



**JURY VERDICT REPORTER**

**Settlements by Category**

February 25, 2011  
February 2011 (Issue f)  
Volume SCCC

1-A TO 1-L AUTO COLLISIONS (Total 55 cases, \$42,404,089; average \$770,983)

- \$3,065,000 (SCCC f/1) 09L-3630 Attys Jeffrey J. Kroll and J. Patrick White and Stephen B. Diamond. December 30, 2008 deft failed to obey a stop sign on Park Ave. at Division St., River Forest, and struck M-38 police officer's vehicle as he responded to an armed robbery (left ankle and tibial plateau fractures, \$202,084 medl., \$80,000 LT per year). Pltf is unable to return to work as a police officer but deft argued he is employable in several other occupations. Deft also alleged she stopped at the stop sign and that pltf was traveling at an excessively high rate of speed. Paid by State Farm.
- \$1,000,000 (SCCC f/2) 06L-10338 Attys Richard L. Pullano and Mathew T. Siporin. September 15, 2006 a police squad car ran a red light at 15th St. and North Ave., Melrose Park, during the pursuit of a stolen vehicle and struck F-39's vehicle (multiple pelvis and rib fractures, spleen and liver lacerations, and ongoing pelvic pain requiring implantation of spinal cord stimulator, \$121,729 medl., \$9,170 LT as account executive). Pltf alleged the chase was not authorized and deft was willful and wanton in running a red light at speeds greatly exceeding the speed limit. Deft argued no other cars but pltf's proceeded into the intersection on the green light because the squad car had its lights and sirens activated. Paid by Scottsdale for the Village of Melrose Park.
- \$850,000 (SCCC f/3) 07L-2567 Atty Vincent J. Petrosino. April 12, 2005 deft rear-ended the vehicle in which M-42 was a passenger on southbound I-294 while driving drunk (right torn rotator cuff with surgery, right torn meniscus with surgery, right wrist nerve injury, and traumatic carpal tunnel with surgery, \$104,478 medl., \$70,828 LT as IDOT employee). Paid by State Farm. Workers' comp lien also waived.
- \$750,000 (SCCC f/4) 09L-14199 Atty Christopher J. Johnson. January 7, 2009 deft's driver skidded on snow and ice at a Shell service station in Mokena and struck M-34's vehicle from behind (C4-C5 and C5-C6 radiculopathy with discectomy and fusion, \$229,226 medl., \$45,178 LT as truck driver). Pltf's early medical records indicated he had neck pain from a gun shot wound. Paid by Progressive on behalf of Taylor Transport Service Company.
- \$600,000 (SCCC f/5) 08L-10568 Atty Christopher M. Norem. November 1, 2006 deft's truck driver rear-ended the vehicle in which M-53 was a passenger at low speed on I-294 near I-80. The only damage to pltf's vehicle was a cracked plastic bumper cover. Pltf claimed aggravation of degenerative disc disease and/or disc tears, requiring 2-level cervical and 1-level lumbar fusion (\$436,072 medl. - disputed). Deft retained a biomedical expert who claimed the impact forces were too small to damage pltf's spine. Paid by Manitoba Public Insurance for Keystone Western.
- \$485,000 (SCCC f/6) 08L-441 (IL, Lake 19th Jud Cir) Atty Tara R. Devine. February 7, 2007 southbound deft turned left from Route 53 onto Schaeffer Road and struck M-45's northbound vehicle (aggravation of asymptomatic lumbosacral degenerative condition, causing it to become symptomatic and require L5-S1 fusion and physical therapy, \$210,143 medl. expense). Paid by Allstate.
- \$350,000 (SCCC f/7) 09L-385 (IL, McHenry 22nd Jud Cir) Atty John J. Driscoll. February 6, 2009 deft rear-ended vehicle in which F-60 was a passenger at Siedschlag Road and Route 173, Spring Grove (herniated cervical disc with fusion, \$242,000 medl. expense). State Farm paid \$250,000 for deft and Auto Owners paid \$100,000 for pltf's driver.
- \$215,000 (SCCC f/8) 10L-5582 Atty Mario C. Palermo. August 14, 2009 deft ran a red light at Peterson and Jersey Ave., causing collision with F-76's vehicle (fractured sternum, rib fractures, and aggravation of pre-existing COPD, \$115,618 medl. expense). Paid by Farmers.
- \$147,000 (SCCC f/9) 08L-5533 Atty Samuel A. Kavathas, Jr.. February 1, 2008 deft's bus driver moved into F-28's lane on I-94 near 95th St., causing her to lose control of her vehicle and strike the median (ankle fracture with surgery, \$8,000 medl., \$2,000 LT as temporary employee at AT&T). The bus driver claimed pltf changed lanes but an eyewitness who could not wait for police supported pltf's version. A state police officer contacted the witness several weeks later, then issued tickets to pltf for improperly changing lanes, although he admitted he would have ticketed the bus driver if he had spoken to the witness at the scene. Paid by Lincoln General for REK Travel.

1-O BICYCLES (Total 7 cases, \$3,359,885; average \$479,984)

- \$800,000 (SCCC f/10) 07L-14356 Attys Matthew L. Williams and Patrick A. Salvi, II. October 27, 2007 deft opened the door of a Samson Chicagoland Moving & Storage moving van in front of M-43 bicyclist at Clark and Foster, causing him to veer into traffic and be struck by Betvel Enriquez's van (fractures to ribs, L1, L2, ankle, scapula and sternum, pneumothorax, hemothroax, respiratory distress, pulmonary contusion, spleen and lung lacerations, deep vein thrombosis, and multiple infections during 5 week hospital stay, \$300,000 medl. expense). Pltf has residual ankle problems. American Service paid \$660,000 for Samson Movers; American Access paid \$20,000 for Enriquez; and Capitol Indemnity paid \$120,000 for Creative Designs Management (Enriquez's employer).
- \$132,885 (SCCC f/11) 09L-12187 Atty Matthew L. Willens. June 20, 2009 deft turned right from North Ave. onto Orchard in front of M-31 bicyclist who was riding on the sidewalk, causing pltf to run into the passenger side of deft's vehicle (deviated septum with surgery, \$45,173 medl. expense). Paid by State Farm.

3-A TO 3-B PEDESTRIANS (Total 10 cases, \$4,550,000; average \$455,000)

- \$1,200,000 (SCCC f/12) 06L-4162 Atty John R. Malkinson. June 7, 2004 Robert Dingels, a construction foreman for Centex Real Estate, was traveling westbound in the eastbound lane of a Plainfield residential subdivision road and struck F-40 flooring subcontractor as she started to cross the street from behind her work vehicle (C5-C6 herniation with fusion and predisposition to accelerated arthritic changes and other herniated discs, and aggravation of lumbar condition). On October 27, 2006, Carole Anderson rear-ended pltf at 5 mph while she was stopped at a stop sign in Burlington (C6-C7 herniation with C4-C7 fusion, \$148,362 past and \$140,000 disputed future medl. expense). Pltf was unable to return to work as a flooring installer after first accident (disputed). Progressive paid \$100,000 policy for Dingels; Twin City Fire paid \$875,000 for Centex; Safeco and MetLife Auto & Home paid \$225,000 for Anderson. Workers' comp lien also reduced by \$139,000. Case consolidated with 07L-7412.
- \$100,000 (SCCC f/13) No Suit Filed (IL, Will 12th Jud Cir) Atty E. Kent Ayers. March 19, 2010 deft backed her vehicle into M-63 as he was loading his trunk with groceries in New Lenox (right medial and lateral meniscus tears and ACL tear, \$33,243 medl. expense). Hartford paid policy limits.
- \$100,000 (SCCC f/14) 02L-7597 Attys Steven B. Muslin and Craig M. Sandberg. March 3, 2001 deft turned left from northbound LaSalle onto westbound Ontario and struck F-43 in the crosswalk (right proximal fibula avulsion fracture and anterior cruciate ligament tear with right knee arthrotomy, peroneal nerve decompression, and arthroscopy, \$75,750 medl., \$14,805 LT). Allstate paid policy.

