

Cook County & Illinois
JURY VERDICT REPORTER

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MEDICAL MALPR.--UTERINE RUPTURE DURING CHILDBIRTH LED TO BABY'S DEATH

(XX 12/5) *Hilaria Lopez, Estate of Giselle Lopez, deceased minor v Northwestern Memorial Hospital, Dr. Jennifer Chan, Dr. Michael Socol* 01L-12470 Tried: Oct. 3-21, 2005 (12B, 12L)

Verdict: **Not Guilty** v all defts

Judge: Thomas L. Hogan (IL Cook-Law)

Pltf Atty: Peter Francis Geraci of *Geraci, Arreola* for both pltfs Demand: \$6,000,000 total Asked: HL \$6,000,000 Asked: GL \$12,000,000

Deft Atty: Lawrence Helms and Patricia S. Kocour of *Swanson, Martin* for Northwestern Memorial Hospital, Chan (Self-Insured); **Eric F. Quandt** and Mary K. Periolat : for Socol (Self-Insured)
 Offer: \$400,000 total withdrawn

Pltf Medl: Dr. Maria Albuquerque (Neonatologist) and Dr. Carlos Plazas, Ph.D. (Psychologist) for both pltfs

Pltf Experts: Laura Mahlmeister, R.N. (Nurse, Obstetric), Dr. Paul Gatewood (Ob/Gyn) and Dr. Steven B. Abern (Pediatric Neurology) for both pltfs

Deft Experts: Dr. Sarah Kilpatrick (Ob/Gyn), Dr. Ernest Graham (Co/Gyn) and Kathryn Cavanaugh, R.N. (Nurse, Obstetric) for all defts

Hilaria Lopez was admitted to Northwestern Memorial Hospital in labor at 9:00 a.m. on Dec. 25, 1999. She was put on a fetal monitor and her labor was monitored by a labor nurse, third year OB resident Jennifer Chan, and attending physician Dr. Michael Socol, who was the Chief of Obstetrics. At 6:07 p.m., the monitor showed moderate to severe variable decelerations, which everyone agreed were due to cord compression. Defts instructed Hilaria to push for an expeditious delivery, deciding to proceed with a vaginal delivery since she was completely dilated by 6:25 p.m. and she had previously delivered three term babies with no complications in Mexico with a midwife. The fetal monitor strips did not improve and the baby did not deliver quickly, so the mother was taken to an operating room for a C-section. Upon arrival in the operating room, fetal heart tones were noted to be in the 60s with no variability. A crash C-section was performed and uterine rupture was discovered. Baby Giselle was born with severe acidosis and hypoxic ischemic encephalopathy due to the rupture, resulting in her death two months later on Feb. 19, 2000. Hilaria's uterus could not be repaired and she suffered excessive bleeding, requiring a hysterectomy. Pltf contended defts failed to timely perform C-section delivery in the presence of non-reassuring fetal heart rate tracing, ignored signs of fetal distress and negligently proceeded with plan for vaginal delivery, and improperly applied fundal pressure to assist delivery causing the uterus to rupture. Pltf further maintained the nursing staff failed to institute appropriate intrauterine resuscitative measures and failed to go up the chain of command to advocate for immediate C-section. Defense argued that the mother had normal progress of labor, she had reassuring tracings until the rupture, and uterine rupture was not predictable or preventable. Dr. Socol, Dr. Chan and the two nurses in the delivery room all categorically denied that fundal pressure was applied by anyone. Hilaria and her husband testified that both Dr. Socol and nurses applied fundal pressure, and pltf's expert testified that the fetal monitor strip showed fundal pressure was applied. Judge Hogan reportedly directed verdict in favor of defts as to all deviations from the standard of care except application of fundal pressure shortly before closing arguments. Jury deliberated 30 minutes. Post-trial motions are pending.