Health System, which owns the hospital, Dr. Lori DelGaudio and Dr. Teresa Baseski, both obstetricians with Ob-Gyn Associates, 545 N. River St., Wilkes-Barre. The suit, filed by attorney Matt Casey of Philadelphia, alleged the physicians failed to recognize clear signs their son, William, was in severe fetal distress on Sept. 6, 2012. That led to a delay in his delivery that caused him to suffer severe brain damage, leaving him unable to walk, talk or feed himself.

The case was scheduled to go to trial in April before Lackawanna County Judge Terrence Nealon. The hospital and its related entities agreed to settle the case for $17 million on April 27. Ob-Gyn Associates, DelGaudio and Baseski agreed on May 3 to a $2.5 million settlement.

The settlements earmark $10,456,703 to be deposited with a corporate fiduciary on behalf of the child. Casey and his firm, Ross Feller Casey, received $7.8 million in attorneys fees and $505,797 in costs. The firm also held $175,000 in escrow. The remaining $562,500 was set aside to cover liens filed by several health care insurers and the state Department of Human Services.

The defendants had sought to seal the agreements, arguing that releasing the details would embarrass them and hinder future efforts to settle medical malpractice cases. Nealon denied the request on Aug. 19, saying the public's right to know outweighed the defendants' concerns. He agreed to keep the agreements confidential to give the defendants an opportunity to appeal his decision. No appeal was filed, so he unsealed them Tuesday.

The ruling marks at least the third time since 2016 that Nealon has refused to seal a settlement in medical malpractice cases.

In August 2016, he made public a $4.2 million settlement of a lawsuit filed by a Archbald woman whose twin daughters died in the womb. Four months later, he made public a $19.3 million settlement of lawsuit filed by a Dupont couple whose daughter suffered severe brain damage in the womb. Both cases were also filed by Casey.

Reached Friday, Casey declined to comment on the Hughes settlement. Annmarie Poslock,spokeswoman for Commonwealth Health System, and Eugene Feeney, attorney for Baseski, also declined comment. Attempts to reach James A. Doherty Jr., attorney for DelGaudio, were unsuccessful.