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Brain-damaged boy (11) receives €5.5m settlement

Tim Healy

AN 11-year-old boy allegedly left brain damaged after birth has settled his action for damages against the Rotunda Hospital, Dublin, for €5.5m.

Cian Brady, Joyce Road, Lusk, Co Dublin, had sued the hospital through his mother, Michelle Brady. The settlement is without admission of liability.

It was claimed that on March 27, 2000, Ms Brady was admitted to the hospital with elevated blood pressure.

With continued high blood pressure, Ms Brady was transferred to the labour ward a few days later. On April 1, Cian was born by caesarean section, but it is claimed as a direct result of mismanagement both during the labour and after the baby's birth, he suffered severe personal injuries.

It was claimed that the hospital was negligent in failing to exercise any reasonable care for the boy and failing to have available a pre-warmed incubator. It was claimed the baby was placed in his mother's bed in an attempt to warm him up when he should have been placed in an incubator.

Cian, it is claimed, can never lead a normal life and is suffering from asymmetrical quadriplegic cerebral palsy. His lower limbs are less affected and he

has a vocabulary of about 10 words. He is also short-sighted and suffers from epilepsy.

Denis McCullough, for the Bradys, said liability and causation were an issue in the case. The defendant, he said, contended an unknown event occurred five days before labour and this caused the brain damage.

Counsel said it was recognised that there was a significant issue of liability and the legal team had allowed for a 25pc deduction for risk.

Ms Justice Mary Irvine said while money will never compensate Cian, it will provide the care he needs. She said it was a terrific settlement and she hoped it would allow the Bradys to return to some normality.

Hugged

Outside the court, Cian's parents, Stephen and Michelle, hugged each other. Ms Brady said the family had been through a really tough time and while nothing would fix things completely, the settlement would go a long way to providing the care their son needed.

"Cian is a lovely boy who is not aware of what was going on here. He has cognitive difficulties and he is very much loved. He is a happy boy and he is going to be happier after this settlement," Mrs Brady said.

In a second settlement involving the Rotunda, the court

approved a €1m interim payment to a child with severe brain injuries allegedly caused by the mismanagement of her mother's pregnancy by the hospital.

The action, which was settled without admission of liability, was brought on behalf of Saibhe O'Connor, who the court heard suffered severe physical and developmental problems and would require a high degree of care for the rest of her life.

The proceedings were brought on behalf of Saibhe by her mother, Michelle Farrell, Croftwood Green, Ballyfermot, Dublin 10. It was claimed the Rotunda was negligent and in breach of its duty of care towards Saibhe in its treatment and management of her mother's pregnancy and Saibhe's birth on November 7, 2005.

The Rotunda had denied all claims against it, and denied that it had been negligent or that it had failed to exercise reasonable skill and care when it provided medical care to Ms Farrell or to Saibhe.

In her action, Ms Farrell claimed she was diagnosed at the hospital with hypertension. Despite objections from her family, she was discharged on November 6.

The following day Ms Farrell's condition worsened and while in an ambulance to the hospital she suffered an eclamptic seizure.



Stephen and Michelle Brady, from Lusk, Co Dublin, leaving the High Court yesterday after settling their action against the Rotunda Hospital.