

1                                   A bill to be entitled  
2           An act for the relief of Adam Susser by the  
3           North Broward Hospital District; providing for  
4           the relief of Adam Susser, a minor, by and  
5           through his parents and natural guardians,  
6           Judith Susser and Gary Susser; providing for an  
7           appropriation to compensate him for injuries  
8           and damages sustained as a result of the  
9           negligence of the North Broward Hospital  
10          District, d.b.a. Coral Springs Medical Center;  
11          providing for purchase of an annuity to benefit  
12          the special needs trust; providing for payment  
13          of attorney's fees, lobbyist's fees, and costs;  
14          providing an effective date.  
15  
16          WHEREAS, in July 2000, Gary Susser, a lawyer, and his  
17          wife, Judith Susser, a paralegal, were residing in Boca Raton,  
18          Florida, and  
19          WHEREAS, prior to her marriage to Gary Susser, Judith  
20          Susser was unable to have children, and  
21          WHEREAS, after their marriage, Judith and Gary Susser  
22          badly wanted to have children, despite the fact that Judith  
23          Susser was 47 years of age, and  
24          WHEREAS, Judith Susser went to a fertility expert and  
25          was finally able to become pregnant through in vitro  
26          fertilization, and  
27          WHEREAS, prenatal tests revealed that Judith Susser was  
28          pregnant with twins, and consequently Judith and Gary Susser  
29          were looking forward to the birth of their twin boys, and  
30          WHEREAS, Judith and Gary Susser sought out high-risk  
31          pregnancy experts who could guide them through Judith Susser's

1 pregnancy in order to ensure that her pregnancy progressed  
2 safely and without complications, and

3           WHEREAS, Judith Susser kept all of her appointments and  
4 complied with all orders by her physicians, and

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

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

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

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

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

25           WHEREAS, that biophysical profile yielded abnormal  
26 indications and, although they were not reported by the  
27 nurses, the obstetricians were aware of the abnormal results,  
28 and

29           WHEREAS, despite this, the obstetricians allowed Judith  
30 Susser's labor to continue, and

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1           WHEREAS, finally, on the early morning of the fifth day  
2 of labor, Judith Susser was taken to the operating room for  
3 delivery, and

4           WHEREAS, the physician in charge was insistent on  
5 performing a vaginal delivery despite all the obvious needs  
6 for an emergency cesarean section, and

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

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

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

19           WHEREAS, on July 10, 2000, Adam Susser was born by  
20 vaginal delivery, and

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

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

30           WHEREAS, though by all accounts Adam Susser will have a  
31 normal life expectancy, which means that he should live into

1 his 70's, Adam Susser will require medical care and treatment  
2 for the remainder of his life, and

3 WHEREAS, the negligent care administered by the Coral  
4 Springs Medical Center formed the basis of legal action  
5 against the North Broward Hospital District, d.b.a. Coral  
6 Springs Medical Center, and

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

9 WHEREAS, the hospital's private insurer, the Zurich  
10 Insurance Company, paid the claimants the amount of  
11 \$3,831,218.04 on behalf of the North Broward Hospital  
12 District, and

13 WHEREAS, the North Broward Hospital District paid  
14 \$200,000 for the benefit of Adam Susser pursuant to the limits  
15 of liability set forth in section 768.28, Florida Statutes,  
16 and

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

20  
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. The facts stated in the preamble to this  
24 act are found and declared to be true.

25 Section 2. The North Broward Hospital District is  
26 authorized and directed to appropriate from funds of the  
27 hospital district not otherwise appropriated and to draw a  
28 warrant in the sum of \$668,781.96, plus the interest that has  
29 accrued on those funds in the account maintained by the  
30 district, to purchase an annuity benefiting the special needs  
31 trust established for the care and benefit of Adam Susser,

1 minor child of Judith Susser and Gary Susser, as compensation  
2 for injuries and damages sustained as a result of the  
3 negligence of the North Broward Hospital District.

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

9           Section 4. This act shall take effect upon becoming a  
10 law.

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