

Corboy & Demetrio Attorneys Secure \$10.5 Million Verdict in Medical Malpractice Case

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

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A Cook County jury has awarded \$10.5 million to the family of a woman who died after being improperly anesthetized for hip surgery. The family was represented by [Corboy & Demetrio](#) attorneys David R. Barry, Jr., and Kenneth T. Lumb, and the three-week trial was presided over by Circuit Court Judge Deborah M. Dooling. [Medical Malpractice](#)

On May 11, 2004, a 61 year-old woman, went to Holy Cross Hospital in Chicago for elective hip replacement surgery for arthritis. Because of a prior bad experience with the insertion of a breathing tube for general anesthesia, she requested a spinal anesthetic that 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 the patient to sleep but he was then unable to insert the breathing tube. He planned to breathe for her through a mask and let her wake up to breathe on her own.

Another physician, Dr. Mario Magleo, came into the room and attempted the intubation multiple times, but was also unsuccessful. Finally, Dr. Ruperto Buscaino also made several unsuccessful attempts at inserting the breathing tube. 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. [Jury Awards Lawsuit Settlement](#)

Attorneys

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

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The jury heard evidence that the patient 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.

The jury verdict was returned against Dr. Magleo, Dr. 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. Dr. Choi settled with the estate before the trial. **Attorney David Barry**

"In addition to her husband and sons, our client had a large extended family of brothers, sisters, nieces and nephews," said Corboy & Demetrio attorney David Barry. "And she was the heart and soul of that family. She would be alive today to enjoy that family if the doctors had done only one thing - if they had listened to their patient. The loss to her family is immeasurable."

Attorney Kenneth Lumb

"The real tragedy is that her death was absolutely preventable," said Corboy & Demetrio attorney Kenneth Lumb. "An anesthesiologist is the 'master of the airway' and her doctors completely failed in their primary responsibility to protect her airway."

About Corboy & Demetrio

Named as a Top Law Firm by *Chicago Magazine* in 2008, Corboy & Demetrio is one of the nation's premier law firms. The Chicago law firm represents individuals and their families in serious personal injury and wrongful death cases, and is renowned for its achievements in the courtroom and for its contributions to the community. The rights and concerns of its clients are at the core of Corboy & Demetrio's practice. That dedication, compassion and relentless drive has resulted in exceptional service and exceptional results for its clients. The Chicago based firm has acquired more than \$3 billion in settlements and verdicts and has attained more than 500 settlements and verdicts in excess of \$1 million.

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