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\$22.3 million awarded to parents of boy born with heart problem

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A Cook County jury has returned a \$22.3 million verdict in favor of the parents of a 10-year-old boy who alleged that a series of delays in treatment and negligent care of the child after he was born with a congenital heart defect at an Oak Lawn hospital resulted in the loss of the boy's leg and his cognitive and neurological deficiencies, according to the parents' attorneys.

The jury returned the verdict late Monday afternoon after about two hours of deliberations in a three-week trial presided over by Circuit Judge Clare Elizabeth McWilliams, said Antonio M. Romanucci of Romanucci & Blandin LLC, who along with Stephan D. Blandin represented the plaintiffs.

Two days after Jake Tinman was born on May 15, 1999, at Advocate Christ Medical Center/Hope Children's Hospital with a congenital heart defect, doctors placed a shunt in his heart to accommodate the defect, Romanucci said.

About two weeks after the baby was sent home, he returned to the hospital emergency room and was subsequently assessed, with the help of an echocardiogram, by a cardiac fellow at the hospital who recommended the boy

undergo another surgery to replace the shunt, which was partially blocked, Romanucci said.

At trial, plaintiff lawyers argued that an attending cardiologist overrode the fellow's recommendation of surgery and ordered an unnecessary cardiac catheterization to confirm the fellow's initial impression. Romanucci said the move delayed the surgery the baby needed while his oxygen level was severely decreasing.

As a result, the child suffered hypoxia, leading to his developmental delays and neurological weakness on the right side of his body, Romanucci said. The plaintiffs also alleged that providers improperly applied a pressure dressing to the boy's left leg and failed to remove it in time, which led to amputation.

"In this particular case, the challenge was explaining the medicine to the jury and convincing them that there were a number of mistakes that contributed to the fact patterns that led to the injuries," Blandin said in a recent interview. One of the issues at trial was the results of an echocardiogram performed on the child that assisted the fellow in determining that the boy needed surgery for the blocked shunt, Blandin said. He said the hospital claimed that the results were inadvertently taped over.

"We were arguing at trial what the echocardiogram showed," Blandin said. "The fact that it was taped over was very significant."

Defense attorneys Edward H. Nielsen of Pretzel & Stouffer Chartered represented the attending cardiologist, Dr. Tarek S. Husayni. Rudolf G. Schade Jr. of Cassidy, Schade LLP, represented the hospital, two of its doctors and a nurse. The defense attorneys could not be reached for comment.

Romanucci said plaintiff attorneys were seeking an award from \$26 million to \$36 million.

"Obviously, they came back with a number very close to the low-end range," Romanucci said. "Clearly, that amount of money should take care of this young boy for the rest of his life. Unfortunately, that was one of the main issues in this case, was his life expectancy because of his congenital heart defect."

He said plaintiff lawyers addressed that issue by presenting evidence of the benefits that could come if the child, who now uses a prosthetic leg, were to undergo another heart surgery.

"I think the jury believed that Jake will lead a full life," Romanucci said.

The case is *Pamela Tinman, et al. v. Advocate Christ Health and Hospitals Corp., et al.*, No. 02 L 016398.