

## **BABY DOE, A MINOR vs. THE UNITED STATES OF AMERICA**

Baby Doe was born in an Okinawa, Japan, U.S. Naval Hospital during her father's naval assignment. She was born profoundly brain injured and the parents suspected negligence on the part of the military physicians. When they returned to Jacksonville, they sought legal representation to no avail. They were referred to our firm. At the time, case law suggested a Federal Tort Claims Act case could be brought in the United States. However, a United States Supreme Court case quickly ended that possibility. Cal Warriner, experienced with Federal Tort Claims malpractice cases, sought help in the Military Claims Act of the United States Code. On it's face, the act seemed to provide only administrative remedies, offered no potential for appeal and seemed to limit recovery to \$25,000. Research indicated, however, that the administrative remedy could be fruitful and that the government paid little attention to the \$25,000 limitation. The claim was prepared and presented following all governmental rules and regulations. After two and one-half years of consideration, the government paid \$1 million to settle the claim. ■