

## **\$13,000,000 SETTLEMENT REPORT**

Jurisdiction: Cook County Circuit Court  
Type of Case: Medical Malpractice  
Case Title/Number: names of parties withheld by agreement  
Amount & Date: \$13,000,000 on 9/27/13 and 12/16/13

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### Case Description:

A nine month old girl with Williams Syndrome presented at a prominent Chicago area hospital for surgery to repair aortic stenosis in October 2010. There were questions before surgery about developmental delays due to Williams. During her time in the OR, she sustained hypoxia and ischemia and suffers from neurological impairments as a result.

According to the handwritten perfusion record, there was a significant drop in the cerebral oxygenation during the time our client was on bypass. There was also a decrease in hematocrit which is a valuable measure of oxygenation. In response to the drop in hematocrit, the perfusionists (one a hospital employee, the other from an agency) sought to administer packed red blood cells. At that moment, they discovered that the RBC were not in the OR refrigerator as they should have been. The cells were in the blood bank. It took an additional 35 minutes for the cells to arrive. The delay in administering the RBC proximately caused our client's brain injury.

The hospital's nursing staff failed to make sure the blood, which had been typed and cross matched 3 days earlier, was delivered to the blood bank before the case began. The perfusionists failed to make certain the blood was available

in the OR before the case began. One of the perfusionists noted on their form checklist that blood was available in the OR when in fact it was not.

The hospital settled for \$12,000,000 and the perfusionist's employer paid its policy limit of \$1,000,000. The case settled less than two years after filing. Twenty depositions were taken and plaintiff was about to disclose her expert witnesses.

The settlement is the 7<sup>th</sup> time that plaintiff's counsel, Bruce Pfaff, has obtain a verdict or settlement of more than \$10,000,000 in an injury or wrongful death case.