5. TO 6. FELA/WORK INJURIES (Total 13 cases, \$18,637,500; average \$1,433,654)

- \$3,000,000 (SCCC f/15) 09L-1 (IL, Saline 1st Jud Cir) Attys Troy E. Walton and Ronald J. Foster, Jr.. May 24, 2007 M-28 was helping unload mine roof supports weighing 12 tons with the use of a duckbill shield mover at the Galatia mine when a shield suddenly shifted after he unhooked it from the mover's winch and pinned pltf between it and a shield already resting on the ground. Pltf suffered transverse process fractures at L1-L3 (unoperated) and extensive damage to his internal organs, requiring gallbladder and spleen removal and removal of substantial portions of his pancreas and small and large intestines. He underwent multiple abdominal surgeries due to infections, had an open abdominal wound for two years, and was unable to eat for a year after the accident. Pltf also experienced emotional and psychological trauma (\$1,500,000 past and \$884,000 to \$1,094,000 future medl., \$100,000 past LT). Pltf cannot return to work. The Federal Mine Safety and Health Administration investigated and concluded deft should have been using chains in addition to the winch. Workers' comp lien of \$1,500,000 also waived. Paid by Lexington Insurance and excess carrier AIG for American Coal Company.
- \$275,000 (SCCC f/16) 07L-9457 Atty David J. Heyer, Jr.. May 25, 2006 M-44 mason fell 12 to 15 feet when the porch roof on which he was standing at a construction site at 7505 W. Forest Preserve Dr. collapsed (C6-C7 fracture dislocation requiring surgery and extensive physical therapy, \$249,279 medl. expense). There was only one 2x4 support under the porch and deft argued pltf had removed the second brace when doing brickwork on that portion of the house. Paid by Acuity for Banner Custom Homes.
- \$190,000 (SCCC f/17) 07L-7271 Atty Peter F. Higgins. September 28, 2005 deft failed to properly inspect and maintain the train tracks near St. Louis, causing a derailment. F-56 train attendant suffered torn knee cartilage and movement of a compressed disc at L4-L5 (med. bills paid by Amtrak, \$55,913 LT). Amtrak is self-insured.

7. TO 8. INVITEES (Total 14 cases, \$3,555,000; average \$253,929)

- \$325,000 (SCCC f/18) 10L-6998 Atty Kevin B. Apter. January 17, 2009 a concrete defect in the sidewalk and curbing at deft's shopping plaza at 7600 N. Carpenter, Skokie, caused M-76 to trip and suffer fractured right femur requiring fixation when he fell (\$80,000 medl., \$40,000 LT as pharmacist). Paid by Chubb for Developers Diversified Realty and DDRTC.
- \$70,000 (SCCC f/19) 09L-11520 Atty Timothy J. Deffet. February 4, 2009 deft put down pallets on the concrete walkway in her backyard, causing F-38 caregiver to fall and injure her left knee after it rained (anterior cruciate ligament tear with medial collateral ligament injury, three weeks physical therapy, and surgery recommended, \$3,500 medl. expense). Deft argued pltf had walked over the pallets before with no fall occurring. Paid by Allstate.
- \$35,000 (SCCC f/20) 09L-1905 Attys Dennis J. Kellogg and Grant P. Villanueva. December 2, 2007 deft's apartment complex did not have handrails on either side of the front steps as required by the Chicago Building Code, causing M-60 tenant to slip and fall on accumulated ice and snow (torn left quadriceps tendon with surgery, \$35,126 medl. expense). Court granted deft's summary judgment motion on all claims except the duty to provide a handrail and entered summary determination for pltf on that claim. Paid by Allstate.

9. STREET HAZARDS (Total 7 cases, \$5,225,000; average \$746,429)

- \$1,730,000 (SCCC f/21) 06L-537 (IL, Will 12th Jud Cir) Atty Michael J. Kedzie. August 21, 2005 subcontractor Dalton Brothers cut a four foot trench across 163rd St. near Cedar, Homer Glen, as part of a storm sewer installation and backfilled it with gravel which wore away over time, leaving a 6 to 8 inch depression on the roadway. M-54 motorcyclist attempted to stop but skidded out on the loose gravel and put his foot down to keep the bike from falling over (tibial plateau fracture with internal fixation, skin grafts, and multiple debridements due to infections, \$431,000 medl., \$500,000 LT as Sears executive - disputed due to unrelated pulmonary condition). Pltf continues to have knee arthritis and had to take a medical retirement from his job. Alea London paid \$1,000,000 policy for Tri-K Development, Homer Township Road District, and Village of Homer Glen; Tri-K paid an additional \$5,000; General Casualty paid \$720,000 for Dalton Brothers; and Grange paid \$5,000 for Alpine Asphalt Paving. This is the highest single vehicle motorcycle verdict or settlement reported from Will County in JVR records.
- \$225,000 (SCCC f/22) Confidential Atty Jeffrey E. Martin. September 2, 2008 F-79 tripped and fell on uneven sidewalk, suffering shoulder fracture with surgical insertion of shoulder prosthesis (\$55,842 medl. expense). Other residents had asked the deft municipality to repair sidewalks in the subdivision including this one and deft's employees failed to follow procedure of surveying surrounding areas to see if other sidewalks needed repair when they were sent to repair a sidewalk. Paid by Gallagher Bassett for deft village.

12. MEDICAL MALPRACTICE (Total 54 cases, \$118,935,000; average \$2,202,500)

- \$12,000,000 (SCCC f/23) Confidential Attys Joseph B. Ori and Mark P. Sutter. Allegedly, minor pltf sustained an anoxic brain injury due to deft's professional negligence. Settlement paid by undisclosed self-insured deft.
- \$8,000,000 (SCCC f/24) Confidential Attys Bruce R. Pfaff and Matthew D. Ports and William A. Vlasek. Deft anesthesiologist unsuccessfully attempted to intubate and ventilate F-52 for several minutes when she went into respiratory arrest after what were allegedly two small doses of sedative prior to thyroidectomy instead of asking the surgeon standing by to perform a tracheostomy. Pltf suffered massive brain damage and died eight days later (survived by husband who has since remarried and two adult children). ISMIE paid \$2,000,000 policy for anesthesiologist and the self-insured hospital paid \$6,000,000.
- \$5,300,000 (SCCC f/25) 07L-820 (IL, Du Page 18th Jud Cir) Attys Christopher T. Hurley and Michael T. Mertz. December 10, 2006 F-24 presented to the Central DuPage Hospital E/R with a sudden onset headache and right-sided numbness. Dr. Henry Echiverri, the co-director of the stroke team, recommended an MRI but radiologist Dr. Mark Kelly testified he did not review pltf's MRI because the MRI tech did not tell him it had been performed -- although the hospital computer system's logs show Dr. Kelly did view the MRI images. The next morning, an interventional neuroradiologist attempted to soften and remove pltf's clot but was unsuccessful and pltf died on December 27 without ever regaining consciousness (survived by husband and 2-year-old son). ISMIE paid \$3,000,000 for Dr. Kelly and Winfield Radiology Consultants; Pro National paid \$750,000 for Dr. Echiverri and Neuromed Clinic; and self-insured Central DuPage Hospital paid \$1,550,000.

