

Page Printed From:

<https://www.law.com/newyorklawjournal/2022/10/24/80m-medical-malpractice-jury-award-in-long-running-case-is-limited-by-accord-between-parties/>

NOT FOR REPRINT

## \$80M Medical Malpractice Jury Award in Long-running Case Is Limited by Accord Between Parties

The verdict was more than \$40 million over what the plaintiff asked for.

October 24, 2022 at 05:46 PM

Medical Malpractice



Andrew Denney

A Bronx jury unanimously awarded \$80 million to a man whose family alleges that the prenatal care he received at a New York City hospital caused him to be born prematurely and with developmental disabilities—which was more than \$40 million over what the plaintiff asked for.

But before the jury of four men and two women delivered their verdict for 19-year-old Hakim Quick, who is nonverbal and who will need around-the-clock assistance for the rest of his life, the plaintiff's attorney brokered an agreement with outside counsel appearing for New York City Health + Hospitals (H+H) to cap the award.

James LiCalzi, a partner at Duffy & Duffy who represents Quick, said the agreed-to sum is confidential.

"We had to take the verdict but the most important thing is that the child will be cared for," LiCalzi said.

LiCalzi said that he asked the jury for \$38 million total for past and future suffering. But after a trial that stretched over five weeks, the jury handed up an \$80 million verdict.

"I think the size of the verdict is a wake-up call to the City of New York that the quality of care for these Bronx families must be improved," LiCalzi said.

An attorney for Aaronson Rappaport Feinstein and Deutsch who appeared at trial on behalf of the city did not respond to requests for comment.

Quick's trial victory is a capstone for a legal fight between Quick and H+H that has raged for more than a decade.

Theresa Wilson, Quick's mother, received prenatal care at Jacobi Medical Center while she was pregnant with Quick.

Wilson had a history of an incompetent cervix that was treated with a cerclage when she was pregnant with a past child, but physicians at Jacobi surmised that they did not need to use a cerclage during Wilson's pregnancy with Quick, according to a statement issued by Duffy & Duffy.

About 21 weeks into the pregnancy, Wilson received emergency care at St. Barnabas Hospital.

Quick was born prematurely in 2003, but did not approach Duffy & Duffy about filing a medical malpractice suit against Jacobi and H&H until 2011.

To bring suit against the city, Quick's counsel first had to petition a court to file a notice of claim long after the 90-day deadline to do so.

Over the course of the case, the city sued St. Barnabas, claiming that the hospital was negligent for not delivering Wilson's baby in a timely manner while she was in St. Barnabas' care, which added St. Barnabas as a third party to Quick's suit.

But at trial, the jury found the city 100% at fault, exonerating St. Barnabas in the case..

NOT FOR REPRINT

---

Copyright © 2022 ALM Global, LLC. All Rights Reserved.