Verdicts & Settlements

Tyler Amezquita Aispuro, et al. v. Los Angeles County (25MCV00879)

Los Angeles County Superior Court

26-JV_147572

TOPIC: Medical

SUB TOPIC: Malpractice

FURTHER DESCRIPTION: Birth Injury

Settlement: $20,000,000

JUDGE:
Elizabeth L. Bradley

ATTORNEYS:
Plaintiff:
Bruce G. Fagel (Law Office of Bruce G. Fagel & Associates)

Defendant:
Kelly L. Kiseskey (David Weiss Law)
David J. Weiss (David Weiss Law)
Narbeh Bagdasarian (Office of the Los Angeles County Counsel)

EXPERTS:
Plaintiff:
Peter Formuzis Ph.D. (economics)
Michael Martinez RN, MSN (life care planning)
Terrence D. Sanger M.D., Ph.D. (pediatric neurology)
Defendant:
Gustavo Madera Esq. (costs in Mexico)
Scott J. Kush M.D. (life expectancy)
Amy M. Sutton BSN, Ph.D. (life care planning)
Constantine M. Boukidis (economics)
Kimberly K. BeDell M.D. (pediatric rehabilitation)
Mary Kay Dyes M.D. (child neurology)

FACTS: Minor plaintiff Tyler Aispuro was born on Oct 29, 2024 at Harbor/UCLA Medical Center which is owned and operated by Los Angeles County Dept. of Health Services. Tyler's parents live, own a home, and work in Culiacan, Mexico were mother is a psychologist and father is a federal police officer. Due concern about crime and safety, mother came to Los Angeles in September 2024 for delivery. She had further pre-natal care at a Los Angeles County clinic and was told go to Harbor/UCLA Medical Center for delivery. There were no prenatal problems or complications.

On Oct 28, 2024 at 38+ weeks of gestation, mother was admitted for induction of labor and possible version of breech. However, fetus turned on his own without the need for a version. Over the next 39 hours, mother was cared for by three different attending OB's and six different OB residents and multiple OB nurses. On Oct. 29 at 8:37 a.m., mother had progressed to 5 cm/60%/-3. There were multiple decelerations on the fetal monitor over the next several hours, and at 10:28 a.m., mother was taken to OR for c-section and given Terbutaline. In the OR, the 4th year OB resident decided that FMS had improved and c-section was not longer required. Mother was taken back to L&D room where Pitocin was started and increased. Mother progressed to 8 cm/80%/-3 by 3 p.m., but intermittent late decelerations continued. By 7 p.m. change of shift for OB attending doctors, mother had progressed to 9 cm/90%/-2. However, mother had only progressed to 9.5 cm by 11:10 p.m. while FMS continued to show recurrent late decelerations. At 11:29 p.m., mother was taken into OR where FMS showed prolonged late and recurring late decelerations. Baby was delivered by emergency c-section at 11:34 p.m. with Apgar scores of 1, 1, 1, 6 and cord arterial blood gas pH 6.85 and BE - 29.2 and diagnosed with severe HIE. MRI after brain cooling showed acute infarcts in basal ganglia and thalami consistent with HIE. Plaintiff was discharged from hospital on Dec. 5, 2024 and parents returned to Mexico where child lives currently, although he comes to Los Angeles every four months to see pediatrician to able to get Baclofin which is not available in Mexico.

After delivery but before discharge mother filed a complaint with the hospital where she stated that she had continually asked for a c-section on Oct. 29, but the remote translation service did not accurately translate her wishes to the doctors

Plaintiff suffered spastic quadriparetic cerebral palsy with dystonia with severe developmental delay requiring g-tube feeding and 24 hour care.

OTHER INFORMATION: Priority trial date was June 22, 2026. Defendant did not name any liability experts, but did name six damages experts. Plaintiff contended that all medical care should be based on costs in Los Angeles because plaintiff was a U.S. citizen by birth and parents wanted him to live with aunt in Los Angeles to receive better care than available in Mexico. Defendant claimed that all medical care should be based on costs in Mexico where parents live and work. Plaintiff claimed survival to age 50 possible with excellent care. Defense claims life expectancy to age 20 based on medical literature studies involving children with cerebral palsy.

All expert depositions were taken prior to FSC on June 12, 2026. At FSC priority trial date was confirmed with motions in limine hearing set for June 15, then continued to June 18 where defendant confirmed admission of liability and also claimed it would pay "full MICRA" non-economic damages for both mother and child, so only issue for jury would be economic damages for child. Court gave tentative ruling on motion in limine that loss of future earnings capacity should be based on amounts in U.S. since minor is a U.S. citizen and as an adult, if not injured, he could come to U.S. and work. Only remaining issue for jury would be costs of future medical care and life expectancy. Judge Bradley moved trial date to Aug 3, 2026 and ordered both parties to MSC with Judge Ruth Kwan in Mosk Dept 534 for June 25. At MSC Judge Kwan ordered defendant to have all decision makers for case appear in person for further MSC on July 6. At the further MSC the defendant County agreed to a stipulated judgment for $20.0 million and further agreed to obtain County Board approval within 3 months, and if not obtained then post-judgment interest would attach at 7% per year.

MEDICAL COSTS: $243,850 MediCal lien

FUTURE MEDICAL_COSTS: Future Meds: Defense claimed $1,466,223 for 20 years living expenses in Mexico, plaintiff claimed $17,575,623 for 20 years living expenses in U.S.

SETTLEMENT DISCUSSIONS: During the mediation held on April 6, 2026, before Jay Horton, Esq., the defendant, Los Angeles County, indicated that it would admit liability for the plaintiff's injuries. Additionally, they have made a settlement offer of $750,000.

RESULT: Case settled for $20 million.