

The Birmingham News

al! www.al.com

Saturday, October 24, 2009 ♦ Our 122nd year

30¢ home delivery ♦ 75¢ newsstand

St. Vincent's settles suits over fetal remains

By ANNA VELASCO
News staff writer

Parents who sued St. Vincent's Birmingham over the handling of their miscarried fetuses have settled the five lawsuits pending against the Catholic hospital.

The trial in the first of the five cases had been set to begin next week in Jefferson County

Circuit Court.

Terms of the settlements are confidential. Final details of the individual settlements have yet to be worked out, but lawyers assured Circuit Court Judge Robert Vance on Friday that deals have been reached.

"I think both sides are glad to put the matter behind us," said

See FETUSES | Page 2A

FETUSES: Cremation was an issue

From Page 1A

David Marsh, a lawyer for the parents.

Marsh said that after the details are worked out over the next 30 days, he will submit a motion for Vance to dismiss the five cases with prejudice, meaning they cannot be brought back later.

The case of Wendy and Kyle Wadley was set for trial Monday, five years after the lawsuit was filed. The Wadleys sued St. Vincent's and Cunningham Pathology for performing what they said was an unauthorized autopsy on their baby, miscarried in 2000 at the hospital after 18 weeks of pregnancy.

The couple also sued because the remains were stored in something akin to a picnic cooler for about 18 months, with 19 other fetuses, before cremation, according to court records.

The Wadleys' suit alleged fraud and reckless and wrongful handling of a dead body and sought damages for mental anguish. To prove what they believed was a pattern of fraud at the hospital, the Wadleys' lawyers asked for and won access to medical records of all of the other fetuses stored with the couple's.

Four other lawsuits were filed against St. Vincent's after those families were alerted to the situation. Those cases were against St. Vincent's only, not Cunningham Pathology, and they involved the delayed cremation of fetal remains.

E-MAIL: avelasco@bhamnews.com