

# Jury awards \$5.5 million for malpractice

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BAY MINETTE, Ala. — A Circuit Court jury on Friday awarded what is believed to be the largest medical malpractice judgment ever presented in Baldwin County at \$5.5 million.

After hearing two weeks of testimony, the jury ruled in favor of Amanda Ard, 9, of Summerdale, and her parents, Jeff and Annette Ard, and against Dr. William Williston, who at the time was an anesthesiologist at South Baldwin Hospital in Foley.

The jury awarded \$4.5 million to the child and \$1 million to her family, according to attorney James Yance. Yance and attorney Robert Cunningham Jr. represented the Ards in the lawsuit.

Yance said Amanda received permanent brain damage and is now blind and functioning at the level of a 3- to 4-month-old child because she did not receive enough oxygen during an operation performed when she was 4 years old.

The Ards' attorneys contended that the girl received less than half the oxygen she should have during a routine appendectomy operation.

Yance said the lack of oxygen was not noticed by Williston during the operation. He said it was only when the sheets covering the girl were removed following surgery that nurses saw the child was "cyanotic," meaning that her skin had turned blue due to the lack of oxygen.

"Shortly thereafter she went into cardiac arrest," Yance said. "Resuscitation efforts were begun and they were able to get her heart going again but permanent brain damage had already occurred."

He said she now requires total supervision and medical care and has been hospitalized several times since the incident as a result of her brain injury.

Yance said he felt the \$5.5 million award was "consistent with the damages we proved in the case. We had put on evidence of the cost of her future medical care and contracted care.

"I think we are satisfied with the verdict and felt the jury had done a good job. It was a tragic case and the Ards are a real fine family," he said.

Williston's attorneys will have 30 days to file a request for a new trial with Presiding Circuit Court Judge Charles Partin if they wish to contest the award.