

The Virginia Jury Verdict Reporter

The Most Current and Complete Summary of Virginia Jury Verdicts

January 2015

Statewide Jury Verdict Coverage

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January 2015 Highlights

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Civil Jury Verdicts

Timely coverage of civil jury verdicts in Virginia including court, division, presiding judge, parties, case number, attorneys and results.

Medical Negligence - The plaintiff linked an hypoxic event at birth to a permanent brain injury – the injury was not immediately noticed, the boy’s parents noticing his development was slow but not realizing the extent of the injury until he started school – the lawsuit was filed when the boy was eight years old, a Norfolk jury finding error by his delivering Ob-Gyn and assessing damages of \$5.5 million – as post-trial motions to reduce the verdict were pending, the case was confidentially settled

Melton v. Geary, 12-7213

Plaintiff: Stephanie E. Grana and Elliott M. Buckner, *Cantor*

Stonebrunner Ford Grana & Buckner, Richmond

Defense: Sean P. Byrne and Daniel M. Kinchloe, *Hancock Daniel Johnson & Nagle*, Glen Allen

Verdict: \$5,550,000 for plaintiff

Court: **Norfolk Circuit Court**

Judge: Everett A. Martin, Jr.

Date: 9-26-14

Cassye Melton was in labor on New Year’s Eve in 2003 at Chesapeake Regional Medical Center. Her delivering Ob-Gyn was Dr. Candice Geary of the Virginia Center for Women. There was proof that Melton’s baby was in distress through a long overnight labor. The child (Will) was delivered by Geary by c-section at 9:30 in the morning.

Will’s condition was critical at birth and he remained in the hospital for a month. The boy survived and ultimately began to thrive. As Will

grew over the next several years, his parents noticed he was developing slowly. However he was otherwise a happy and engaged child.

It was not until Will entered school that his parents learned something more serious was wrong. He was diagnosed with cerebral palsy and an intellectual disability. Will, who is now ten years old, reads at a first grade level. Sharon Reavis, Life Care Plan, Glen Allen, valued Will’s care for a lifetime. He will not live independently as an adult.

In this lawsuit (it was filed when Will was 8 years old), error was alleged on the part of Geary in managing the labor. It was alleged that her response was slow in responding to the signs of fetal distress – because of that delay, Will experienced an hypoxic event and suffered a permanent brain injury. The plaintiff’s experts (besides Reavis) were Dr. Lawrence Borow, Ob-Gyn, Bala Cynwnd, PA and Pamela Waaland, Neuropsychology, Richmond.

Will had also pursued a claim against Chesapeake Regional Medical Center. That claim settled short of trial for \$435,000. As the case went to the jury, Will’s attorney (Grana), asked the jury for an award of \$4,000,000. The largest part of that sum represented \$3,000,000 for Will’s life care plan.

Geary defended the case on two fronts, (1) she had properly managed the delivery, and (2) she diminished Will’s claimed injury. Defense experts included Dr. Wade

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Fairfax Circuit Court

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