

Brain-damaged boy wins €4.35m for birth negligence



Ken and Catherine Trimble, Aaron's parents, speaking to the media outside the High Court yesterday.

Tim Healy

A FOUR-YEAR-OLD boy, who is permanently brain damaged, blind and quadriplegic as a result of admitted negligence at his birth, has secured €4.35m in settlement of his High Court action.

The case arose out of the birth of Aaron Trimble at Our Lady of Lourdes Hospital, Drogheda, Co Louth on March 26, 2004.

The settlement against the

HSE, which admitted liability, is the largest of its kind based on a life expectancy of an additional 16 years.

Mr Justice Vivian Lavan was told yesterday Aaron would have been born a perfectly healthy baby were it not for the admitted negligence in the management of his birth.

This included a failure to adequately monitor the foetal heart rate, which would have shown the baby was in distress and that he needed to be delivered immediately.

There was also an apparent

failure of hospital staff to notice that the machine recording the heart rate had run out of paper close to the time of the child's delivery.

Then, when Aaron was born and required resuscitation, an oxygen cylinder was found to be empty and resuscitation was delayed, the judge heard.

The "great tragedy" was that it seemed clear that Aaron was a healthy baby up to the late stages of labour.

If proper actions were taken and he was delivered sooner, he would have been born

healthy, counsel for the family said. "The only good fortune Aaron has had in his unhappy life is that he was born to such committed parents," counsel said.

As a result of the negligence, Aaron has cerebral palsy, all four limbs are spastic, he cannot speak, will never walk or smile, is totally dependent and has a much shortened life expectancy, he added.

Aaron brought the case through his mother, Catherine (36), of Dunbin, Knockbridge, Dundalk, Co Louth, who has

been caring for Aaron since his birth.

The hearing opened last Friday, as an assessment of damages only, liability having been admitted by the HSE, and was settled yesterday after negotiations between the sides.

A major issue between the sides was the extent of the child's life expectancy, which was variously put at between an additional 16 and 20 years.

While the settlement is based on Aaron living another 16 years, the judge was told quality of care is a crucial factor in

deciding life expectancy and was believed that, such was the care afforded to Aaron by his parents, his life expectancy would be maximised.

Approving the settlement Mr Justice Lavan expressed his sympathy to Aaron's parents over the "terrible tragedy" which had befallen their son, who should have been born "safe and sound".

He said counsel had outlined "a heroic saga" in relation to the parents' commitment to Aaron of which he, the judge stood in awe.

€4.35m awarded to boy after HSE admits negligence at birth

MARY CAROLAN

A FOUR-YEAR-OLD boy who is permanently brain-damaged, blind and quadriplegic as a result of admitted negligence in the circumstances of his birth at Our Lady of Lourdes Hospital Drogheda, has secured €4.35 million in settlement of his High Court action.

Mr Justice Vivian Lavan was told Aaron Trimble would have been born a perfectly healthy baby were it not for the negligence at his birth, including failure to adequately monitor the foetal heart

rate, which would have shown that he was in distress and needed to be delivered immediately.

There was also an apparent failure of hospital staff to notice that the machine recording the heart rate had run out of paper close to the time of delivery and, when Aaron was born and required resuscitation, an oxygen cylinder was found to be empty and resuscitation was delayed.

The "great tragedy" was that it seemed clear Aaron was a healthy and well baby up to late labour and, if proper actions had been taken and he was delivered

sooner, he would have been born healthy, Denis McCullough SC, for the boy, said. "The only good fortune Aaron has had in his unhappy life is that he was born to such committed parents."

As a result of the negligence, Aaron has cerebral palsy, cannot speak, will never walk or smile, is totally dependent and has a much shortened life expectancy.

At the request of counsel for Aaron, the judge approved a settlement of €4.35 million of his action against the HSE, which had admitted liability in the case. The settlement is the largest of its kind

based on a life expectancy of an additional 16 years.

Aaron had brought the case through his mother Catherine (36), Dunbin, Knockbridge, Dundalk, Co Louth, who has been caring for Aaron since his birth on March 26th, 2004.

The hearing opened last Friday as an assessment of damages only, liability having been admitted by the HSE.

Mr Justice Lavan expressed his sympathy to Aaron's parents over the "terrible tragedy" that had befallen their son, who should have been born "safe and sound".

IT IS EXCESSIVE FOR HIS CONTEXT