

Jury Finds Doctor Negligent in Birth

Girl's Family Awarded \$6 Million

By Leef Smith
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A Prince William jury ordered a Manassas obstetrician yesterday to pay about \$6 million to a couple whose child was born with severe brain and lung damage after receiving inadequate prenatal care. The award is thought to be one of the highest civil payouts in county history, court officials said.

After hearing two weeks of testimony and deliberating for three hours, the jury determined yesterday that obstetrician Charles Gueriera negligently handled the pregnancy of Deborah Bittner, causing serious birth defects in her daughter, Emily. Emily lived for 12 years.

During the trial, Bittner's attorneys argued that Gueriera mismanaged the care of Bittner's fetus, which was considered small at 38 weeks. Instead of recognizing that the pregnancy was high risk and that the baby should be delivered, Gueriera extended the pregnancy by six weeks, causing irreparable damage to the child, Bittner's attorneys said.

"As a result this little girl was born with irreversible brain damage, massive lung damage, and spent the first 14 months of her life in intensive care at Children's Hospital in D.C.," said Chuck Zauzig, one of the Bittners' attorneys. "Basically by changing the due date, he doomed this baby."

The jury awarded Emily's estate \$2.75 million in damages, plus about \$3.25 million in interest, which her parents—Deborah and Dan Bittner—will likely receive.

Attorneys for Gueriera could not be reached for comment yesterday.

Emily's birth was made more complicated by the fact that she developed in her mother's abdomen, instead of the womb. Abdominal pregnancies are rare but can be carried to term and can produce healthy babies, Zauzig said.

It was not known until shortly before her birth that Emily was developing outside the womb—a condition often hard to diagnose—and Gueriera's attorneys argued that nothing could have prevented the outcome.

"This trial sent a message out to the community," said Dov Apfel, an attorney who also represented the Bittners. "Doctors have to listen to their patients, and watch the charts and hear what Mom is telling them and intervene with high-risk pregnancy, or else you'll have a horrible outcome."