

Jury Awards \$3 Million in Newborn Cerebral Palsy Case



In a rare [medical malpractice](#) verdict, A New York Supreme Court jury has awarded \$3 million to a teenager who suffered brain damage during childbirth, the Lake George-based PostStar.com reports.

Jurors in Warren County heard three weeks of testimony before deciding that Dr. Stephen Serlin, an obstetrician from Lake George, should pay Marlayna Kineke for a lifetime of medical issues. Kineke, who turned 18 in April, suffers from [cerebral palsy](#), and a host of other developmental problems, according to PostStar. The jury decided that Kineke's health issues occurred exclusively as a result of her mother's C-section, performed by Serlin in 1993.

"According to our expert, there was a three-to four-hour delay in [the C-section]," said lawyer Greg Mills, who represented the Kinekes. Dawn Kineke, Marlayna's mother, filed the lawsuit in 2003.

At issue was whether or not Serlin ordered Dawn's C-section at an appropriate time. According to court papers, Serlin indicated that there were no signs of acute distress in Marlayna. An expert hired by the Kinekes, however, maintained that Marlayna suffered from fetal hypoxia, as a result of a compressed umbilical cord.

Fetal hypoxia occurs when infants rapidly lose oxygen before birth. It is often hard to detect, even with advanced medical equipment. Prolonged [fetal hypoxia](#) can lead to permanent and irreversible brain injury, also known as [hypoxic-ischemic encephalopathy](#). It is generally acknowledged that consistently monitoring babies' heart rates before birth can reduce the risk of hypoxia.