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Brain-Damaged Woman Wins Suit Against City Hospitals

By **MATT FLEGENHEIMER**

A Bronx jury awarded about \$120 million on Friday to a woman who has been incapacitated since she was treated at three local hospitals in 2004.

The award, by a State Supreme Court jury, was made in a lawsuit filed on behalf of Jacqueline Martin, now 45, by her mother. Ms. Martin suffered brain damage after a series of hospital visits in February 2004, the family's lawyer, Tom Moore, said.

The award is among the largest ever issued for a medical malpractice verdict in the state.

The ruling allocated primary responsibility to two city hospitals: 50 percent to Jacobi Medical

Center in the Bronx, and 40 percent to Kings County Hospital Center in Brooklyn. It also allocated 5 percent responsibility to Brookdale University Hospital and Medical Center, and 4 percent to one of its neurologists.

Ms. Martin, who originally sought treatment for a seizure, was found 1 percent responsible. Mr. Moore described that finding as a "quirk" that stemmed from a jury misunderstanding.

The city plans to appeal. In a statement, Suzanne S. Blundi, the deputy counsel for the city's Health and Hospitals Corporation, expressed sympathy for Ms. Martin's plight, but said "the amount of this judgment is not

consistent with the facts and the law."

Over the course of less than a month, Mr. Moore said, medical personnel mismanaged Ms. Martin's medications, failed to respond swiftly to crises and did not provide essential treatments. She developed swelling in her face, eyes and throat in an allergic reaction to anti-seizure medication. She was later diagnosed with Stevens-Johnson syndrome, a rare and severe skin disorder, Mr. Moore said.

The Health and Hospitals Corporation declined to discuss the specifics of Ms. Martin's medical history, but said that some components of the award appeared

excessive. Though Ms. Martin, a mother of two, earned less than \$40,000 a year as a claims adjuster, the jury awarded her \$10 million in lost earnings. Ms. Martin's medical costs since 2004, covered by Medicaid, totaled \$583,000, the corporation said, but the jury awarded her \$5 million for past medical costs.

Mr. Moore acknowledged that "some elements may have been excessive" in that sum of \$15 million, but he called the verdict as a whole "totally consistent" with the magnitude of the ordeal.

"Let's say that \$15 million is too much," he said. "What is it — a little over 10 percent of the verdict?"