

JULY 8, 2016

DAILY REPORT

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Settlement Quietly Ends Med-Mal Case That Led to \$14M Verdict and ‘Tortured’ Appeals

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A QUIET CONCLUSION HAS COME for a case that led to one of 2013’s biggest medical malpractice verdicts in Georgia—and a tangle of appellate litigation.

As the lawyers were preparing for a second round of arguments at the Georgia Court of Appeals, they reached a confidential settlement resolving claims that errors by professionals at Gwinnett Medical Center caused Kailey Watson, now 13, to be born with profound brain injury. The case led to a nearly \$14 million jury verdict against Gwinnett.

“While we are disappointed the case did not get to be resolved finally by the appellate courts, resolution allows everyone to move on to other matters,” the hospital’s lawyer, John Hall of Hall Booth Smith, said Friday.

Hunter Hillin of Austin, Texas, and Nelson Tyrone, founder of the Tyrone Law Firm in Atlanta, represent the family of Kailey Watson and tried the case together.

“It’s been an unbelievably long road for a little girl who needs a lot of care,” said Tyrone. “This is one of the proudest moments I have ever had as a lawyer.”

Kailey’s mother claimed that two nurses and a nurse midwife attending to her failed to notice signs of fetal distress during labor, causing Kailey’s cerebral palsy.



Courtesy photo

Kailey Watson with her lawyers, Hunter Hillin, right, and Nelson Tyrone, left.

The nurse midwife settled before the trial. The jury returned a defense verdict for the two nurses but awarded Kailey’s family \$13,946,215 against the hospital.

Gwinnett County State Court Judge Joseph Iannazzone then granted the hospital’s request for a new trial, reversing himself on the question of whether a nurse midwife should be allowed to testify as an expert against nurses. But Kailey’s family appealed and the Court of Appeals in 2014 reversed the new trial order.

The Georgia Supreme Court declined to take the case and Iannazzone denied the

hospital’s motion for a new trial, setting the stage for settlement.

Atlanta litigator Leighton Moore, a member of the Watsons’ appellate team, said the Court of Appeals decision clarified that a certified nurse midwife who holds a registered nurse license is a “member of the same profession” as a registered nurse, and therefore can be allowed to testify.

“The case made an important contribution to the case law under Georgia’s medical expert witness statute,” Moore said.