- \$5,000,000 (SCCC f/26) 05L-9612 Attys Todd A. Smith and Kent M. Lucaccioni. January 21, 1998 baby boy was deemed neurologically sound after an uncomplicated delivery at Evanston Hospital but he began exhibiting clinical indications of a seizure when he arrived in the newborn nursery 1.5 hours later. A CT scan showed a linear skull fracture and subdural and subarachnoid blood; pltf remained hospitalized for two weeks and seizures continued despite medication. He now has cerebral palsy and requires 24 hour care. Pltf alleged one of deft's employees dropped him on his head. Paid by self-insured Evanston Northwestern.
- \$3,000,000 (SCCC f/27) 06L-4455 Atty James C. Harman. May 29, 2005 M-69 presented to the E/R with a perforated bowel 11 days after Dr. Pio Yanong performed colostomy closure procedure. Dr. Yanong was unavailable to come in for a surgical consultation and Dr. James Boffa, the on-call surgeon for E/R patients, refused to come in, claiming he was on call only for unassigned patients. The chief of surgery was also unavailable. Dr. Yanong agreed to come in while plans were being made to transfer pltf to another hospital, but the necessary surgery was not performed until 10 hours after pltf's admittance, causing his death on June 8, 2005 (survived by wife and 6 adult children). ISMIE paid \$1,500,000 for Dr. Yanong, Dr. Boffa and Boffa Surgical Group; ProClaim America paid \$750,000 for Dr. Nathan Arnold (E/R physician), Dr. Virendra Patel (who ordered surgical consult), and Diversified Emergency Services; and self-insured Saints Mary & Elizabeth Medical Center paid \$750,000.
- \$2,500,000 (SCCC f/28) Confidential Atty Scott D. Lane. In October 1999 deft internists failed to diagnose deep vein thrombosis when F-37, who was taking birth control pills, presented with pain behind her knee, instead diagnosing her with a pulled muscle without doing any testing. Pltf died a week later of pulmonary embolism (survived by husband of 4 years). Paid by confidential self-insured health care providers.
- \$950,000 (SCCC f/29) 09L-583 Atty James C. Harman. F-37 presented to Advocate Health Centers on January 2, January 8, January 14 and February 6, 2008 and called Advocate's office on January 25 and February 1, 2008 with complaints of shortness of breath, pain, and coughing but was diagnosed by a physician at each visit with a benign condition such as bronchitis. On February 17, 2008, pltf experienced severe shortness of breath and died of cardiac arrest and pulmonary embolism while being transported in an ambulance to the hospital (survived by husband and two teenaged daughters). Advocate is self-insured.
- \$675,000 (SCCC f/30) 04L-11454 Attys Steven B. Muslin and Craig M. Sandberg. In April 2001 pediatric endocrinologist Dr. Richard Levy diagnosed F-16 with hyperthyroidism and Graves' disease and prescribed propylthiouracil (PTU) without obtaining a baseline liver function test. In November 2001, pltf presented with jaundice and Dr. Levy discontinued PTU immediately. However, pltf had already sustained hepatocyte necrosis from the PTU toxicity and she underwent a liver transplant on December 25, 2001. She began rejecting the liver a few years later and died on December 14, 2005 at age 21 before receiving a second transplant (survived by mother and 2 sisters). ISMIS paid \$675,000 for Dr. Levy. Humana Health Plan also waived its \$93,441 lien.
- \$500,000 (SCCC f/31) 05L-14195 Attys Regina Picone Etherton and David W. Horan. January 9, 2004 M-51 died of a cardiac arrhythmia one day after visiting defts' office for cardiac symptoms (\$18,335 medl., \$14,084 funeral, \$596,605 LT as truck driver). Pltf had an extensive cardiac history and symptomatology, had smoked for all of his adult life, was obese, and didn't engage in regular physical activity but argued he should have been tested during the year before his death and should have had an automated implantable cardiac defibrillator (AICD) implanted. All expert witnesses agreed that pltf's life expectancy was less than 10 years. Paid by NCH Casualty on behalf of Dr. William Suhr and Northwest Cardio-Vascular Associates.

13. FINANCIAL MALPRACTICE (Total 1 case, \$1,100,000; average \$1,100,000)

- \$1,100,000 (SCCC f/32) Confidential Atty Scott D. Lane. M-33 sustained 2nd and 3rd degree burns to his face and body when his 1983 Toyota Cressida station wagon caught fire while he was passed out in it after his high school reunion. Deft attorneys failed to serve a complaint alleging a defective fuel system on Toyota with due diligence, so pltf's suit was dismissed. Pltf previously settled with Toyota for \$70,000 and with Marriott Hotel for \$200,000. Paid by ISBA Mutual.

16. BUSINESS (Total 4 cases, \$1,232,220; average \$308,055)

- \$22,220 (SCCC f/33) 10M1-187684 (IL Cook-1st Muni Civil) Atty Craig M. Sandberg. Pltfs tendered \$17,220 to defts as a down payment on a contract dated July 30, 2010 for remodeling work that was set to begin on August 23, 2010. After the work did not begin on August 23rd, pltfs made a written demand for return of their money on August 26th but deft failed to return it, therefore converting it. Daniel Mahaz d/b/a Daniel Mahaz's Remodeling and Mahaz Remodeling paid \$17,220 plus \$5,000 attorney's fees.



ILLINOIS

# JURY VERDICT REPORTER

## Settlements by Category

March 25, 2011  
 March 2011 (Issue g)  
 Volume SCCC

1-A TO 1-L AUTO COLLISIONS (Total 62 cases, \$53,929,089; average \$869,824)

- \$5,000,000 (SCCC g/1) 10L-14 (IL, La Salle 13th Jud Cir) Attys Robert J. Bingle and Thomas A. Demetrio. December 16, 2009 lawyer Richard J. Berry (57) was northbound on Route 23 near Streator when the driver of an eastbound semi-tractor trailer, who was hauling medical supplies for a hospital, allegedly ran his stop sign and slammed into Berry's car. Berry was killed (survived by his wife and 3 grown children). Paid by OSF Healthcare System Corp. and OSF St. Francis Inc. This settlement was the subject of a February 25, 2011 article in the Chicago Daily Law Bulletin.
- \$5,000,000 (SCCC g/2) 06L-6380 Attys Joseph D. Parente and Christopher M. Norem. March 17, 2006 (St. Patrick's Day) M-34 was stopped in a line of cars on Lake-Cook Road (Wheeling) when a company van driven by Gary W. Ericksen--who was legally intoxicated--slammed into him. Pltf sustained a lumbar herniation that required a single-level fusion, in addition to osteochondral and meniscal injuries to a knee that necessitated several arthroscopies (\$452,499 medl. expense; \$41,250 LT as a project manager/communications technician for Walgreen's). However, pltf recovered well, and returned to full-time work. Ericksen, a foreman sprinkler fitter employed by United States Fire Protection Inc., had just left a bar across the street from a jobsite and had driven only a mile before the crash occurred. Pltf charged that Ericksen had frequented the bar during work hours--and that his employer knew or should have known of his drinking, as well as a prior DUI. Prior to trial, Judge Lynn Egan granted pltf leave to seek punitive damages against both Ericksen and United States Fire Protection. Paid by Ace American Insurance (primary) and Chartis Insurance (excess).
- \$550,000 (SCCC g/3) No Suit Filed. (IL, Clinton 4th Jud Cir) Atty Richard J. Zalasky. August 27, 2009 pltf F-52 nurse was westbound on Otter Road in rural Clinton County when deft M-46, who was southbound on Old Trenton Road, drove through his stop sign. Pltf swerved to avoid a collision, and her car left the road and rolled over. Pltf cites an L3 burst fracture (surgery with hardware done), a torn lateral meniscus in her knee (arthroscopy required), and right shoulder pain (\$96,000 medl. expense; \$27,600 for 30 weeks LT). Post-op, the spinal hardware shifted, so more surgery may be needed. Pltf returned to work, but continued to suffer pain and functional limitations, particularly problems with bending/lifting, and weakness in the leg. Paid \$250,000 Metropolitan Life (primary) and \$300,000 Country Financial (excess).
- \$425,000 (SCCC g/4) 10C-341 (USDC IL NE) Atty David J. Heyer, Jr. October 9, 2009 pltf's Olds Alero, which was westbound on Route 137 (North Chicago) collided with defts' eastbound truck tractor when it left-turned onto northbound Route 43. F-53 sustained a right trimalleolar ankle fracture (open reduction with internal fixation--hardware removed in October 2010 due to peroneal tenosynovitis), plus a right thumb sprain for which conservative treatment failed (ulnar collateral ligament reconstruction done), and neck/back sprains and strains (\$150,433 medl. expense; \$9377 LT as a community mentor for court-ordered truant students). Paid by Great West Casualty.
- \$250,000 (SCCC g/5) 08L-14321 Atty William S. Wojcik. December 10, 2007 deft teenager ran a stop sign and broadsided M-62's vehicle on Central Ave. near 85th St. (Burbank) while driving home from high school. Pltf claimed detached retina in the left eye which was discovered six weeks after the collision. State Farm paid \$100,000 policy for deft and \$150,000 UIM coverage.
- \$150,000 (SCCC g/6) 07L-9147 Atty Marc E. McCallister. June 15, 2007 eastbound Lowell Shepard crossed the median on Route 72 (after a near collision with Suzanne Sievers when she entered the roadway from a private drive) and struck pltf's westbound vehicle head-on. F-20 cites aggravation of L5-S1 spondylolisthesis and mild C5-C6 herniations with conservative treatment and physical therapy (\$57,388 medl.). State Farm paid \$100,000 policy for Sievers and \$50,000 for Shepard.
- \$150,000 (SCCC g/7) 08L-175 Atty Regina Picone Etherton. January 15, 2006 deft rear-ended F-19 on N. Lincoln Ave. at Devon Ave., causing her to slide into the vehicle parked in front of her (myofascial pain syndrome and fibromyalgia--\$41,377 medl., \$62,400 LT). Pltf's treatment was inconsistent due to her inability to pay for it. Deft argued pltf caused the collision by slamming on her brakes and her injuries were due to her prior medical and social history. Paid by Liberty Mutual.

