

SEATTLE MIDWIVES + BIRTH CENTER SUED FOR MEDICAL NEGLIGENCE + DAMAGES DUE TO BOTCHED DELIVERY

Case Underlines Danger of Having Baby Delivered by Non-Nurse Midwives and Student Midwife at Birthing Center—Brain-Damaged Child Will Need Lifelong Support

SEATTLE, WASHINGTON, UNITED STATES, April 2, 2023

/EINPresswire.com/ -- WHAT:

Announcement of the details of a lawsuit in King County | Court, which will be filed early Monday morning, April 3 by Spokane, WA residents Savanna and Colton Brown against Puget Sound Midwives and Birth Center, LLC d/b/a Lake Washington Midwives; Bastyr University; Britney Zell, MSM, LM, CPM; Marlee Adams, LM; Jessica Swan, LM, CPM; Pediatrix Medical Group of Washington, Inc., P.S. d/b/a Eastside Maternal-Fetal Medicine Specialists; and Darcy Barry, M.D.



Baby Zeke Brown in the neonatal unit on May 21, 2022

WHEN: Monday, April 3, 11:00 am PT

WHERE: The Financial Center
1215 Fourth Avenue
3rd Floor
Seattle, Washington 98161

WHO: [Les Weisbrod](#), attorney for the plaintiffs, Miller Weisbrod Olesky LLC
Maria Diamond, attorney for the plaintiffs, Diamond Massong PLLC
Savanna and Colton Brown, plaintiffs

BACKGROUND:

On September 27, 2021, 26-year-old Savanna Brown presented to Puget Sound Midwives birthing center in Kirkland, Washington to initiate prenatal care.

On January 6, 2022, Savanna presented to Pediatrix for a fetal anatomy survey and was seen by Darcy Barry, M.D. This examination revealed that Mrs. Brown's baby was in the 99th percentile for estimated fetal weight. Dr. Barry's summary of the examination provides that the fetus was "large for the gestational age of 20w 0d." This made Mrs. Brown's pregnancy high risk and not suitable for non-nurse midwives to follow alone without medical supervision.

The standard of care in obstetrics requires that doctors who evaluate a fetus that is in the 99th percentile for estimated fetal weight at 20 weeks gestational age must follow-up with the mother to recommend that care not be provided solely by midwives and that delivery take place in a hospital.



Mother Savanna Brown cradles Zeke while NICU nurse attends to baby.

On May 20, 2022, Savanna Brown presented to Puget Sound Midwives' birthing center at approximately 0244 for spontaneous labor.

- o Through the course of her labor the student midwife as well as the supervising midwives failed to properly monitor Mrs. Brown and her baby. Mrs. Brown had tachycardia (a high heart rate) and the baby had fetal heart rate decelerations. Both mother and baby's conditions made this a high-risk delivery requiring a hospital and medical doctor be utilized rather than non-nurse midwives at a birthing center.
- o At least an hour before Z.B.'s head became stuck in the birth canal, Mrs. Brown asked to go to a hospital and her request was ignored by the midwives.
- o At 0913, the fetal head was delivered. However, a shoulder dystocia (i.e., the baby's head is out of the birth canal, but the rest of the baby is stuck at the shoulders) was also encountered at this time. Student Midwife Adams placed Mrs. Brown in a hands and knees position to

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When there is a catastrophic outcome as with this baby, multiple health care providers are at fault which is what happened here. The improperly trained non-nurse midwives did not recognize the crisis.”

Les Weisbrod

attempt to dislodge the impacted shoulder. This maneuver failed to resolve the shoulder dystocia.

- o After 90 seconds of Student Midwife Adams' attempts to address the shoulder dystocia, Midwife Zell took over and began "abduction and adduction" of the fetal shoulder by inserting

her hand into Mrs. Brown's vagina to manually dislodge the shoulder. This failed. She also attempted multiple other maneuvers to effectuate delivery, including the McRoberts maneuver and moving Mrs. Brown into a runner's lunge position, but these were also unsuccessful.

