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Jury awards \$10.5M in suit over fatal anesthesia mishap before hip surgery

By Pat Milhizer
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A Cook County jury has awarded \$10.5 million to the family of a 61-year-old woman who died after doctors couldn't insert a breathing tube needed for a surgery, the plaintiff's attorney said.

Nellie Hood, a retired registered nurse, went to Holy Cross Hospital in Chicago on May 11, 2004, for a hip replacement surgery due to arthritis.

Hood, who had a bad experience with a breathing tube that was needed for general anesthesia in an earlier medical procedure, requested a spinal anesthetic to stay awake and breathe on her own during the hip surgery.

When she was brought into surgery, an anesthesiologist was unable to insert a needle to administer the anesthetic because of calcifications in her spinal column, her attorney said.

Dr. Dae Choi decided to try a general anesthesia and administered drugs that put Hood to sleep and temporarily paralyzed her muscles. But after two attempts, Choi couldn't insert a breathing tube.

Another doctor, Mario Magleo, entered the room and decided to try the intubation. After he was unsuccessful, Dr. Ruperto Buscaino also couldn't insert the breathing tube.

According to the negligence lawsuit filed in the matter, the doctors' efforts to insert the tube caused Hood's airway tissues to swell shut. That blocked off oxygen to her brain and caused her to undergo cardiac arrest.

Hood was resuscitated through a tracheostomy, but she suffered severe brain damage and died on May 31, 2004.

Plaintiff experts testified that Hood would have lived if Choi had been allowed to let her wake up before the

intubation attempts caused her airway to swell shut.

Plaintiff experts also indicated that Hood likely would have been unharmed if the doctors had protected her airway and supplied her with oxygen while they waited for a surgeon to arrive and perform the tracheostomy.

Hood was survived by her husband and two adult sons.

Since the surgery was elective, the family maintained that it wasn't necessary to try to force the intubation.

"They didn't have to do the surgery. They could have canceled it and just rescheduled it for another day," said David R. Barry Jr. of Corboy & Demetrio P.C., who represented the family.

In addition to Barry, Hood's estate was represented by Kenneth T. Lumb of the same firm. The verdict was returned against Magleo, Buscaino and their employer, Noel G. Alcantara, M.D., S.C., a corporation, which claimed it was not responsible for the doctors because they were independent contractors, Barry said.

Alcantara's corporation was represented by Randall C. Monroe of Brenner, Ford, Monroe & Scott Ltd. Monroe said he is reviewing the trial transcripts and couldn't comment on the issues that will be raised in a post-trial motion.

Magleo was represented by Michael A. Code of Lewis & Gellen LLP. Buscaino was represented by David C. Burtker of Cunningham, Meyer & Vedrine P.C.

Choi settled with the estate for \$975,000 before the trial, Barry said.

Circuit Judge Deborah M. Dooling presided over the three-week trial. The jury returned the verdict on Friday.

Herbert Hood, et c. v. Mario F. Magleo, M.D., et al., No. 05 L 5414.