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## **Out of Court Mediation Results in Settlement and Lifetime Medical Coverage for Child Injured During Birth**

**New Hyde Park, August 2021...** The New York personal injury law firm of [Pegalis Law Group, LLC](http://pegalislawgroup.com) announces that we have secured a substantial settlement for a newborn baby girl who was injured by her mother's obstetrician during childbirth. As a result of the delivering doctor's negligence, the infant suffers from the permanent effects of a right sided Erb's Palsy, including scars, cosmetic deformities, and limited motion in her right arm and shoulder due to nerve injury in her cervical spine.

The delivery was complicated by a condition called shoulder dystocia, where the baby's shoulder is stuck behind the mother's pubic bone. The baby's father was present at the delivery and testified, in pretrial discovery, that the defendant doctor was tugging on the baby's head. Normally, this is handled with careful maneuvers, but here the medical evidence showed that the doctor was pulling on the baby's head in such a way that the nerves leading to the right arm were torn and permanently damaged. The pediatrician who evaluated the baby in the newborn nursery gave pretrial testimony that the nerve injury would have been from "stretching when the baby was coming out." The doctor who delivered the baby could not explain why the infant was injured.

After pretrial discovery was complete and the defendant's attempt to have the claim dismissed was defeated, the parties agreed to submit to private mediation.

The mediation resulted in a settlement of \$750,000. Also, as a result of the settlement, the infant is enrolled in a State of New York program which will provide her with comprehensive medical coverage for her entire life.

According to trial attorney Gary Nielsen, Esq. of Pegalis Law Group, who handled the pretrial proceedings and the mediation, "There is really no valid excuse for a baby to be injured this way during childbirth. While no amount of money can restore this child's right arm to full function, we hope that the settlement – along with the support of her loving parents – will help compensate her for her lifetime disability."

Pegalis Law Group, LLC is a New York law firm for those suffering as a result of avoidable medical errors and personal injury. In nearly 50 years of practice, we have won some of the largest verdicts in New York State history and strive for medical accountability to ensure safer medical practices for better patient care. Visit us at <https://pegalislawgroup.com> and on [Twitter](#), [Facebook](#) and [LinkedIn](#).