



Hospitals, Care Givers Pay \$7.4M in Suit Over Beaten Child's Treatment

An Essex County judge approved a \$7.4 million settlement Wednesday with two hospitals and their staff members for negligent treatment of an infant victim of child abuse.

The suit, *Escobar v. Newark Beth Israel Medical Center*, was brought on behalf of Jadiel Velesquez, now 4, of Jersey City, who on July 16, 2009, when he was four months old, endured a severe beating by his father that left him with brain damage. The suit claimed the beating was the result of negligence by the defendant hospitals, which had treated the child on two prior occasions of suspected abuse.

On May 28, 2009, a Division of Youth and Family Services employee brought Jadiel to Newark Beth Israel Medical Center for an evaluation of child abuse reported by his maternal grandmother. The treating doctor, Felix Amaefuna, noticing the child was bleeding from the blood vessels

of both eyes, with bruises on both sides of the face, ordered a series of X-rays of the entire body and a CT scan of the head. Amaefuna reported the CT findings as negative and discharged Jadiel on the same day with a diagnosis of "suspected child abuse." However, two radiologists reviewing the CT results found fluid on the brain.

Three weeks later, Jadiel's parents brought him, bleeding from the mouth, to Overlook Medical Center's Union Campus. Attending physician Herschel Kupfer diagnosed a lacerated frenum, the tissue connecting the tongue to the floor of the mouth. The hospital discharged Jadiel, noting the parents' explanation that he sustained an injury when his father tried to put a bottle in his mouth.

After the July 16, 2009, beating, Jadiel was taken from his parents and placed with his grandmother. The father was arrested and

convicted of aggravated assault and child cruelty.

The case was settled after mediation with former Judge **Eugene Codey**.

Amaefuna and Beth Israel paid \$4.5 million. Radiologist Suzanne Aquino and her employer, Nighthawk Radiology Services, paid \$475,000. Radiologist Jeffrey Lautin and his employer, Newark Diagnostic Radiologists, paid \$750,000. Kupfer and his employer, Emergency Medical Associates, paid \$1.19 million. Overlook and nurses Gina Ocasio and Glenna Valdez paid \$560,000.

Superior Court Judge **James Rothschild** gave final approval on May 29 and awarded \$1,769,374 in fees and \$139,169 in expenses to plaintiff lawyer **David Mazie** of **Mazie, Slater, Katz & Freeman** in Roseland.

— By Charles Toutant