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Jury awards \$2.5 million for malpractice

Jill Arriaza was 27 weeks pregnant when she delivered her child at Women & Infants Hospital. The baby died shortly thereafter.

BY SCOTT MacKAY
JOURNAL STAFF WRITER

PROVIDENCE — A Providence County Superior Court jury has awarded a Pawtucket couple whose infant died at

Women & Infants Hospital \$2.5 million in what lawyers say is the state's largest medical malpractice award since the 1990s.

The case was decided Feb. 6 after a four-week trial presided over by Superior Court Judge Patricia Hurst and about 2½ days of jury deliberations, said Patrick Barry, lawyer for the couple, Jill and Jorge Arriaza.

Jill Arriaza was 27 weeks pregnant on Oct. 2, 1998, when she believed her water was

breaking and she was about to deliver her child. A hospital staff midwife told the 20-year old woman that she had urinated on herself and sent her home with no written instructions on what to do if she continued to have problems.

She went out with her husband to dinner, went home, then fell asleep, said Barry. About 3 a.m., or between 12 and 18 hours after she left the hospital, Barry said, Jill Arriaza awoke

with contractions and labor pains, and went back to Women & Infants.

She delivered the child on Oct. 3. The infant died 20 minutes after delivery. An autopsy showed that the baby died of Group B streptococcus, an infection which Barry argued could have been prevented had the hospital given her the proper antibiotics.

"The family is gratified by the verdict but there is really nothing to celebrate," said Barry.

"The verdict by six level-headed impartial Rhode Islanders agreed that this baby could have been saved."

David Carroll, lawyer for the hospital, disputed Barry. "We are disappointed by the verdict, which didn't seem to follow a logical path."

Carroll noted that the jury agreed with the hospital's case on all the major points, except

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Lawsuit

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that it found the Women & Infants midwife negligent in not providing a written statement of instructions to Jill Arriaza.

But Women & Infants will not have an avenue of appeal because both sides entered into a settlement agreement, known as a "high-low" provision, during negotiations while the jury was still out. Under such an agreement, the plaintiffs agree to limit the amount they will receive if they are successful and the defendants agree to pay the plaintiffs a settlement even if the defense is successful.

Lawyers for both sides said they were pleased with the high-low aspect of the settlement, which provided the Arriazas with an undisclosed settlement. Both parties agreed that the amount of money paid by the hospital would remain confidential.

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