

Corboy & Demetrio Attorneys Secure \$11.4 Million Recovery in Medical Malpractice Lawsuit

Woman Dies After Being Given Anesthesia She Told Doctors Not To Use

Chicago Daily Law Bulletin
December 2008

The Chicago Daily Law Bulletin featured the \$10.5 million verdict and the \$975,000 settlement, secured by Chicago medical malpractice lawyers David R. Barry, Jr., and Kenneth T. Lumb of the Chicago personal injury law firm of Corboy & Demetrio, for the family of a woman who died after being improperly anesthetized for hip surgery. In the article, "Jury awards \$10.5M in suit over fatal anesthesia mishap before hip surgery," it was noted that the anesthesiologist settled prior to trial resulting in the family being awarded a total of \$11.475 million for the medical negligence of the doctors.

At the medical malpractice trial in Chicago, Illinois before the Honorable Deborah M. Dooling, evidence was presented that on May 11, 2004, the 61 years old mother and wife, went to Holy Cross Hospital in Chicago, for elective hip replacement surgery for arthritis. She was a retired registered nurse who had worked at Cook County Hospital for 18 years. Because of a prior bad experience with the insertion of a breathing tube for general anesthesia, she requested a spinal anesthetic which would not require the insertion of a breathing tube, a procedure known as intubation.

After she was brought into surgery, her anesthesiologist, Dr. Dae Choi, had trouble inserting a needle for the spinal anesthesia, so he went ahead with general anesthesia. Dr. Choi administered drugs that put her to sleep and paralyzed her, but was then unable, after several attempts, to insert the breathing tube. He planned to breathe for her through a mask and let her wake up to breathe on her own. Dr. Mario Magleo, however, came into the room and decided to attempt the intubation. He tried but was also unsuccessful. Finally, Dr. Ruperto Buscaino came into the operating room and tried

Attorneys

- David R. "Chip" Barry, Jr.
- Kenneth T. Lumb

Related Practices

- Medical Negligence
- Personal Injury & Wrongful Death

inserting the breathing tube several times. He too was unsuccessful. All of the attempts at inserting the tube caused the tissues in her airway to swell shut, blocking off oxygen and causing cardiac arrest. She was resuscitated but suffered severe brain damage and died on May 31, 2004.

The jury heard evidence that she would have been fine if only Dr. Choi had been allowed to let her wake up before further attempts at intubation caused her airway to swell shut. Even after the airway swelled shut, she likely would have been unharmed if the defendant doctors had taken measures to protect her airway and get oxygen into her lungs while waiting approximately 15 minutes for a surgeon to come and perform a tracheostomy.

Since the surgery was elective, Chicago medical malpractice lawyer David Barry, Jr., argued "they didn't have to do the surgery. They could have canceled it and just rescheduled it for another day."