1-M MOTORCYCLES (Total 5 cases, \$2,885,000; average \$577,000)

- \$1,100,000 (SCCC g/8) No Suit Filed Atty Kevin G. Costello. April 26, 2010 M-54 motorcyclist pulled out from his driveway on Euclid Ave. (Rolling Meadows) fell off the bike when his tire slipped, and was getting back on and starting it up again when deft Angela Lollock struck him. He suffered patella and femur fractures, bilateral torn knee ligaments, and a separated shoulder—several knee and shoulder surgeries done (\$300,000 medl. expense). Lollock and deft Nicholas Eich were racing each other in the right lane on Euclid, but Eich swerved into the left lane, avoiding contact. State Farm paid \$1,000,000 for Lollock and Allstate paid its \$100,000 policy for Eich.
- \$125,000 (SCCC g/9) 06L-4002 Atty Craig M. Sandberg. May 8, 2004 M-30 was operating a friend's motorcycle on north Pulaski Road when deft, who was eastbound on Thomas Street, drove through his stop sign at Pulaski, causing a collision. Pltf sustained a displaced bimalleolar fracture of his left ankle (ORIF done—\$15,397 medl. expense; \$5694 LT). Paid by Farmers Insurance.

1-O BICYCLES (Total 9 cases, \$3,854,885; average \$428,321)

- \$425,000 (SCCC g/10) 08L-9462 Atty Thomas F. Tobin, III. September 19, 2007 unemployed M-52 was hit by defts' vehicle while riding his bike near California and Milwaukee (Chicago), and sustained a right tibial plateau fracture (\$159,000 medl. expense). Reportedly, pltf was a heroin addict with felony convictions, who had fractured the same body part in 2003. Paid by self-insured defts.
- \$70,000 (SCCC g/11) No Suit Filed. Atty Brendan H. Kevenides. M-24 was commuting to his Loop office on his bicycle via north Kingsbury Street when defts' taxi, which had been stopped along the curb, suddenly pulled out. Pltf sustained a fractured right clavicle during the June 3, 2010 incident (\$34,594 medl. expense; \$723 LT as a mechanical system designer). Paid by Ullico Casualty Insurance for Choice Taxi Association and its driver.

3-A TO 3-B PEDESTRIANS (Total 12 cases, \$5,680,000; average \$473,333)

- \$930,000 (SCCC g/12) 09L-9257 Atty John J. Driscoll. December 23, 2008 Albert Rubin struck F-32 pedestrian in a parking garage at 1350 E. Touhy, Des Plaines (L5-S1 herniation with fusion and hardware placed, and fractured tibia—\$286,000 medl. expense, \$27,000 LT as collection representative). State Farm paid \$910,000 for Rubin and Chubb paid \$20,000 for garage management company Philip I. Mappa Interest Ltd.
- \$200,000 (SCCC g/13) No Suit Filed. Attys John P. Maniatis and Maureen A. Coleman. November 12, 2009 F-49 was walking through the parking lot of Valli Produce (Arlington Heights) when she was hit by deft's vehicle. Pltf cites head trauma including a temporal bone fracture that caused right-side facial weakness, a right calcaneal fracture (unoperated), and temporary hearing loss in her right ear (\$50,000 medl. expense; no LT claimed). Paid by Encompass Insurance.

4. CARRIERS (Total 5 cases, \$8,510,184; average \$1,702,037)

- \$695,184 (SCCC g/14) 08L-3132 Atty David J. Heyer, Jr. February 20, 2008 the taxi cab in which M-46 was a passenger made a U-turn on Route 62 and was struck by City Beverage's tractor-trailer. He cites: closed head injury, concussion, left orbital blowout fracture, orbital floor and roof fractures, left distal radius displacement, and lacerations with several surgeries, extensive physical therapy, and permanent cognitive, speech and motor deficits (\$166,771 medl., \$69,367 LT as PepsiCo employee). There was no evidence that the truck was speeding. Self-insured City Beverage paid \$200,000 and American Service paid remaining \$495,184 of the policy for American Taxi.
- \$65,000 (SCCC g/15) 09L-4586 Attys John P. Maniatis and Maureen A. Coleman. January 29, 2009 F-41 was riding in defts' taxi traveling on Route 14 (Crystal Lake) when her driver lost control on slick streets and crossed the center line, resulting in a head-on collision. Pltf suffered a comminuted fracture of her right thumb and a dislocation of the metacarpal phalangeal joint of the left thumb (both treated non-surgically with splints and physical therapy). Paid by American Service.

5. TO 6. FELA/WORK INJURIES (Total 15 cases, \$19,312,500; average \$1,287,500)

- \$675,000 (SCCC g/16) 07L-11660 Atty Timothy M. Richardson. March 16, 2006 M-48 delivery truck driver was backing his truck into the Life Fitness loading dock (Franklin Park) when deft's employee closed a large overhead dock door onto the roof of pltf's truck, partially collapsing the roof and causing pltf to suffer C5-C6 and C6-C7 herniations that necessitated fusion surgery. Pltf also claimed that arthritic changes accelerated in cervical levels adjacent to the fusion (which the defense disputed). Pltf returned to work as a delivery driver, moving heavy appliances (\$111,749 medl. expense; \$41,853 LT). This settlement was secured after 8 days of trial. Reportedly, the defense admitted negligence, but asserted that pltf was comparatively at fault. Settlement was paid by the self-insured retention of Life Fitness, a division of Brunswick Corporation.

Confidential (SCCC g/17) 08L-6536 Atty Peter F. Higgins. December 13, 2006 M-36 fell 16 feet from the top of a container on a rail car at Union Pacific Railroad's yard in Rochelle when his ladder slipped (finger dislocations and left wrist fracture resulting in total left wrist fusion--med. bills paid by workers' comp., \$33,408 LT as senior mechanic). Workers' comp. lien also waived.

