



## Jury gives \$1.3M for scarring of infant in hospital

By: Matt Chaney ◉ June 5, 2018

A jury in Orangeburg County recently awarded a 3-year-old boy and his mother a \$1.3 million medical malpractice verdict against the county's Regional Medical Center.

Attorneys for the plaintiff claimed in court documents that the hospital was grossly negligent in providing care for the son of Tekayah Hamilton, who was 1 month old at the time of the incident in October 2014.

David Williams, attorney for the Hamiltons, said that the child was injured after arriving at the hospital with a fever of 102.6, as a result of an IV.

"The IV was not properly flushed and it infiltrated," said Williams, describing the injuries. "When they gave the child the vesicant, it didn't go into the vein and it burned the back of his hand in a big circular fashion."

Williams claimed in his complaint that it was the nurse's negligence coupled with the hospital's ineffective policies which led to the problem.

As a result, the jury returned a verdict in favor of the plaintiffs May 9 after two days of deliberating.

Hamilton's son was granted \$1,127,280 in medical negligence damages while Hamilton received \$135,477 for emotional distress.

"The mother came in with a child with a fever and she left with a child with a permanent injury," Williams said.

He said the child's age was likely a factor in the verdict.

"It was a small child who did nothing to bring on this injury," Williams said. "That coupled with the sheer ignorance by staff of the policies and procedures and just the simple fact that the policies and procedures implemented aren't possible for the staff to perform."

Williams said plaintiff's witnesses were also a factor.

"We had a nurse who discussed the standard of care, including that you should flush before and after administration of any vesicant, and at least every two hours," he said. "We also had a plastic surgeon who testified about the necessary costs of scar revision."

Prior to going to trial, the hospital refused the opportunity to mediate the case and were excused by the presiding judge. Williams said their highest offer was \$15,000.

Since the verdict, the defense has filed two motions: One for reduction of the verdict to the statutory cap and another for judgment notwithstanding the verdict.

In the motion for reduction of the verdict, the defense lawyers claimed that the amount awarded exceeds the cap set by the South Carolina Tort Claims Act.

As a result, the defense argued that Hamilton's son's verdict should be reduced to \$300,000 and Hamilton's verdict should be reduced to \$20,854.

Williams said he will submit memoranda in response in the coming week.

"I feel confident we were right, but it's up to the judge to balance all the issues," he said.



In court documents published by The Times and Democrat, the hospital claimed the child's injuries were caused by a "natural disease process" and said that the plaintiff was at least equally as negligent as the hospital.

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## VERDICT REPORT – Medical Malpractice

**Amount:** \$1.26 million

**Injuries Alleged:** medical negligence leading to pain and suffering, permanent scarring, impairment, loss of enjoyment of life, medical expenses and emotional distress

**Case name:** *Tekayah Hamilton as parent and guardian ad litem for a minor child under the age of 18 v. Regional Medical Center*

**Court:** Orangeburg County Circuit Court

**Case No.:** 2015-CP-38-1234

**Judge:** Edgar Dickson

**Highest offer:** \$15,000

**Attorney for defendants:** Michael Tanner

**Attorney for plaintiff:** David Williams & Jonathan Krell

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