



1           WHEREAS, Judith Susser kept all of her appointments and  
2           complied with all orders by her physicians, and

3           WHEREAS, at approximately 34 weeks gestation, Judith  
4           Susser's membrane on the sac holding Adam Susser ruptured, and

5           WHEREAS, Gary Susser immediately took his wife to the  
6           Coral Springs Medical Center where, on July 6, 2000, she was  
7           admitted by her obstetrician's office and where she remained  
8           until her discharge on July 12, 2000, and

9           WHEREAS, during the admission, a high-risk perinatal  
10          expert, Dr. Christine Edwards, as well as Dr. Kerry Kuhn, and  
11          Dr. Carrie Greenspan, Dr. Kuhn's partner, also saw Judith  
12          Susser, and

13          WHEREAS, despite a nonreassuring fetal heart pattern  
14          and despite the fact that the nurses kept having difficulties  
15          getting the fetal monitoring to perform properly, the  
16          pregnancy was allowed to continue for 4 and 1/2 days, with the  
17          nurses never reporting the abnormal test results or the  
18          difficulties they were having with the fetal monitoring  
19          equipment to the physicians, and

20          WHEREAS, two days into Judith Susser's labor, a  
21          biophysical profile was ordered to be performed by Dr.  
22          Edwards, and

23          WHEREAS, that biophysical profile yielded abnormal  
24          indications but was never reported by the nurses to the  
25          obstetricians or to the Sussers, and Judith Susser's labor was  
26          allowed to continue, and

27          WHEREAS, finally, on the early morning of the fifth day  
28          of labor, Judith Susser was taken to the operating room for  
29          delivery, and

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1           WHEREAS, the physician in charge was insistent on  
2 performing a vaginal delivery despite all the obvious needs  
3 for an emergency cesarean section, and

4           WHEREAS, when Dr. Kuhn reached the delivery room, he  
5 asked for fetal monitoring to be commenced and the nurses  
6 indicated that they could not bring the fetal monitoring  
7 machine into the delivery room because they did not have a  
8 fetal monitor for twins available, and

9           WHEREAS, Gary Susser then asked the nurses to get the  
10 fetal monitoring machine from the room that Judith Susser had  
11 previously been in for 4 days, which demand was also made by  
12 Dr. Kuhn, and the nurses said they could not remove the  
13 monitoring machine from the wall, and

14           WHEREAS, for the next hour there was no monitoring  
15 whatsoever on Adam Susser, and Dr. Kuhn continued to wait, and

16           WHEREAS, on July 10, 2000, Adam Susser was born by  
17 vaginal delivery, and

18           WHEREAS, tragically, as a result of the extraordinary  
19 and egregious malpractice by the physicians and nurses at the  
20 Coral Springs Medical Center, Adam Susser was born severely  
21 depressed and oxygen-deprived, which led to severe brain  
22 damage, and

23           WHEREAS, one half-hour after the birth of Adam Susser,  
24 Brandon Susser, Adam Susser's twin brother, was born, and

25           WHEREAS, Brandon Susser was born in better condition  
26 than his twin brother, Adam, but was later found to have  
27 hydrocephalous, a condition which required a shunt to be  
28 placed in his brain, and

29           WHEREAS, since his birth, Brandon Susser has done very  
30 well but is still substantially at risk for developmental  
31 problems, and

1           WHEREAS, on the other hand, Adam Susser, now 4 and 1/2  
2 years old, was permanently damaged as a result of the medical  
3 malpractice of the Coral Springs Medical Center, and

4           WHEREAS, Adam Susser cannot walk and will never be able  
5 to walk, cannot sit up on his own, cannot use his hands or  
6 arms, is cortically blind, needs to be fed through a feeding  
7 tube, and is severely mentally and physically impaired, and

8           WHEREAS, though by all accounts Adam Susser will have a  
9 normal life expectancy, which means that he should live into  
10 his 70's, Adam Susser will require medical care and treatment  
11 for the remainder of his life, and

12           WHEREAS, the negligent care administered by the Coral  
13 Springs Medical Center formed the basis of legal action  
14 against the North Broward Hospital District, d.b.a. Coral  
15 Springs Medical Center, and

16           WHEREAS, the matter was settled prior to trial with the  
17 overall settlement amount being \$9.8 million, and

18           WHEREAS, the hospital's private insurer, the Zurich  
19 Insurance Company, paid the claimants the amount of  
20 \$3,831,218.04 on behalf of the North Broward Hospital  
21 District, and

22           WHEREAS, the North Broward Hospital District paid  
23 \$200,000 for the benefit of Adam Susser and \$200,000 for the  
24 benefit of Brandon Susser pursuant to the limits of liability  
25 set forth in section 768.28, Florida Statutes, and

26           WHEREAS, in addition, the North Broward Hospital  
27 District fully supports the passage of a claim bill for the  
28 amount of \$668,781.96, NOW, THEREFORE,

29  
30 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. The facts stated in the preamble to this  
2 act are found and declared to be true.

3           Section 2. The North Broward Hospital District is  
4 authorized and directed to appropriate from funds of the  
5 hospital district not otherwise appropriated and to draw a  
6 warrant in the sum of \$668,781.96 payable to the special needs  
7 trust established for the care and benefit of Adam Susser,  
8 minor child of Judith Susser and Gary Susser, as compensation  
9 for injuries and damages sustained as a result of the  
10 negligence of the North Broward Hospital District.

11           Section 3. This act shall take effect upon becoming a  
12 law.