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In the News

June 19, 2009 Volume: 155 Issue: 120

In Circuit Court

The daughter of an 18-year-old woman who died at Advocate Bethany Hospital after physicians failed to recognize, diagnose and treat her postpartum cardiomyopathy will receive \$5.35 million under a structured settlement reached Tuesday, according to the lawyer who represented the woman's estate.

In September 2004, less than a month after the daughter was born, her mother, Octavia Shealey, arrived in the emergency room complaining of shortness of breath and chest pain.

The mother was boarded in the emergency room because no ICU beds were available and was improperly treated for pneumonia, which worsened her heart failure, according to the lawsuit.

She died as she was being transported to the ICU more than 15 hours later.

John J. Perconti of Levin & Perconti represented the estate.

Steven C. Steinback of Barker & Castro LLC represented the hospital and a doctor. **Jack T. Riley** of Johnson & Bell Ltd. represented two doctors, a physician's assistant and Emergency Medical Specialists. Another doctor was represented by Michael R. Slovis of Cunningham Meyer & Vedrine P.C.

The case, *Roshelle Shealey, etc. v. Advocate Health and Hospitals Corporation, etc., et. al.*, No. 05 L 012265, settled by mediation before **Donald P. O'Connell**.

Around the state

A Jo Daviess County jury has awarded more than \$2.84 million to a painter who severely injured a heel in a fall from a lift at the construction site for a school.

The award, which was reduced to about \$1.98 million after the jury factored in the plaintiff's comparative negligence, was the largest verdict ever recorded for a personal-injury case in Jo Daviess County, said John L. Kirkton, editor of the Jury

Lawyers' Handbook



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EDITION

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Law Bulletin
Publishing Company

January 2009

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Verdict Reporter.

The lawsuit stemmed from an accident in 2003, when the painter, William Theiss, fell from a height of 15 feet as he was working from a lift that was lacking a front guardrail, said **Louis C. Cairo** of Goldberg, Weisman & Cairo Ltd., who along with **Michael D. Fisher** represented the plaintiff.

As a result of his injury, the man underwent numerous surgeries and was unable to return to his usual trade, according to the lawsuit.

Plaintiff lawyers argued that Hoffman Corp., the general contractor overseeing the construction of the school in Hanover and in charge of job site safety, permitted workers to use the lift without the rail. They also argued that Cidac Inc., a contractor coordinating the drywall and painting work for the project, provided a lift that lacked the safety rail.

The defense contended that the painter and his employer were at fault, arguing that the painter knew the guardrail was missing, but used the lift anyway.

Alton C. Haynes and Brian P. O'Neill of Haynes, Studnicka, Kahan, O'Neill & Poulakidas LLC represented Hoffman Corp. **Edward M. Maher** of Rockford-based Guyer and Enichen P.C. represented Cidac Inc., and **Joseph G. Skryd** of Wheaton-based Mulherin, Rehfeldt & Varchetto P.C. represented Forest City Decorators Inc., the painter's employer.

The verdict was returned on June 12. Circuit Judge William A. Kelly of the 15th Judicial Circuit presided. *William Theiss v. Hoffman Corp., et al.*, No. 04 L 13.

In the bar associations

Kent A. Gaertner was installed Thursday as the new president of the DuPage County Bar Association.

Gaertner is a partner in Wheaton-based Springer, Brown, Covey, Gaertner & Davis LLC, where he focuses his practice on bankruptcy law.

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