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Middlesex County family is awarded \$18M in malpractice case that left son with cerebral palsy

By [Victoria St. Martin/The Star-Ledger](#)
April 30, 2010, 8:05PM



AP Photo/Mike Derer

Newark Beth Israel Medical Center is shown in Newark, in this Nov. 19, 1997 photo.

NEWARK -- An Essex County jury this week awarded the family of a 12-year-old Middlesex County boy \$18.5 million in a malpractice case against Newark Beth Israel Medical Center and a Springfield obstetrician, an attorney for the boy said today.

Roseland attorney, David Mazie, argued in Superior Court that because doctors moved too slow to perform an emergency C-section in 1998, Darius Morgan's birth was delayed and, as a result, has cerebral palsy.

After deliberating for two days, the jury returned the verdict at 4:15 p.m. Thursday, Mazie said.

A spokeswoman from Saint Barnabas Health Care System, which oversees the medical center, declined to comment about the case.

Mazie said medical experts testified that if Morgan had been born eight minutes earlier he would not have the condition. Joan Lieser was the mother's doctor, according to legal papers. Neither she or her attorney could be reached for comment.

"He's going to be taken care of for the rest of his life," said Mazie of the verdict in favor of Morgan.

Morgan's birth mother began legal action against the doctor and hospital in 2002, but she later died of unrelated causes in 2004, said Morgan's legal guardian and great aunt, Darlene Kim.

"(His mother) was thinking down the road because she knew her illness was terminal and she wanted him to have the best care," Kim said.

Kim, who adopted Morgan in 2007, said she was pleased with the outcome.

"We're happy," she said. "God was on our side."

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