

# Hospital pays \$100,000 over baby tragedy

## Give me justice for Phoebe



**Heartbreaking:** Carolyn Thomas with daughter Phoebe's ashes. Picture: TONY GOUGH

### SUE HEWITT

A MELBOURNE hospital has made a secret payout in a legal settlement, believed to be about \$100,000, to a woman who delivered her daughter stillborn in a corridor.

The woman claimed the hospital and doctors failed to perform a caesarean despite detecting the unborn child was in distress and that her temperature had hit almost 40 degrees.

Carolyn Thomas said the confidential payout did not ease the pain caused by the stillbirth of Phoebe in 2007.

"I want to know the reason why my daughter, Phoebe, is not celebrating her second birthday next Tuesday," she said.

"Until the day I die, I will not forgive what happened to Phoebe."

The Werribee Mercy Hospital — which employed Dr Claude Calandra, who treated Ms Thomas, and Ms Thomas' obstetrician, Dr Guiseppe Garra — made an out-of-court settlement over the stillbirth during the week.

Mrs Thomas received a confidential payment, but none of the parties admitted any liability.

Mrs Thomas and her lawyer refused to comment on the amount, but legal experts estimated her pain and suffering to be between \$80,000 and \$100,000.

"It's never been about money. But I will never get justice for my daughter because of the way the legal system works," Mrs Thomas said.

She said she could not afford to pursue the case

### TIMELINE OF GRIEF

**CAROLYN** Thomas was admitted to hospital on the morning of Thursday, July 5, 2007.

**DR Garra** induced labour which started that night.

**THE** next day, the baby's heartbeat became erratic, but Dr Garra ordered staff to discontinue readings.

**FRIDAY** night the mother's temperature shot to almost 40 degrees. Mrs Thomas should have had an emergency caesarean, but Dr Calandra and Dr Garra left her until the early hours of Saturday, July 7.

**BY** the time Mrs Thomas was prepared for theatre, the baby's heartbeat had stopped.

**SHE** delivered the baby stillborn in the corridor outside theatre at 3.10am on Saturday, July 7, 2007.

**SOURCE:** Carolyn Thomas' allegations in her Supreme Court statement of claim.

further through the courts, but had lodged complaints against Dr Calandra and Dr Garra with the Medical Practitioners' Board.

Mrs Thomas had desperately wanted a fourth child and, though she was only 28 at the time, was suffering menopause.

She undertook fertility treatment and fell pregnant.

She was admitted to hospital on Thursday July 5, 2007, to be induced, according to a statement of claim lodged with the Supreme Court.

But when the baby became distressed and Mrs Thomas'

temperature soared, doctors allegedly failed to give her a caesarean, court documents say.

On Saturday July 7, 2007 at 3.10am, Mrs Thomas delivered the stillborn baby in the corridor outside theatre.

"They had prepared me for theatre and we were hoping Phoebe was still alive," Mrs Thomas said at her Werribee home.

"But instead of taking me to theatre they took me to radiology, took an ultrasound and pronounced Phoebe dead.

"Then they wheeled me away to theatre, but I never made it and gave birth naturally in front of so many people I could have sold tickets."

Mrs Thomas' lawyer, Anne Shortall, of Arnold Thomas Becker, said cases involving stillbirths "are some of the saddest cases that I have dealt with."

"It is tragic to go through a pregnancy surrounded by family and friends who are excited to see a new baby and be in hospital with mothers who have their tiny new babies, and then deal with the death of your child," she said.

"No wonder Carolyn suffered such significant trauma as a result of Phoebe's death.

"Carolyn doesn't want any other mother to go through what has happened to her."

Mrs Thomas, 32, and her husband Stewart Geering, 34, are now expecting another child.

Dr Garra declined to comment.

A spokesman for the hospital and Dr Calandra declined to comment except to offer "heartfelt sympathies".

Wendy Hargreaves,  
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