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CONTACT: Jacqui Sisto
850-224-9403

Press Release

Family Recognized by Florida Justice Association

After Medical Trauma to Their Unborn Child Motivates Hagan Family to Give Back

Tampa, FL. (June, 2008) – Jim & Suzanne Hagen of Cocoa Beach, Florida know first hand how difficult it is to prosecute claims of medical negligence in the State of Florida and the value of organizations that provide advocacy for those rights. The Hagens recently settled a prolonged court battle seeking to prove medical negligence resulting from experimental pre-natal surgery that caused their child to be born with severe disabilities. Now, the Hagen family wants to help preserve that right to seek justice for other victims and families. At its annual convention in Orlando, The Florida Justice Association (FJA) recognized the Hagen family as Citizen *EAGLE* Members. The award is presented to those private citizens who understand and support the protection of individual's rights under Florida's civil justice system.

The heartfelt circumstances that motivated this donation started in the spring of 2001 when the Hagens were expecting their fourth child. Early in the pregnancy, their child developed a sacrococcygeal teratoma (SCT), a tumor located at the base of the spine that is usually benign. The most common treatment is to monitor the fetus, deliver the baby by caesarean, and surgically remove the SCT after birth. However, a possible complication is that the tumor may grow to such a large size that it commands too much blood from the baby, thereby causing congestive heart failure.

As a precaution, the Hagens were referred to a renowned hospital in Tampa for a second opinion. After testing, a prominent surgeon in the Fetal Therapy Department advised the couple that even though the baby did not demonstrate end-stage heart failure (hydrops), their baby was likely to die or be born prematurely.

The Hagens were offered a number of endoscopic surgical treatments designed to stop the flow of blood to the tumor. The consent form for the surgery indicated that the doctor had performed the surgery one time before and that although successful, the baby had died of anemia 24 hours later. Trusting the reputation of both the physician and the hospital, the Hagens consented to the experimental surgeries that they believed would give their baby the best chance for a healthy birth. Because the surgery was classified as experimental, they were required to pay \$17,000 in advance to the hospital, exhausting their financial resources.

The surgeries were performed in October and November of 2001. However, something went terribly wrong. Hope Hagen was born prematurely at 28 weeks with severe organ damage due to a lack of blood supply that resulted in nerve, bladder, motor and visual damage as well as cerebral palsy.

The resulting investigation revealed that unusual and unauthorized procedures had been performed on the child. During the first procedure, the surgeon had employed the use of thrombogenic (clotting) coils (not used in the previous surgery) to block the blood flow to the tumor. It was also revealed that absolute alcohol had been introduced into the baby's blood vessels with the intent of clotting the vessels supplying blood to the SCT. However, the alcohol found its way into the fetus causing a cardiac emergency that lasted 20 minutes and resulted in hypoxic brain damage, according to plaintiffs' experts. The Hagens were never notified of the potential seriousness of either of these incidents and agreed to more treatments. Ultimately, the surgeon ruptured the uterine membrane during another procedure, thus causing the premature birth.

After removal of the SCT, a post-natal x-ray taken of Hope revealed that a thrombogenic coil had been placed outside of the SCT, according to the plaintiffs' experts. It appeared that the doctor had stopped the blood flowing into the healthy parts of the baby.

In December of 2003, the couple retained Gunn Law Group of Tampa, Florida, to prosecute their case. The investigation revealed that during the doctor's first surgery done on the baby who supposedly died of anemia, he had actually nicked the SCT and the baby had bled to death during the operation.

Because the Hagen's retention of a lawyer was after the 2003 Florida medical malpractice reforms, a statute limiting the damage awards to \$500,000 for medical practitioners minimized their non-economic damages. After several years of litigation, the Hagens were recently paid compensatory damages in a confidential financial settlement. The surgeon agreed to a non-confidential settlement of the punitive damage claim by paying \$100,000.

After learning about the FJA from their attorney, Lee D. Gunn IV, the Hagen family wanted to do their part in supporting an organization that provides education and advocacy for the maintenance of the rights of Florida's families to have full justice and accountability in the health care system. "We were sincerely fortunate to have an outstanding law firm successfully guide us through the many challenging legal obstacles we faced in our pursuit of justice for our daughter Hope," said Suzanne Hagen. "We were astonished to find that the State of Florida had intervened to support the caps that would limit our daughter's rights. After years of litigation against the doctor and hospital, we did not expect to also have to litigate against our own state! We appreciate the efforts of FJA to bring a level playing field to the court system for Floridians, especially for the rights of children".

About the Florida Justice Association: The Florida Justice Association's goals are to strengthen and uphold Florida's civil justice system and protect the rights of Florida's citizens and consumers. The FJA accomplishes this by working in the legislative, political and public arenas to ensure that Floridians know and understand the importance of their rights to justice and ensure these rights are safeguarded and protected. www.floridajusticeassociation.org

About Gunn Law Group: Gunn Law Group is a Tampa-based plaintiff's law firm whose practice is focused on representing clients who have been harmed due to no fault of their own. The specialty firm concentrates its legal practice on only the most serious cases involving personal injury, insurance claims coverage, and insurance bad faith, medical malpractice, and products liability. www.gunnlawgroup.com

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