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Suits & Deals

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\$2.5M for Wrongful Birth

Alter v. Jackman: Four nurses sued for negligence causing the wrongful birth of a girl with a genetic disease agreed to a \$2.5 million settlement on April 8.

The child was born with Canavan's Disease, an enzyme deficiency that leads to nerve, muscle and brain damage and that is likely to kill her by age 10.

On May 9, 2003, Joanna Alter went to Community Health Center in Toms River for prenatal care. She told an intake nurse the father was Jewish, which her lawyer says should have prompted DNA tests of the parents to see if they were carriers of genetic diseases that afflict Ashkenazi Jews. Had the tests been done, the center would have learned the child had high risk of being born with Canavan's Disease, according to the Ocean County suit.

Intake nurse Karen Hale will pay \$1.5 million and nurse midwives Mary Breitweiser, Gloria Matthews and Andrea Lindstrom will contribute a total of \$1 million under an April 15 settlement, according to one of Alter's lawyers, **Bruce Nagel** of **Nagel Rice** in Roseland. **Michael Weiss** of **Weiss & Paarz** in Northfield was the plaintiff's co-counsel.

The intake nurse's lawyer, **James Ronan Jr.** of **Ronan Tuzzio & Giannone** in Tinton Falls, confirms the amounts. He says the defense centered on the fact that Alter, who is not Jewish, answered no to a written question on whether either parent was an Ashkenazi Jew. That absolved the clinic of responsibility to perform the test, the defense argued.

Weiss says the clinic was required to probe further once it knew one parent was Jewish. Weiss says it's

not likely a young non-Jew like Alter would know what an Ashkenazi is.

Charles Koernig of **Stahl & DeLaurentis** in Voorhees represented the nurse midwives.

- By *Henry Gottlieb*