



\$1.675M for Wrongful Birth

Hoffman v. Unnamed Doctors: The parents of a child born with Tay-

Sachs disease, who died last year at age 2, agreed to a \$1.675 million consent judgment on Thursday, ending their suit against doctors who allegedly failed to perform prenatal diagnostic tests.

When she became pregnant in 1998, Sharon Hoffman of Airmont, N.Y., went to doctors in New York but after 25 weeks switched to an Emerson practice that employed her as an ultrasound technician. Under the agreement, the doctors' names were not divulged.

Had either medical group performed a screening for Tay-Sachs, a required procedure for pregnant Jewish women, the disease would have been discovered and Hoffman would have terminated the pregnancy, according to her complaint, filed by **Bruce Nagel** and **Robert Solomon**, partners in Livingston's **Nagel Rice Dreifuss & Mazie**.

Bergen County Assignment Judge **Sybil Moses** dismissed the claim against the New York doctors on jurisdictional grounds. Disposing of the case by consent judgment, approved by Superior Court Judge **Peter Doyne**, permits the New Jersey defendants to go to a New York court to seek contribution, according to defense counsel **Scott Heller**, a partner in Morristown's **Giblin & Combs**.

Heller says if the case had gone to trial, he would have presented evidence that the Tay-Sachs screening was the sole responsibility of the New York practice because the procedure is usually done in the early weeks of pregnancy.

He says the defense also would have raised the fact that Hoffman, as an ultrasound technician, was familiar with prenatal screening procedures.

Solomon says he would have presented evidence that the proper standard of care for the New Jersey doctors would have been to read the transferred chart, notice that the test hadn't been performed and order it.

— *By Henry Gottlieb*