7. TO 8. INVITEES (Total 16 cases, \$4,155,000; average \$259,688)

\$350,000 (SCCC g/18) 08L-2766 Atty Amanda M. Martin. In early 2007, rain had caused flooding in the basement level units at the Condominiums of Linden Place (2434-36 N. Linden Place, Chicago). The condo board and unit owners held meetings about the problem, but instead of hiring a contractor, several owners bought large black hoses at a home improvement store, attached them to the downspouts, and ran them across the sidewalk in the common area courtyard. Several months later, on the night of October 20, 2007, F-39 was taking out the trash and did not see the hoses despite motion-sensor spotlights in the area. She tripped/fell and suffered a displaced fracture to her right elbow, which required surgery plus two revisions to restore range of motion (\$152,884 medl. expense; \$8500 LT as a medical technician). The property manager, Rosen Management Services, was aware of the do-it-yourself flooding solution, but denied having control over the board's choices and did not participate in the work. However, pltf settled with both parties under the American Family policy held by the Condominiums of Linden Place.

\$250,000 (SCCC g/19) 07L-6524 Attys Bryan J. O'Connor, Jr. and Eileen M. O'Connor. September 8, 2006 F-53 slipped on liquid near the condiment stand at the Portillo's restaurant in Arlington Heights (unoperated torn right rotator cuff and C5-C6 and C6-C7 spondylolithesis with fusion, \$110,000 medl. expense). There was an 18 month gap between the incident and initial complaints of neck pain. Paid by Indiana Insurance for Portillo's Hot Dogs.

11. PRODUCT LIABILITY (Total 6 cases, \$4,150,000; average \$691,667)

\$500,000 (SCCC g/20) 07L-9915 Atty Eric D. Jones. February 10, 2007 the automatic revolving door at the Double Tree Hotel (Downers Grove) knocked slow-moving F-83 to the ground and pinned her between the door and the door jamb. Pltf sustained a hip fracture with open reduction internal fixation. The chief DuPage County pathologist opined that pltf's death two months later from acute pancreatitis was unrelated, but pltf's counsel argued the immobility caused by the injury began a chain reaction which ended in death (\$98,350 medl.). Chubb paid \$450,000 for door manufacturer Besam; self-insured Hilton Hotels and Double Tree paid \$50,000.

Confidential (SCCC g/21) 03L-2798 Attys Richard F. Mallen and Brian R. Hecht, Matthew Seliger and David J. Heyer, Jr.. June 7, 2002 M-17 was operating a Scag SSZ riding lawn mower for his stepfather's lawn care service near Lake of the Four Seasons, IN, when it began to slide, crossed a seawall, and overturned into the water. The 800 lb. mower pinned pltf under two feet of water for ten minutes until his stepfather realized the mower had stopped. Teen sustained severe brain damage causing the cognitive functioning of a young child (\$770,000 medl. expense). The mower lacked rollover protection. Manufacturer Scag Power Equipment was not insured for this product or occurrence.

12. MEDICAL MALPRACTICE (Total 66 cases, \$156,476,000; average \$2,370,848)

\$14,900,000 (SCCC g/22) 09L-7824 Atty Eugene I. Pavalon. At age 10, pltf underwent pituitary tumor resection and radiation treatment which left her with a non-functioning pituitary gland and a damaged hypothalamus. As a result, she required regular applications of the hormone vasopressin to maintain normal electrolytes--particularly sodium and potassium. The radiation therapy also left the pltf legally blind. On February 19, 2009 pltf (now 27) entered Palos Community Hospital, dehydrated from vomiting/diarrhea, with an exceedingly high sodium level (165). Allegedly, Drs. Jung Jun and Akash Ahuja failed to properly monitor the pltf's sodium levels, which fluctuated from critically high to critically low (117) and back to critically high--leading to permanent brain damage that left her in a coma. Paid: \$12 million Palos Community Hospital (\$10 million self-insured retention plus \$2 million from a Zurich subsidiary); ISMIE \$1 million policy limits each for Drs. Jung and Ahuja, plus \$900,000 for Southwest Nephrology Associates S.C. The settlement was the subject of a February 23, 2011 article in the Chicago Daily Law Bulletin.

\$14,000,000 (SCCC g/23) 09L-12090 Atty Mark E. McNabola. October 10, 2007 defts induced F-43 with Cervidil and then Pitocin when she presented at Trinity Hospital with contractions. The baby girl did not tolerate labor and showed signs of distress but the C-section delivery was delayed for seven hours, causing her to be born with hypoxic ischemic encephalopathy. She is now severely delayed (\$461,704 medl. expense). The mother also arrested during the surgery and died of amniotic fluid embolism (survived by 9 children). Self-insured Advocate Health & Hospitals Corp. d/b/a Advocate Trinity Hospital paid \$2,500,000 to Est. of F-43 and \$11,500,000 to the baby.

\$4,000,000 (SCCC g/24) 09L-9506 Attys Mark E. McNabola and Patti L. Tuttle. August 17, 2007 F-28, who suffered from PAT (paroxysmal atrial tachycardia), was discharged after an allegedly uneventful cardiac ablation procedure performed so she would not need to take anti-arrhythmia medications. She returned to the E/R two days later with low-grade fever, was admitted, given antibiotics and discharged--but died of a massive pulmonary embolism while waiting to be picked up (survived by parents and younger sister--\$175,325 medl. expense). Paid by self-insured Northwestern Memorial Hospital.

\$2,000,000 (SCCC g/25) 07L-13267 Atty James C. Harman. After performing a kidney transplant on F-59 on May 9, 2006, Dr. Stephen Jensik became aware that the kidneys were infected, but allegedly did not take any action. Pltf was discharged on May 16 and suffered anastomosis rupture requiring removal of the transplanted kidneys, dialysis, and caused a stroke which limits mobility of her left leg (\$1,600,000 medl.). Paid: self-insured Rush University Medical Center.

\$750,000 (SCCC g/26) 07L-1969 Atty Timothy D. Quinn. August 3, 2003 pathologist Dr. Elisabeth Shearon determined F-42's breast tissue biopsy was "triple negative," leading to a 2.5 year delay in administering the proper medication and allowing the cancer to recur. Dr. Shearon paid \$650,000 and St. James Hospital and Alverno Clinical Laboratories paid \$100,000.

\$700,000 (SCCC g/27) 07L-4811 Atty James C. Harman. May 24, 2006 M-77 began to bleed during ilio-femoral angioplasty and became hypotensive. Dr. Sreenivas Reddy ordered a cardiology consult for a suspected heart attack but did not order treatment for the bleeding. Although blood was ordered when pltf was transferred to the ICU, he received inadequate blood volume and died the following morning (survived by 6 adult children). ISMIE paid \$500,000 for Dr. Reddy and self-insured Westlake Community Hospital paid \$200,000.

\$500,000 (SCCC g/28) 08L-10275 Atty David J. Heyer, Jr. M-57 forklift operator presented to MacNeal Hospital complaining of a sinus infection on November 15, 2007 and deft instructed him to return to the clinic if his symptoms became worse. He was found dead on November 26, 2007 from meningitis (survived by brother, estranged sister and two estranged half-siblings, \$74 medl. expense). Pltf's brother described him as a hermit with little or no family relations. Paid by Volunteer Insurance for MacNeal.

\$250,000 (SCCC g/29) 06L-448 (IL, Du Page 18th Jud Cir) Attys Mark E. McNabola and Jon C. Papin. April 5, 2005 pediatric hospitalist Dr. Francine Pearce-Falls diagnosed bowel obstruction in 5-day-old baby boy three hours after he was first admitted to Central DuPage Hospital with bilious vomiting and streaky blood in his stool and assumed there was a pediatric surgeon available. When she learned the surgeon was unavailable 15 minutes later, the baby was transferred to Children's Memorial Hospital for emergency surgery but his entire bowel was necrotic and unsalvageable and he died hours later (survived by parents and 4 sisters). Paid by Western Litigation for Dr. Pearce-Falls and Pediatrix Medical Group of Illinois.

