

Jackson & Campbell Achieves Another Medical Malpractice Win!

Nick McConnell recently won yet another medical malpractice jury trial before the Circuit Court of Loudoun County, Virginia, this time on a successful motion to strike the evidence at the close of plaintiffs' case-in-chief. The case had been filed against three individual obstetricians, the community hospital and one of its nurses. Nick defended the hospital and the nurse. The plaintiffs claimed that the defendants failed to appreciate the signs and symptoms of a placental abruption and uterine rupture and to order a cesarean section in a timely fashion. They also claimed that the defendants had failed to obtain informed consent for the delivery, itself, which was an attempted vaginal birth after cesarean section, otherwise known as a VBAC procedure. Plaintiffs further alleged that these negligent acts caused the asphyxiation and death of their newborn daughter. Following several days of trial, including cross-examination of the plaintiffs' primary expert witness designated to testify against the hospital and the nurse, Mr. McConnell successfully argued to the trial judge that the plaintiffs' case was deficient as a matter of law. The trial court agreed that plaintiffs had failed to offer expert testimony sufficient to prove that the hospital or its nurse had violated the standard of care or that their actions had caused the injuries claimed by plaintiffs. In granting the motion to strike plaintiffs' evidence, the trial judge brought an end to a case which had been in litigation for several years -- the time for taking an appeal has expired and plaintiffs have not filed a petition for review.