

\$22 Million Record-Setting Verdict for Family in Death of Mother After Childbirth

Largest Illinois Verdict for Wrongful Death of a Woman

April 2008

On Tuesday afternoon, January 15, 2008, a Cook County jury awarded \$22 million to the family of a 34 year-old woman who died during childbirth because the doctor and nurse failed to properly treat her acute high blood pressure. Attorneys David R. Barry, Jr. and Susan J. Schwartz, partners at Corboy & Demetrio, represented the family.

On March 14, 2003, Rachelle Bentivenga, nine months pregnant with a delivery date of March 28, went to St. Francis Hospital in Evanston, Illinois, where she complained of a severe headache. She was admitted and taken to labor and delivery, where she was examined by an experienced labor and delivery nurse and a second year resident, Dr. Calvin Monroe. Both of them determined she had preeclampsia or severe high blood pressure. Lab tests showed she suffered from HELLP (hemolytic anemia, elevated liver enzymes, low platelet count) syndrome.

According to Barry, the hospital policy for pregnant women with severely high blood pressure or hypertension required an anti-hypertensive medication, labetalol, to be given every ten minutes in increasing doses until the blood pressure came down into a safe range. Contrary to the hospital policy, Rachelle was only given 3 doses of 10 milligrams of labetalol instead of doses of 10, 20, 40 and 80 milligrams ten minutes apart. Labor was induced but before delivery her blood pressure skyrocketed and she became unresponsive. Her son, Richard Bentivenga, was successfully delivered by emergency cesarean section. A CT scan revealed a massive brain hemorrhage and she was placed on ventilator support. She died four days later when the ventilator was disconnected.

Attorneys

- David R. "Chip" Barry, Jr.
- Susan J. Schwartz

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Barry argued during trial that the resident and the labor and delivery nurse at St. Francis failed to adequately control Rachelle's blood pressure. After the verdict was read, Barry said:

The jury affirmed that this is not the way medicine should be practiced. The hospital policy was designed to protect the patient. The labor and delivery nurse who had practiced at St. Francis Hospital for 30 years, was concerned about the very high pressure all night. As an advocate for the patient, she should have been more proactive but she was not. She never called the attending or questioned the resident about giving more labetalol to get those dangerous blood pressures down.

The hospital policy for treatment of hypertensive patients with preeclampsia mirrors national protocols and guidelines published by the American College of Obstetrics and Gynecology (ACOG). The attending physician, who was not present in the hospital, assumed the resident would follow the hospital policy. If Rachelle had received labetalol in the right doses within 30 to 40 minutes of her arrival, she would be alive today to be a wife to her husband, Mark and a mother to her now 4 year-old son, Richard.