- o After approximately 3 minutes and 50 seconds, Midwife Swan stepped in and attempted delivery. She also attempted McRoberts maneuver and eventually delivered Z.B. at 0918 by shoulder shrug, which involved breaking Z.B.'s clavicle. The interval between delivery of the fetal head and the delivery of the body was approximately 4 minutes and 30 seconds. After delivery, Z.B. appeared "pale and floppy" and he was without respiratory effort.
- o At approximately 0945, EMS arrived with Z.B. at Evergreen Hospital. After arrival, his initial blood gas results showed he had sustained a lack of oxygen during labor and delivery.
- o He was then transferred to Swedish First Hill Hospital for therapeutic hypothermia (cooling) treatment for severe hypoxic ischemic encephalopathy.

An MRI of Z.B.'s brain on May 26, 2022, showed that Z.B. suffered hypoxic ischemic neurologic injury. He remained inpatient until he was discharged on June 20, 2022. He has been subsequently diagnosed with global delays, epilepsy that is secondary to perinatal hypoxic ischemic encephalopathy, static encephalopathy, and emerging spasticity.

Zeke Brown will need continuing healthcare for his entire life with serious, permanent disabilities. The Brown family has incurred and will continue to incur significant medical expenses for the remainder of Zeke's life, have suffered and will continue to suffer substantial pain and anguish.

The lawsuit charges the defendants with multiple instances of violating the standard of care as listed in the petition and illustrates the dangers of having a baby at a midwife birthing center with no doctors present.

Les Weisbrod, a nationally recognized medical malpractice attorney and past president of the American Association for Justice (the world's largest trial lawyer association), is representing the Brown family, in collaboration with Seattle attorney Maria S. Diamond, a past president of the Washington State Association for Justice and a member of the Board of Governors of the American Association for Justice (AAJ).

Mr. Weisbrod has represented many babies with birth injuries, who need lifelong medical support. As a national birth injury attorney, he has settled over 204 medical negligence cases for more than \$1,000,000 each.

Mr. Weisbrod said, "Usually when there is a catastrophic outcome as with Zeke Brown, multiple health care providers are at fault which is what happened here. Dr. Barry failed to continue monitoring Mrs. Brown and recommend that the delivery take place in a hospital. Not only did these improperly trained non-nurse midwives not recognize:

- o the impending fetal distress,
- o the lack of medical equipment to handle such a birth at their birthing center

- o the immediate need for a medical doctor
- o the urgency to transport the infant to a hospital.

They also atrociously ignored the heart-breaking pleas of Savanna Brown to go to a hospital.”

“Savanna and Colton Brown want to make sure this doesn't happen to someone else in Seattle, Washington state or anywhere in the United States. They hope that by calling attention to what happened and the need to file this lawsuit, it will serve as a wake-up call of the danger involved in delivering a baby at a midwife birthing center,” Weisbrod said.

DROPBOX link to hi-res images:

<https://www.dropbox.com/sh/m8qbi4bahf97r3f/AADVWq2Ns0vaRSSEtIDqKO0wa?dl=0>

(All images courtesy of Brown family)

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Available at news conference:

- o File-marked petition
- o Photos of Zeke Brown (in Dropbox link above)
- o In Neonatal ICU (see date of each photo and ID)
- o With Brown family (see date of each photo and ID)
- o Interviews with:
 - o Savanna Brown, mother of Zeke Brown, plaintiff
 - o Colton Brown, father of Zeke Brown, plaintiff
 - o Les Weisbrod, partner, Miller Weisbrod Olesky, representing Savanna Brown, Colton Brown and minor son, Zeke Brown, plaintiffs
 - o Maria S. Diamond, partner, Diamond Massong PLLC, representing Savanna Brown, Colton Brown and minor son, Zeke Brown, plaintiffs

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