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Injured tot, family to get \$4.5 million
The county settles with an Antioch woman and her child to cover the family's future medical expenses

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MARTINEZ — An Antioch woman and her daughter will receive \$4.5 million to settle a lawsuit against Contra Costa County and its medical center.

Aaryah Saxton-Lucas suffered severe brain injuries when she was born at Contra Costa County Regional Medical Center in September 1998. Her mother, Elizabeth Saxton, sued the county, which earlier this year acknowledged its liability.

Aaryah, now 2½ years old, will need 24-hour medical care for the rest of her life. The 4.5 million will pay for that care, said Saxton's attorney, Bruce Fagel.

The county will pay approximately \$420,000 toward the settlement, said Ron Harvey, the county's risk manager. The Board of Supervisors approved that amount, essentially its insurance deductible. The rest will come from the county's carrier, Reliance Insurance.

Saxton entered the county hospital in Martinez on Sept. 24, 1998. According to Fagel, a medical resident performed an unnecessary procedure that deprived her fetus of oxygen. Aaryah was born Sept. 25 and spent a month and a half in intensive care.

"We were able to figure out from the medical records alone what happened," Fagel said. "It's unfortunate it took two years to get to this point."

The county admitted its responsibility for the incident, which is an unusual step before a trial, said Tom Manning, the Danville attorney who represented the county.

"In this case there's an admission of liability because that's what happened," he said.

In general with such cases, both the county and the insurance company have to approve any admission of liability, said Greg Harvey, assistant county counsel. He declined to comment on the specifics of the case.

Most of the \$4.5 million will go into a trust fund for Aaryah's future medical expenses, Fagel said. Part of it will be used to pay other costs her parents have incurred.

"This was a very unusual case from the standpoint that the injury was as severe as it was but to have a life expectancy that's as high as it is," said Manning, who added that Aaryah Saxton-Lewis is expected to live several decades. "That's why the (monetary) number is as high as it is."

A Contra Costa Superior Court judge is scheduled to review the settlement today for final approval, Manning said.

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