

## **\$1.8 MILLION JURY AWARD IN WRONGFUL PREGNANCY CASE**

PRESS RELEASE from Davies, Barrell, Will, Lewellyn & Edwards, PLC:

Stephen K. Lewellyn, senior litigation attorney at Davies, Barrell, Will, Lewellyn & Edwards, PLC of Culpeper, recently won a jury verdict for \$1.8 Million in the Newport News Circuit Court for a client in a case involving a medical malpractice claim for wrongful pregnancy. This is believed to be the largest jury award in Virginia for such a claim. The lawsuit was filed in state court against a doctor and her medical practice after the plaintiff became pregnant shortly following a sterilization procedure commonly referred to as “tying tubes.” Mr. Lewellyn and his co-counsel, Stephen A. Dunnigan, successfully proved the surgical procedure was improperly performed, leading to a failure to sterilize the plaintiff. These cases can be very difficult to prosecute on behalf of the mother who becomes pregnant since Virginia law does not allow for recovery of the cost to raise the child resulting from a wrongful pregnancy. This is in addition to the difficulties posed by the Virginia law that places a cap on the amount of the recoverable award in medical malpractice cases. The jury verdict in this case is for the maximum amount permitted by law.

The defense attorney argued the since the mother loved her child, no award should be made by the jury. Mr. Lewellyn successfully argued to the jury in closing that the mother had suffered emotional distress and mental anguish as a result of the wrongful conception, pregnancy and birth. In addition, Mr. Lewellyn explained to the jury that this case was about the doctor’s failure to properly do her job and that the mother’s love for her child did not excuse the doctor’s medical negligence.

Mr. Lewellyn handles complex injury cases, in addition to having a very active business law practice, including commercial litigation.

**DISCLAIMER:** Settlements and verdicts in all cases depend on various factors and circumstances, which are unique to each case. Therefore, past results in cases are not a guarantee or prediction of similar results in future cases.