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Levin & Perconti File Lawsuit in the Death of 14-Month-Old Girl

CHICAGO- December 11, 2007 - John J. Perconti of the Chicago law firm, Levin & Perconti filed suit in the Circuit Court of Cook County on behalf of Elizabeth Nunez (Chicago) for the death of her fourteen-month-old daughter, Anna. The lawsuit was filed against Catholic Health Partners Services, an Illinois Not-For-Profit corporation, d/b/a St. Anthony Hospital (Chicago) and emergency room physician, Dr. Joseph Lachica. The lawsuit alleges that St. Anthony Hospital and Dr. Lachica failed to timely diagnose and treat meningitis which caused the death of Anna Nunez.

Fourteen-month-old Anna Nunez had always been a healthy baby. When Anna began to vomit and developed a fever on March 13, 2006, Elizabeth immediately took her daughter to see the pediatrician for treatment. Anna was diagnosed with a virus and gastroenteritis and sent home.

The following morning Anna still was not feeling well. Elizabeth took her daughter to the Emergency Room (ER) at St. Anthony Hospital for treatment. Anna was evaluated and treated in the emergency room. A blood culture test was ordered and Motrin, Tylenol, and IV fluids were prescribed. Anna was sent home with her mother. At 7:00 p.m. that evening, the emergency room nurse was notified by the laboratory that Anna's blood culture (test) showed the presence of gram positive cocci (multiple forms of bacteria).

Attorney John Perconti explained the medical error: “When the emergency room nurse and doctor learned the abnormal results of the blood culture they should have notified Elizabeth Nunez immediately and advised her to bring Anna back to the ER for further evaluation, hospitalization and antibiotic therapy. Instead, Dr. Lachica called Elizabeth at home to check on Anna’s condition and advised her to see her own pediatrician in the morning. St. Anthony’s and Dr. Lachica failed to inform Elizabeth that Anna had tested positive for gram positive cocci, a life-threatening bacteria. They also failed to notify Anna’s pediatrician about this abnormal result. With this type of infection, you must err on the side of caution or face the risk of losing a life.”

In the early hours of the morning on March 15, 2006, Elizabeth went into her daughter’s room to check on her. Feeling that Anna’s condition was worsening, Elizabeth returned to the emergency room at St. Anthony Hospital.

John Perconti explained what happened next: “When Anna arrived at the ER at St. Anthony Hospital the second time, she had developed signs of a systemic infection. She was subsequently transferred to Stroger Hospital with a diagnosis of pneumococcal meningitis. Anna’s condition deteriorated and, tragically, she died on March 17, 2006.”

The lawsuit alleges that the care provided to Anna Nunez at St. Anthony Hospital by Dr. Joseph Lachica fell below the minimum standard of care. The suit alleges that they failed to inform Elizabeth Nunez of the need to bring Anna back to the hospital in the face of a critical lab value; failed to discuss the lab results with her pediatrician; failed to timely diagnose a high-grade bacteremia and/or meningitis; and failed to timely administer appropriate antibiotics. As a direct and proximate result of the failures of care by St. Anthony Hospital and by Dr. Joseph Lachica, Anna Nunez developed an overwhelming pneumococcal infection with meningitis

which caused or contributed to cause her death.

Perconti concluded: “If the emergency room staff and Dr. Lachica had only acted upon the blood culture results and brought Anna back to the hospital for re-evaluation, Anna’s tragic death would in all likelihood have been avoided.”

Anna is survived by her mother Elizabeth Nunez, her father, Justino Nunez, and sisters, Heather and Katrina.