



Written by [Raven Clabough](#) on September 20, 2011

Couple Wins “Wrongful Birth” Lawsuit

A couple from West Palm Beach, Florida, has just been awarded \$4.5 million in a “wrongful birth” suit against a doctor and an ultrasound technician. The couple charged that the medical professionals were negligent because had they told them that their unborn child was severely disabled, without arms and with only one leg, they would have aborted the baby.



Ana Mejia and Rodolfo Santana sued Dr. Marie Morel and her ultrasound technician for a staggering \$9 million, estimated to cover the child’s expenses for the next 70 years. Mejia and Santana alleged that the doctor should have been able to see the baby’s disabilities during the ultrasounds.

The jury, consisting of four men and two women, agreed that the doctor and ultrasound technician failed to properly read the sonograms. They determined that the doctor was 85 percent negligent and the technician was 15 percent negligent.

PalmBeachPost.com [writes](#):

[The parents] claimed they would have never have brought Bryan into the world had they known about his horrific disabilities. Had Morel and technicians at OB/GYN Specialists of the Palm Beaches and Perinatal Specialists of the Palm Beaches properly administered two ultrasounds and seen he was missing three limbs, the West Palm Beach couple said they would have terminated the pregnancy.

However, Mark Rosen, the attorney representing Dr. Morel and the responsible clinics, contends that the couple had refused an amniocentesis, which could have helped to predict the baby’s problems before his birth. Rosen said, “There is nothing Dr. Morel wants more than for Bryan Santana to have a happy, healthy life. That doesn’t mean they’re responsible. Is it fair to blame physicians for acts of nature?”

The couple indicated that they had rejected the amniocentesis because they were told that there was a one in 500 chance that removing amniotic fluid for testing could cause a miscarriage.

Still, Wesley Smith, a senior fellow at the Discovery Institute, [contends](#) that the couple should not have been permitted to proceed with the “wrongful birth” lawsuits because he asserts that “they deny the equal value of every born human life and as such, undermine universal human equality.” He adds that such lawsuits “undermine the important principle that we should love all children unconditionally regardless of their health and capacities, and would promote eugenic abortion if doctors feared failing to make a proper prenatal diagnosis could lead to financial consequences.”

The controversial suit has prompted many analysts to [weigh in](#) on the debate.



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Andrew Marra of the *Palm Beach Post* wrote:

Bryan's parents are understandably upset that they had no warning about the issues that awaited him. The problem with their lawsuit is its premise that their son is more flawed or somehow worse than a person with four fully formed limbs.

Despite his considerable deformities, there is no reason to assume that Bryan cannot lead a fulfilling and productive life...Certainly, Bryan will face challenges that few have to consider, and that is tragic. Whether these obstacles mean his life is not worth living should be up to him to decide, not to Ms. Mejia and a jury of her peers.

Taking a very different position is Jac Wilder VerSteege, also of the *Palm Beach Post*:

Doctors and other health care providers are in the business of informing pregnant women about the development of the fetus and child. Important decisions depend on the quality of the health care they provide. In some cases, they can provide information that ensures the child is born healthy or to protect the mother's health. In some cases, their findings will lead women to decide that the child, if carried to term, would not have a good quality of life.

If doctors and other health care providers do not provide the accurate, timely information their patient needs, then they should be responsible for the consequences.

Likewise, the *Post* includes a non-scientific poll, wherein site visitors can vote on whether they believe a "wrongful life" lawsuit is morally justified. As of 9:30 this morning, 75 percent of visitors voted no, while 25 percent voted yes.

Though the couple did win the case, they walked away with just half the amount requested. Still, they felt overwhelmed with joy, asserting that the money will be of great assistance to their son.

"I have no words," said Mejia after learning she had won the case.



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