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Stephan D. Blandin and medical malpractice team resolve birth injury case against Fabio Ortega, NorthShore Univ. Healthsystem for \$35 million

April 10, 2023

Founding Partner Stephan D. Blandin, Partner Michael E. Holden and Senior Attorney Daisy Ayllón of Romanucci & Blandin, LLC announce a \$35 million resolution following a civil trial for the life-changing birth injury of a girl in 2015. The Plaintiffs are the parents, on behalf of their now-7-year-old daughter who is disabled. The lawsuit detailed her birth on October 29, 2015, stating that then-doctor Fabio Ortega and NorthShore University Healthsystem were responsible for medical decisions that did not meet the standard of care for delivering the mother's high risk, premature twins. The case centered on pre-natal decisions in the days and hours preceding the c-section delivery, the type of incision used during the delivery and the unusually long length of time, 14 minutes, it took to deliver the girl. The Plaintiffs allege the negligence and decisions made during labor and delivery resulted in a catastrophic injury to the girl, who now has cerebral palsy. That child is now 7-years-old and will require constant medical care for the rest of her life. Her brother, who was the first baby delivered that day, did not suffer traumatic injury during delivery and is healthy. After a three week trial, the Plaintiffs agreed to a \$35 million settlement.

In a separate matter, Ortega was recently convicted of felony sexual assault of two adult female patients. His medical license has been suspended.

The jury trial was held in the Daley Center under Cook County Circuit Judge James A. Varga.

The Plaintiffs are represented Romanucci & Blandin Founding Partner Stephan D. Blandin, Partner Michael E. Holden and Senior Attorney Daisy Ayllón.

The lawsuit for this case, filed in Circuit Court of Cook County, Illinois Law Division in June of 2020, details allegations of medical negligence and provides the facts of mother's labor and delivery. She was 27 weeks pregnant with twins and had been hospitalized at NorthShore Evanston Hospital with bleeding and placenta previa. The complaint explains that Ortega left the hospital during his 24-hour on call shift, despite assurances to the family that he would remain on site, his lack of monitoring or communication with the mother throughout that day and then his delay in arriving for her c-section after another doctor recommended the babies be delivered. Further, the decisions made in the operating room, including using a transverse incision instead of a vertical one, led to a rare and dangerous 14-minute delivery for Twin B, the girl, who suffered catastrophic injuries. The other baby, Twin A, was delivered first in 5 minutes and is healthy. Experts stated the accepted standard of care for delivery of a baby with a C-section is 1-3

minutes.

“This case centered on the reasonable standard of medical care this little girl was entitled to. She was entitled to the obstetrician overseeing her birth having a plan, to have the most experienced doctor performing the surgery and not to have a resident practicing on her mother, and to be born safely and in a reasonable amount of time. This little girl’s life would be exponentially different if that had happened. Representing this young lady and fighting to ensure the highest possible quality of life and medical care for her has been a tremendous honor,” said Romanucci & Blandin Founding Partner Stephan D. Blandin.

To learn more about birth injuries during labor and delivery please visit our website, [here](#).