\$240,000 (SCCC g/30) 05L-135 Attys Steven B. Muslin and Craig M. Sandberg. August 18, 1997 Dr. Raphael Camanini misdiagnosed F-9's papillary thyroid carcinoma as ectopic thyroid tissue, causing it to remain undiagnosed until November 1999. A confidential insurer paid \$150,000 for Dr. Campanini and CHRPP paid \$90,000 for Norwegian American Hospital.

\$176,000 (SCCC g/31) 07L-2987 Atty Yao O. Dinizulu. March 21, 2005 F-56 (who suffered from numerous medical conditions) fell out of her bed while a resident at Glenshire Nursing Home & Rehabilitation Centre, suffering a nondisplaced intertrochanteric left hip fracture (surgery done). Deft argued patient was uncooperative and combative, and failed to follow recommendations made by its staff. Paid by Assure Care.

\$25,000 (SCCC g/32) No Suit Filed (IL, Kankakee 21st Jud Cir) Atty Craig M. Sandberg. March 16, 2010 no one assessed F-51's IV site during cervical discectomy surgery, causing her to suffer intra-operative extravasation burns to her left arm. Illinois Provider Trust paid \$25,000 for Riverside Medical Center. Deft also wrote-off \$5,442 of its bills.

Confidential (SCCC g/33) 10L-7967 Atty John M. Saletta. April 24, 2006 deft failed to send pltf's mole to pathology for analysis when he removed it from her breast, causing F-37 to be diagnosed with Stage IV malignant melanoma 3.5 years later in November 2009 (\$350,000 medl., no LT claimed as part-time school bus driver). Pltf is married with two minor children and has a poor cancer prognosis. Paid by Medicus for Womancare.

15A. ANIMAL INJURIES (Total 2 cases. \$190,000; average \$95,000)

\$100,000 (SCCC g/34) No Suit Filed (CA Solano Sup Ct) Atty John F. Klebba. May 2, 2009 deft's German Shepherd snapped at deft's great-niece F-3 in Vacaville, CA, causing full thickness laceration of her left upper lip requiring surgery to restore her facial symmetry (\$38,060 medl.). Paid by USAA.

(End of March 2011 Settlements by Category)





ILLINOIS  
**JURY VERDICT REPORTER**

## Settlements by Category

April 29, 2011  
April 2011 (Issue h)  
Volume SCCC

### 1-A TO 1-L AUTO COLLISIONS (Total 66 cases, \$59,529,089; average \$901,956)

- \$4,000,000 (SCCC h/1) 06L-7430 Attys Robert J. Bingle and William T. Gibbs. March 2, 2005 unemployed F-21 sustained a traumatic brain injury that resulted in left hemiparesis (\$534,985 past medl. expense) when the southbound pickup truck in which she was a passenger struck the rear corner of defts' truck trailer as it exited the driveway of a gas station parking lot to enter Willow Springs Road. The pickup had minimal (if any) braking capacity and left no skid marks. However, the pltf argued that it did not matter if the pickup did not slow or stop to avoid the collision since its driver had the right of way. Further, witnesses indicated that the pickup did not have its headlights on—although the pltf was prepared to offer expert testimony that the pickup's high-beam lights were illuminated at the time of "a" crash, and to argue that they were on at the time of "this" crash. \$4 million settlement paid by undisclosed insurers for truck driver Kirk Mowat and Contract Freighters Inc. Reportedly, pltf's driver previously settled out for his minimal policy limits.
- \$825,000 (SCCC h/2) No Suit Filed. Atty George G. Argonis. August 16, 2008 M-25 furniture mover was riding in the passenger seat of a moving truck when an unidentified vehicle cut the truck off, causing the truck to drive onto the sidewalk and strike a light pole. The other vehicle fled the scene. Pltf says he suffered a non-displaced left foot fracture plus damage to the left femoral head, necessitating arthroscopic surgery and a hip resurfacing procedure. Allegedly, additional hip resurfacing procedures will be needed in the future. Workers' comp paid the pltf's past medical bills and past lost wages. This UIM claim was only for P&S, disability, future LT, and future medical expenses. Paid by General Casualty, the UIM carrier for Hollander International Storage.
- \$525,000 (SCCC h/3) 08L-837 (IL, Lake 19th Jud Cir) Atty Amanda M. Martin. November 20, 2006 deft's Acura TL automobile rear-ended pltf's work van when pltf M-56 started to right-turn on red at Route 45 and Route 83 (Mundelein) then stopped. The "medium" impact allegedly caused a right paracentral C5-C6 herniation and a left-sided C6-C7 protrusion (decompression and fusion done at C5-C7 in January 2008), and necessitated a left-sided L4-L5 hemilaminectomy with bilateral medial facetectomy and foraminotomy in April 2009. Pltf cites \$203,980 medl. expense plus \$12,000 LT as an Excelon technician. Among other things, the defense had argued that pltf needed low-back surgery due to degenerative changes and not the collision. Paid by Safeco.
- \$250,000 (SCCC h/4) 08L-7369 Attys Sean C. Burke and Christopher J. Berghoff. Pltf's stopped vehicle was rear-ended by deft's at a red light on Lincoln Avenue in front of Children's Memorial Hospital (Chicago). F-46 pediatric nurse claims the January 31, 2007 incident aggravated chronic pain in her neck, shoulder, and mid and low back necessitating surgery to implant a spinal cord stimulator—which failed and was removed—and caused blurred vision in her right eye (\$379,000 medl. expense; no LT claimed). Paid by Progressive Insurance (policy).

### 3-A TO 3-B PEDESTRIANS (Total 16 cases, \$6,763,000; average \$422,688)

- \$550,500 (SCCC h/5) No Suit Filed. Atty Rex U. Huner. January 9, 2009 pltf M-47 was hit by deft's vehicle while in a Chicago crosswalk, suffering exacerbation of a previously asymptomatic L5-S1 herniation, for which pltf had undergone lumbar nerve decompression surgery in 2006. Following this incident, pltf needed an L5-S1 fusion (\$240,000 medl. expense). Paid \$100,000 by Progressive Insurance for deft, plus \$450,500 by pltf's UIM carrier, State Farm.
- \$345,000 (SCCC h/6) 10L-9526 Atty Kevin J. Golden. February 10, 2009 M-84 had just gotten off a bus and had begun walking westbound across Inner Lake Shore Drive at Burton Place (in the crosswalk with the signal) when defts' vehicle struck pltf while left-turning onto northbound Inner Lake Shore Drive. Pltf sustained a fractured clavicle and a closed head injury (\$152,799 medl. expense) from which he made a very good recovery that permitted him to return to independent living. Paid by American Service Insurance for Burney Inc.
- \$100,000 (SCCC h/7) 06L-12079 Attys Steven B. Muslin and Craig M. Sandberg. November 18, 2004 deft struck F-13 as she crossed 101st St. at S. Halsted in the crosswalk. Pltf suffered a closed head injury which was diagnosed as diffuse axonal injury, right tibial plateau fracture, and left hemiparesis. Allstate paid its policy.

\$87,500 (SCCC h/8) No Suit Filed. Atty John P. Maniatis. November 20, 2007 pltf was hit by deft's vehicle while in a crosswalk in the parking lot of the Target store in Rosemont. F-50 waitress cites right knee damage—a torn lateral meniscus (arthoscopy done) and femoral condyle chondromalacia (chondroplasty required)—and incurred \$33,100 in medical expenses (no LT claimed). Pltf collected \$50,000 from deft's policy (Allstate) plus \$37,500 from her UIM coverage (Electric).

