

## **PFAFF & GILL, LTD. PRESS RELEASE**

On October 20, 2004, a Cook County jury in Judge Tom Chiola's courtroom rendered a verdict in favor of the Estate of Albert Okaro for \$9,346,933.64 after a three-day trial. Bruce Pfaff and Matthew Ports of Pfaff & Gill, Ltd., Chicago, tried the case for the Okaro family.

The case concerned treatment at Edgewater Medical Center on 4/6/00 by Dr. Andrew Cubria. Dr. Cubria, then a Chicago cardiologist, performed an angiogram and angioplasty on Mr. Okaro that was medically unnecessary. Dr. Cubria was careless in doing the procedure, causing a dissection of one of the major vessels of Mr. Okaro's heart. Dr. Cubria's negligent care led to Mr. Okaro's death in the cardiac cath lab at Edgewater at 4 p.m. on 4/6/00. Mr. Okaro, 42 at death, leaves surviving his wife of 13 ½ years and their four minor children. Mr. Okaro had been an auto mechanic, and operated Okaro Auto Service on the north side of Chicago.

The suit named Dr. Cubria, along with Edgewater Medical Center and four entities that managed the hospital, Bainbridge Management, L.P., Bainbridge Management, Inc., Braddock Management, L.P., and Braddock Management, Inc. The Okaro family claimed that Edgewater and the management companies were negligent because:

They failed to supervise the activities carried out in the cardiac catheterization laboratory and operating rooms, including those activities of Dr. Cubria, when they should have known such supervision was necessary to prevent patient injury or death.

Until the day before trial, all defendants denied they were negligent or caused Mr. Okaro's death. This required the family's lawyers to engage in a four year legal odyssey to prove what should have been obvious to the defendants: that they were grossly negligent and they caused Albert's death. Pfaff & Gill, Ltd. will be filing a motion seeking sanctions against certain defendants for their frivolous denials of legal responsibility until the very last moment of the litigation. Had the defense properly admitted their fault, the case would likely have been tried 3 years ago, allowing the family to end the legal battle then.

On the day before trial, all defendants decided to admit that they were negligent and that their negligence proximately caused Albert Okaro's death. The only issue for the jury to decide was the fair and reasonable compensation for the family's loss. The attached verdict form explains the specific awards for the elements of damages proved at trial.

In criminal proceedings filed in Federal court in 2001, Dr. Cubria was charged with performing hundreds of unnecessary cardiac catheterizations and angioplasties at Edgewater from the early 1990's until 2001 when he was finally suspended from the medical staff. Dr. Cubria signed a plea agreement in February 2002 admitting those charges, and he further admitted that the Okaro procedures were unnecessary and caused his death. Also in federal court, Roger Ehmen, a former vice president of Edgewater Medical Center and an employee of the management companies, admitted to felony violations in connection with a scheme to defraud Medicare of funds for doing unnecessary cardiac procedures. Three other former Edgewater physicians have pleaded guilty to federal charges that were first brought in 2001.

At trial, four family members testified, along with a cardiac cath lab nurse, who described decedent's pain and suffering pre-death. The sole factual dispute in the trial was whether decedent's life expectancy was 30 years (per plaintiff's expert, Dr. H. Brandis Marsh, Washington D.C.) or 15 years (per Edgewater expert, Dr. Joseph Hartmann, Downer's Grove, Il.)

Had the non-economic damages been limited as the current Administration wants, the judgment would be reduced to \$1,100,000. The jury found the decedent had pain and suffering damages pre-death of \$150,000 and the loss of society and companionship was \$8,350,000. The Republican Administration wants to cap those damages at \$250,000. The utter unfairness of that limit is well established by this case, and by the fact that the jury arguments where one of the defense lawyers suggested that \$2,500,000 would be fair for

the loss of society suffered by the family - fully 10 times the amount the Republicans want to establish as the law of the land!

*Estate of Albert Okaro v. Edgewater Medical Center, Dr. Andrew Cubria, Bainbridge Management, L.P., Bainbridge Management, Inc., Braddock Management, L.P, and Braddock Management, Inc.*  
Cook County Circuit Court, Law Division, 00L14772.

For further information, please contact Bruce Pfaff, Pfaff & Gill, Ltd., 312 828 9666 or [bpfaff@pfaffgill.com](mailto:bpfaff@pfaffgill.com), attorneys for the plaintiff Estate of Albert Okaro.

Sean MacCarthy of Chittenden, Murday and Novotny, represented Edgewater Medical Center, 312 281 3606.

Richard Donohue, Donohue, Brown, Mathewson & Smith, represented Dr. Cubria, 312 422 0904.

William Anderson, Anderson, Bennett & Partners, represented the Bainbridge/Braddock entities, 312 673 7803.