

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Hasner offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5  
6  
7 Section 1. The facts stated in the preamble to this act  
8 are found and declared to be true.

9 Section 2. The North Broward Hospital District is  
10 authorized and directed to appropriate from funds of the  
11 hospital district not otherwise appropriated and to draw a  
12 warrant in the sum of \$668,781.96, plus the interest that has  
13 accrued on those funds in the account maintained by the  
14 district, to purchase an annuity benefiting the special needs  
15 trust established for the care and benefit of Adam Susser, minor  
16 child of Judith Susser and Gary Susser, as compensation for

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17 injuries and damages sustained as a result of the negligence of  
18 the North Broward Hospital District.

19 Section 3. Payment for attorney's fees and costs incurred  
20 by the claimant's attorneys shall not exceed \$108,764. Payment  
21 for the professional services and costs of lobbyists advocating  
22 for passage of this claim shall not exceed \$6,688.

23 Section 4. This act shall take effect upon becoming a law.  
24  
25

26 ===== T I T L E A M E N D M E N T =====

27 On page 1, line 1, through page 4, line 16, remove all of  
28 said lines, and insert:

29  
30 A bill to be entitled  
31 An act for the relief of Adam Susser by the North Broward  
32 Hospital District; providing for the relief of Adam  
33 Susser, a minor, by and through his parents and natural  
34 guardians, Judith Susser and Gary Susser; providing for an  
35 appropriation to compensate him for injuries and damages  
36 sustained as a result of the negligence of the North  
37 Broward Hospital District, d.b.a. Coral Springs Medical  
38 Center; providing for purchase of an annuity to benefit  
39 the special needs trust; providing for payment of  
40 attorney's fees, lobbyist's fees, and costs; providing an  
41 effective date.  
42

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43 WHEREAS, in July 2000, Gary Susser, a lawyer, and his wife,  
44 Judith Susser, a paralegal, were residing in Boca Raton,  
45 Florida, and

46 WHEREAS, prior to her marriage to Gary Susser, Judith  
47 Susser was unable to have children, and

48 WHEREAS, after their marriage, Judith and Gary Susser badly  
49 wanted to have children, despite the fact that Judith Susser was  
50 47 years of age, and

51 WHEREAS, Judith Susser went to a fertility expert and was  
52 finally able to become pregnant through in vitro fertilization,  
53 and

54 WHEREAS, prenatal tests revealed that Judith Susser was  
55 pregnant with twins, and consequently Judith and Gary Susser  
56 were looking forward to the birth of their twin boys, and

57 WHEREAS, Judith and Gary Susser sought out high-risk  
58 pregnancy experts who could guide them through Judith Susser's  
59 pregnancy in order to ensure that her pregnancy progressed  
60 safely and without complications, and

61 WHEREAS, Judith Susser kept all of her appointments and  
62 complied with all orders by her physicians, and

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

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

69 WHEREAS, during the admission, a high-risk perinatal  
70 expert, Dr. Christine Edwards, as well as Dr. Kerry Kuhn and Dr.  
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71 Carrie Greenspan, Dr. Kuhn's partner, also saw Judith Susser,  
72 and

73 WHEREAS, despite a nonreassuring fetal heart pattern and  
74 despite the fact that the nurses kept having difficulties  
75 getting the fetal monitoring to perform properly, the pregnancy  
76 was allowed to continue for 4 and 1/2 days, with the nurses  
77 never reporting the abnormal test results or the difficulties  
78 they were having with the fetal monitoring equipment to the  
79 physicians, and

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

82 WHEREAS, that biophysical profile yielded abnormal  
83 indications and, although they were not reported by the nurses,  
84 the obstetricians were aware of the abnormal results, and

85 WHEREAS, despite this, the obstetricians allowed Judith  
86 Susser's labor to continue, and

87 WHEREAS, finally, on the early morning of the fifth day of  
88 labor, Judith Susser was taken to the operating room for  
89 delivery, and

90 WHEREAS, the physician in charge was insistent on  
91 performing a vaginal delivery despite all the obvious needs for  
92 an emergency cesarean section, and

93 WHEREAS, when Dr. Kuhn reached the delivery room, he asked  
94 for fetal monitoring to be commenced and the nurses indicated  
95 that they could not bring the fetal monitoring machine into the  
96 delivery room because they did not have a fetal monitor for  
97 twins available, and

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

103           WHEREAS, for the next hour there was only manual monitoring  
104 of Adam Susser, and Dr. Kuhn continued to wait, and

105           WHEREAS, on July 10, 2000, Adam Susser was born by vaginal  
106 delivery, and

107           WHEREAS, tragically, as a result of the extraordinary and  
108 egregious malpractice by the physicians and nurses at the Coral  
109 Springs Medical Center, Adam Susser was born severely depressed  
110 and oxygen-deprived, which led to severe brain damage, and

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

115           WHEREAS, though by all accounts Adam Susser will have a  
116 normal life expectancy, which means that he should live into his  
117 70's, Adam Susser will require medical care and treatment for  
118 the remainder of his life, and

119           WHEREAS, the negligent care administered by the Coral  
120 Springs Medical Center formed the basis of legal action against  
121 the North Broward Hospital District, d.b.a. Coral Springs  
122 Medical Center, and

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

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HOUSE AMENDMENT

Bill No. CS/SB 38

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125           WHEREAS, the hospital's private insurer, the Zurich  
126 Insurance Company, paid the claimants the amount of  
127 \$3,831,218.04 on behalf of the North Broward Hospital District,  
128 and

129           WHEREAS, the North Broward Hospital District paid \$200,000  
130 for the benefit of Adam Susser pursuant to the limits of  
131 liability set forth in section 768.28, Florida Statutes, and

132           WHEREAS, in addition, the North Broward Hospital District  
133 fully supports the passage of a claim bill for the amount of  
134 \$668,781.96, NOW, THEREFORE,

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