

(The following is an excerpt of the original article which can be found at <https://www.ctvnews.ca/health/ont-family-awarded-5-2m-over-daughter-s-birth-complications-1.3423023?cache=%3FclipId%3D89563>)

Ont. family awarded \$5.2M over daughter's birth complications



An Ontario family that took a hospital to court over complications during their daughter's birth has been awarded \$5.2 million.

The money will help Jaye and Robert Butler from Innisfil, Ont., cover medical costs related to their 10-year-old daughter Sarah, who was born with cerebral palsy.

The parents say Sarah's condition is directly linked to the actions of two nurses on the day she was born -- and that they may have never learned the full story if they hadn't pursued legal action.

"Without taking them to court, we never would have found out the answers," Robert Butler told CTV News

In 2007, Jaye Butler gave birth to twins at the Royal Victoria Regional Health Centre in Barrie, Ont. Baby Luke came out healthy, but Sarah had complications. Medical records from the hospital reported that there was a "spontaneous" rupture of the amniotic sac around Sarah.

However, the girl's parents maintain that it was the nurses who broke the water to induce labour triggering the crisis that deprived the newborn of oxygen for several minutes.

"They created the events that led to the fetal distress and then tried to blame us for it and we knew we didn't do anything wrong," Robert Butler said.

But hospital officials denied responsibility, arguing in court that the girl's ongoing health problems were largely genetic. The hospital's defense team even sent a cameraman to secretly videotape Sarah and accused the family of exaggerating her condition.

The disagreement over cause was a sticking point in the legal battle. In the end, Justice J.R. McCarthy ruled that the hospital pay the Butlers \$5.2 million for expenses such as future loss of income, extraordinary care, speech therapy and general damages.

The couple's lawyer applauded their persistence in seeking out answers.

"Hospitals are not always forthcoming in providing the necessary information to patients. Without the parents pressing ... to get the information from the hospital, they wouldn't have ever known," said Hilik Elmeleh.

The hospital responded to the decision in a statement: "The Royal Victoria Regional Health Centre sincerely regrets the failings surrounding Sarah's birth and unreservedly apologizes to the Butlers."

The hospital has until June 4 to appeal the decision.

Studies suggest that there are over 130,000 medical errors in Canadian hospitals each year. Robert Butler says it's important for patients, especially expecting parents, to be aware when things go wrong.

"There are a lot of births that occur in the hospitals in Ontario. There are problems at a lot of medical procedures, but if a family out there does have something go wrong, they need to know."

With a report by CTV News medical specialist Avis Favaro and producer Elizabeth St. Philip