



## Suit Alleging Brain Damage From Fetal Asphyxia Settles for \$6M

A Mercer County judge approved a \$6 million settlement in a suit blaming a doctor and nurses for a newborn's brain injuries allegedly due to asphyxia, *Kiesewetter v. Martin*.

On Aug. 23, 2006, Ann Marie Kiesewetter, pregnant with twins, went to University Medical Center



**DOCTORS, NURSES CRITICIZED:** Plaintiff lawyer Carol Forte contended that the baby's fetal distress should have been discovered and the Caesarean performed sooner.

at Princeton with low blood pressure, according to her lawyer, Carol Forte of Blume Goldfaden Berkowitz Donnelly Fried & Forte in Chatham.

Only one of the fetuses could be tracked by electronic monitoring. Dr. Robert Martin instructed Nurse Bronwyn Smith to keep trying to find the other one. She tried for several more hours to no avail, Forte says.

Around 6 p.m., about three hours after Martin first saw her, Kiesewetter was taken to an operating room for a Caesarean section and it was discovered that one fetus was getting insufficient oxygen and was close to death, according to Forte. The child, Henry, suffered brain injuries resulting in a form of cerebral palsy; has cognitive issues; and his ability to walk, speak and be toilet trained is impeded, she says.

Kiesewetter sued Martin and his practice, Princeton Medical Group, Smith, Princeton Healthcare System, and nurses Dzung Kim Vu and Julie Greenfield, claiming Henry's fetal distress should have been discovered and the Caesarean performed sooner.

The defendants disputed the extent of Henry's injuries, said he was injured when Kiesewetter got to the hospital and claimed an earlier delivery would not have helped, Forte says.

The parties settled in January. Coverys, Martin's insurer, agreed to pay \$350,000, and Princeton Insurance Co., for the other defendants, \$5.65 million.

Superior Court Judge F. Patrick McManimon approved the settlement on Wednesday.

Martin was represented by Gregory Giordano of Lenox, Socey, Formidoni, Giordano, Cooley, Lang & Casey in Lawrenceville; Smith by James Ronan of Ronan, Tuzzio & Giannone in Little Falls; Princeton Healthcare System by Beth Hardy of Farkas & Donohue in Florham Park; Princeton Medical Group by Thomas Heavey of Grossman & Heavey in Brick; Vu by Manasquan solo Joseph DiCroce; and Greenfield by Timothy Crammer of Crammer & Bishop in Absecon. None returned a call.

— By David Gialanella