5. TO 6. FELA/WORK INJURIES (Total 19 cases, \$22,807,500; average \$1,200,395)

\$2,500,000 (SCCC h/9) 06L-1611 Atty David C. Wise. In 2004, M-39 forklift operator for Home Depot suffered an open book pelvic fracture (surgery done) when stacked lumber in a railroad boxcar fell on him as he was unloading it. Due to chronic pain, he was prescribed Fentanyl. On July 7, 2009 he was found dead at home due to Fentanyl intoxication. His estate charges that the original incident was due to improper banding, bundling, and loading of the lumber into the boxcar, and that it was injury-related pain which led to his use of Fentanyl and his death five years post-accident. He is survived by two daughters, now ages 15 and 17. Paid: \$2,275,000 by Stimson Lumber (\$1 million ASI primary insurer and Interstate Fire & Casualty excess), plus \$100,000 each by BNSF Railway Corp. and Montana Rail Link Inc., and \$25,000 by Illinois Tool Works.

\$545,000 (SCCC h/10) 06L-1285 Attys Daniel E. O'Brien and Antonio M. Romanucci. February 3, 2004 M-36 ironworker allegedly slipped/fell due to ice and snow covered potholes on a jobsite managed by deft. Pltf claims the incident aggravated a pre-existing lumbar disc herniation, necessitating a discectomy and fusion (\$136,128 medl. expense; LT "six figures"). Paid by Liberty Mutual for Trapani Construction. Reportedly, the employer/3rd-party deft waived all but \$135,000 of its \$622,327 comp. lien, so pltf netted \$410,000 "fresh" money.

\$300,000 (SCCC h/11) No Suit Filed. (IL, Hancock 9th Jud Cir) Attys Richard L. Jones and Stephen P. Rapp. August 8, 2008 M-18, a student employed as a part-time laborer by deft, was dismantling a farmer's hog shed when he fell off the roof and suffered a C-5 fracture (fusion done—\$102,493 medl. expense). Paid by Country Companies (policy) for the contractor.

\$150,000 (SCCC h/12) 07L-14137 Atty Peter F. Higgins. F-43 railroad sleeper car attendant sustained a torn right rotator cuff (surgery done—\$60,000 LT claimed) when an elderly passenger, who was carrying an oversized suitcase up the train's stairs, fell back and landed on her. Pltf faults Amtrak for failing to enforce its policy prohibiting passengers from boarding trains with oversized luggage. Paid by self-insured National Passenger Railroad Corp. aka Amtrak.

7. TO 8. INVITEES (Total 20 cases, \$4,790,000; average \$239,500)

\$300,000 (SCCC h/13) Confidential (IL, Will 12th Jud Cir) Atty Kevin J. Golden. July 22, 2008 while pltf M-43 was on deft's premises to buy cars at an auto auction he slipped/fell in a puddle of antifreeze on the auction floor and suffered a fracture of his left distal radius (two surgeries—\$87,211 medl. expense; no LT claimed). Paid by Chartis for undisclosed deft.

\$210,000 (SCCC h/14) 09L-8 (IL, Adams 8th Jud Cir) Attys Richard L. Jones and Stephen P. Rapp. April 16, 2008 F-76 was exiting a raised booth at deft sports bar and fell, suffering a fractured hip that required open reduction surgery (\$205,000 medl. expense). Allegedly, the step was improperly designed. Paid by Auto Owners Insurance.

\$125,000 (SCCC h/15) 09L-5359 Atty David J. Heyer, Jr. F-77 was walking toward her vehicle in the parking lot of Finley's Grill Room (Downers Grove) when her shoe became stuck in a substance, which caused her to fall. The May 31, 2007 incident allegedly caused a fractured right patella (ORIF done plus extensive physical therapy), a broken left elbow, chipped teeth, and a lacerated chin (\$31,375 past medl. expense). Pltf also claims the fall aggravated pre-existing degenerative joint arthritis, which progressed from "mild" to "moderate to severe." Paid by Indiana Insurance.

Confidential (SCCC h/16) No Suit Filed Attys Steven B. Muslin and Craig M. Sandberg. March 21, 2010 deft's security removed two female patrons from Mr. Ricky's 141 Club (Dolton). M-29 sustained facial lacerations with scarring when the women resumed their fight outside. Paid by Founders.

12. MEDICAL MALPRACTICE (Total 79 cases, \$194,976,000; average \$2,468,051)

\$6,000,000 (SCCC h/17) 07L-14012 Atty Kevin G. Burke. December 22, 2005 unemployed M-39 Lauro Ortiz underwent a kidney transplant due to chronic diabetes. Subsequently, the hospital was informed that the donor kidney was infected with cryptococcus neoformans. However, the pltf's physicians did not notice this information, and he was discharged without receiving antibiotics. The infection spread and resulted in bacterial meningitis that left Lauro with mild-to-moderate cognitive disabilities (\$1,173,000 medl. expense including 12 separate hospitalizations). Paid by self-insured Rush-Presbyterian-St. Luke's Hospital nka Rush University Medical Center.

\$5,000,000 (SCCC h/18) 07L-8444 Attys Joseph A. Power, Jr. and Joseph W. Balesteri. July 27, 2005 F-59 underwent aortic valve replacement surgery and coronary artery bypass grafting at Rush North Shore Medical Center. Because she received a mechanical aortic valve, the patient required Coumadin therapy for stroke prophylaxis. Allegedly, the Coumadin was subsequently mismanaged by her primary care doctor, necessitating hospitalization on August 12--at which time pericardial effusion was found by ultrasound. Despite the patient's significantly elevated pulse and respiration, the effusion was not timely relieved, leading to cardiac tamponade. When surgery was attempted on August 14, the patient suffered cardiac arrest and an anoxic brain injury, but lived until December 30, 2006 (survived by her husband and a daughter). Paid: \$3.4 million for Dr. Robert S. Higgins by self-insured Rush University Medical Center; \$600,000 by self-insured Rush North Shore Medical Center; \$1 million by ISMIE for Dr. Audisho Khoshaba.

\$5,000,000 (SCCC h/19) 06L-342 (IL, Kane 16th Jud Cir) Attys Patrick M. Flaherty and Michael Lenert. Defts failed to perform a timely C-section at Rush Copley Medical Center (Aurora) after mother's March 11, 2004 labor failed to progress. As a result, F-newborn suffered severe brain damage that resulted in spastic quadriplegia, cerebral palsy, profound mental retardation, seizures, vision and hearing impairments, feeding problems, and a reduced life expectancy (23-35 years). Reportedly, Dr. Rashmi C. Tomur claimed that she gave a verbal order to prep the mother for a C-section within 20 minutes. However, the nurses insisted that they were only ordered to re-evaluate the mother for progress in 30 minutes. Neither party charted the order until after the delivery. CHRPP paid \$4 million for Rush Copley Medical Center. ISMIE paid its \$1 million policy for Dr. Tomur. This is the largest birth injury verdict or settlement that we have ever reported from Kane County.

\$4,500,000 (SCCC h/20) 09L-10934 Atty Kevin G. Burke. February 26, 2008 F-80 Inez Johnson underwent cervical spine decompression surgery at Advocate Christ Hospital (Oak Lawn). Immediately post-op, Inez was alert and moving all extremities. However, over the next four hours, Inez became progressively hypotensive--a condition that the nurses failed to report to either the surgeon or anesthesiologist. It was not until Inez had lost movement and sensation in her extremities that the neurosurgeon was called. Despite surgery to evacuate a hematoma that was compressing the spinal cord, Inez was rendered a C6 quadriplegic (\$448,000 medl.). Paid by self-insured Advocate.

\$4,500,000 (SCCC h/21) 07L-12140 Atty Robert A. Strelecky. October 28, 2005 M-42 Krzysztof Bialas was brought to the Advocate Christ Hospital (Oak Lawn) E/R after he was pinned against a wall by a forklift at work. Hospital staff identified a fractured pelvis, but failed to determine that Krzysztof's bladder had been lacerated during the accident. As a result, Krzysztof contracted a severe infection and sepsis developed--leading to multisystem organ failure and his death on November 1 (survived by his wife and two minor children). Paid by self-insured Advocate.

