

Quadriplegic boy awarded \$8 million over forceps birth

By Alan Barnes
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A 5-year-old boy born a quadriplegic with severe brain damage because a doctor used forceps improperly is to receive a cumulative award of more than \$8 million for the continual care he'll need the rest of his life.

The court judgment was against obstetrician Dr. Eric Deigan, who was found negligent in his handling of the birth of Adam Ing Jan. 4, 1988, at Newmarket's York County Hospital.

The hospital was absolved of any blame in the ruling by Mr. Justice N. Douglas Coo of the Ontario Court, general division, dated Monday.

Coo blasted Deigan for his performance in the operating room and called his defence witnesses unbelievable.

Lawyer Richard Sommers launched the medical malpractice action on behalf of the boy's parents, Shing and Po Ing, vegetable farmers near Zephyr, north of Metro. She is expecting their second child.

"All along we believed we were right," Shing Ing said

last night. "The doctor made a very serious error."

Ing said the award is "for future care for my son. It's not like winning a lottery."

The judgment said Ing's pregnancy had been substantially uneventful till the final moments before Adam's birth.

Then it was noted the normal-size baby was high in the pelvis of the mother, who was very small.

Sommers said Deigan tried four times to extricate the baby with forceps, then used "considerable traction," instead of performing a caesarean operation to free the baby.

Coo ruled that the forceps delivery attempted was "a procedure of great inherent risk."

Coo noted "the nurse screamed, ran out the door looking for help."

"I have no doubt . . . that the infant suffered his substantial brain damage and consequent past and future losses as a result of the pinching of the umbilical cord, caused by mid-forceps delivery efforts performed by the obstetrician."

Sommers said Deigan now practises in North Carolina.