

\$7.75 Million Settlement for Failure to Properly Treat Infant for Elevated Bilirubin

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The \$7.75 million settlement secured by attorneys Barry Chafetz, Shawn Kasserman and Margaret Power, for the family of Luca Vaia, a baby who was not properly treated for elevated bilirubin, was reported in the Chicago Lawyer.

Luca Vaia was born on July 15, 2000 at Elmhurst Hospital after a normal delivery. He was healthy and alert. Two days later, the nursery nurse noted that he was slightly jaundiced, which was confirmed by a bilimeter reading. Later that same day and just before Luca was discharged from the hospital, a doctor wrote in her notes that he had mild facial jaundice.

While at home, Luca was breast-feeding well until midnight on July 19. At that time, he took 2 ounces of formula and another 2 ounces at 4:00 a.m. At 9:00 a.m., he again took formula and "spit up."

Mrs. Vaia, the mother of two other children, called Elmhurst Pediatrics Association in the morning and spoke to a nurse. Throughout the day, Luca was not nursing or sleeping well, seemed restless and was crying more. Again, at 5:00 p.m., Mrs. Vaia telephoned Elmhurst Pediatrics and spoke to a nurse, then two of the doctors, who told her to feed Luca with a syringe and they would see the baby in the morning.

Because the parents became increasingly concerned about their son's condition, they brought him to the Elmhurst Hospital Emergency Room at 10:30 p.m. Upon examination, Luca was found to be jaundiced and lethargic and to have a total serum bilirubin of 38.2 mg/dL, a very high and dangerous level and well above acceptable values. He was placed on a biliblanket and at 1:00 a.m. Loyola Hospital was called so Luca could be transferred there for a double volume exchange blood transfusion, which took place several hours later.

Attorneys

- Barry R. Chafetz
- Shawn S. Kasserman
- Margaret M. Power

Related Practices

- Medical Negligence
- Personal Injury & Wrongful Death

As a result of the high level of serum bilirubin, Luca suffers from development delays, hearing loss, and spastic quadriplegia. He is not expected to develop head control or speech and communicates his needs by smiling, crying and via a single switch to operate a scanning system.