\$3,750,000 (SCCC h/22) 05L-9451 Atty Kevin G. Burke. Kerry Rupright, a 28-year-old secretary/bookkeeper, entered the Rehabilitation Institute of Chicago to receive therapy for her transverse myelitis. To relieve her complaints of pain, physicians there prescribed a Duragesic patch containing Fentanyl--which can lead to respiratory depression when used with other medications. On the morning of October 1, 2004 Kerry suffered respiratory depression, but recovered. However, the Duragesic patch was continued, along with sleep medications and other analgesics and, in the early hours of October 2, she suffered respiratory arrest and severe brain damage. Despite transfer to Northwestern Memorial Hospital, there was no hope of recovery and life support was withdrawn, leading to her death on October 6 (survived by her husband and two children). Paid \$1.5 million by the Rehabilitation Institute's self-insured retention plus \$2.25 million by AIG.

\$3,250,000 (SCCC h/23) No Suit Filed. Attys Craig M. Sandberg and Steven B. Muslin. March 4, 2010 F-46 was undergoing replacement of her aortic valve due to aortic insufficiency. During the surgery, pltf's mitral valve was damaged when it became entangled in a suction catheter that was placed between the aortic valve leaflets--contrary to warnings that came with the device. Consequently, pltf needed concomitant aortic and mitral valve replacements and, subsequently, implantation of a permanent dual chamber pacemaker. Paid by self-insured University of Chicago Medical Center. Reportedly, the UCMC and the University of Chicago Physicians Group also waived more than \$1,375,000 in medical bills.

\$1,600,000 (SCCC h/24) 10L-6095 Atty Laird M. Ozmon. January 24, 2008 F-58 Nancy Patrick, a part-time cafeteria worker, underwent a heart transplant at Loyola University Medical Center. Routinely, endomyocardial biopsies are performed to monitor the heart for signs of rejection--but none were ever done on Nancy. On August 15, 2008 Nancy was hospitalized due to shortness of breath and weight gain (symptoms of rejection) but she was discharged on August 22. She returned to the hospital nine hours later and suffered cardiac arrest while in the E/R (\$134,731 medl. expense). The autopsy attributed her death to acute cardiac cellular rejection. The defense argued that the patient had an unusual ventricular arrhythmia which carried certain risks in taking biopsies (why they were not done), and asserted that even with diagnosis it may not have been possible to avert the patient's cardiac rejection. Paid by self-insured Loyola University Medical Center.

- \$1,500,000 (SCCC h/25) 07L-3211 Attys Michael P. Schostok and Patrick A. Salvi, II and Colin M. Jones. M-41, who had recently undergone a spinal epidural injection, presented to Provena St. Joseph Medical Center (Joliet) with classic signs and symptoms of a spinal epidural abscess. Allegedly, a neurosurgeon employed by the hospital misread the MRI and failed to properly follow-up on the patient, leading to his death in January 2002. He is survived by his wife and then teenage son (no medl. expense claimed; LT \$55,000 per year as an optician). Paid by self-insured Provena.
- \$1,300,000 (SCCC h/26) No Suit Filed. (IL, Stephenson 15th Jud Cr) Atty Devon C. Bruce. On January 12, 2010 F-39 underwent a routine ERCP procedure at Freeport Memorial Hospital. During the surgery, the physicians and nurses failed to properly monitor the patient, and administered an excessive amount of anesthesia, leading to respiratory arrest and her death. Reportedly, the patient was mentally incapacitated, unmarried, and left no dependents. The hospital is self-insured.
- \$1,000,000 (SCCC h/27) 08L-6875 Atty Brian Hurst. For one week prior to June 22, 2006, patient M-67 had acute onset chest pain, and so presented to Dr. Virendra Bisla at the Heart Care Center (Chicago), where he had previously treated for various cardiac and other healthcare needs. A CT-scan of the patient's chest identified a 3cm pericardial effusion. However, Dr. Bisla failed to discontinue the patient's Coumadin or timely treat the condition. As a result, six days later, the patient suffered cardiac tamponade secondary to the pericardial effusion and died. At the time of his death, the patient had multiple co-morbidities, including COPD, adult onset diabetes, cardiomegaly with left and right ventricular enlargement, atrial fibrillation, and chronic renal failure. He is survived by two grown children. Paid ISMIE policy limit for Dr. Bisla and his clinic.
- \$600,000 (SCCC h/28) 06L-12818 Attys Susan J. Schwartz and Kenneth T. Lumb. Allegedly, deft internist failed to include pulmonary embolism in his differential diagnosis after a chest film of M-51 demonstrated a mass with hilar adenopathy, and did not send the patient to the E/R for immediate treatment. As a result, the patient died the next day. Paid ISMIE for Dr. Jinsup Kim.
- \$500,000 (SCCC h/29) 08L-10275 Atty David J. Heyer, Jr. November 15, 2007 M-54 forklift operator presented to MacNeal Hospital due to a left-side headache and sinus pressure associated with swelling/tenderness around his right eye. Allegedly, hospital staff misdiagnosed these symptoms of a periorbital infection as viral sinusitis with facial edema, and discharged him without antibiotics or instructions to return for re-evaluation in 24-48 hours. As a result, the infection spread, leading to his death on November 25 from bacterial meningitis. Estate cites \$5565 funeral expense and \$332,500 LT to age 65. Reportedly, the decedent was "a hermit" who rarely saw family members and had no contact with them for long periods of time. He is survived by an adult brother and sister, and two half-siblings. Paid by self-insured MacNeal Hospital.

14. CIVIL RIGHTS (Total 6 cases, \$66,850,000; average \$11,141,667)

- \$8,000,000 (SCCC h/30) 01C-4427 (USDC IL NE) Attys Dennis P. W. Johnson, Ross J. Peters, Jeanne Bowman Szromba, Ann M. Henry, Aaron R. DeCamp and John C. Hendrickson. Class action lawsuit involving 82 women charged that employees, managers, and officers of International Profit Associates Inc. (Buffalo Grove) engaged in a pattern and practice of sexual harassment against female employees between November 1997 and February 2005. This action was the subject of a March 30, 2011 article in the Chicago Daily Law Bulletin.
- \$3,000,000 (SCCC h/31) 10L-8453 Attys Craig P. Mannarino and Allen N. Schwartz. March 8, 2003 M-23 was fatally shot by CPD Officer Alvin Weems--allegedly without provocation--at the CTA Red Line's 95th Street Station. The incident was captured on surveillance video. A damages-only trial in December 2007 resulted in a \$12.5 million jury verdict after the City admitted liability. See the Cook County Jury Verdict Reporter at ZZ 17/1. However, that award was overturned by the Illinois Appellate Court. See the Jury Verdict Reporter's Appellate Review of Damages publication at 11 ARD 61. The matter settled prior to the retrial. Paid by self-insured City of Chicago.

15. BUSINESS (Total 5 cases, \$86,232,220; average \$17,246,444)

- \$5,000,000 (SCCC h/32) 07C-5615 (USDC IL NE) Attys C. Barry Montgomery, Edward R. Moor, Robert A. Clifford, Courtney A. Boho Marincsin, Sherman P. Marek and Kirk E. Chapman. Pltf whistleblower alleged that Medline Industries Inc. violated the False Claims Act through a widespread scheme in which hospitals and other healthcare providers were paid kickbacks for purchasing the deft's medical and surgical products, which had been paid for by federal healthcare programs. Pltf worked for Medline from 1998-2005 and brought this qui tam action on behalf of the federal government, which elected not to intervene. Pltf will receive 27.5% of the settlement proceeds. This case was the subject of a March 16, 2011 article in the Chicago Daily Law Bulletin.

(End of April 2011 Settlements by Category)