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Contact:

Jenna Bosco

Levin & Perconti

325 North LaSalle Street, Suite 450

Chicago, IL 60654

312.332.2872

[jenna@levinperconti.com](mailto:jenna@levinperconti.com)



## **\$5.35 Million Wrongful Death Settlement Reached For Failure to Diagnose Postpartum Cardiomyopathy**

**CHICAGO, IL, June 16, 2009** – Today, John Perconti of the Chicago-based law firm Levin & Perconti announced that a \$5,350,000.00 settlement was reached for the wrongful death of 18-year-old Octavia Shealey which occurred while she was a patient at Advocate Bethany Hospital in Chicago. The settlement was reached on behalf of Octavia’s daughter, Tanyia, age 4, who was one-month old at the time of her mother’s death.

On August 8, 2004, Octavia Shealey gave birth to a daughter, Tanyia, without any complications. Octavia was perfectly healthy and had no history of any medical problems. Less than a month later, on September 2, 2004, Octavia was taken to the emergency room at Bethany Hospital with complaints of shortness of breath and chest pain. In the emergency room, she was initially diagnosed with pneumonia by a physician’s assistant. The attending emergency room physician signed off on this diagnosis.

Soon after her diagnosis, a chest x-ray was taken. The results did not support a diagnosis of pneumonia, but instead demonstrated signs of congestive heart failure. These signs, however, were ignored, and overnight, she was boarded in the emergency room because there were no beds available in the hospital’s intensive care unit. During this time, hospital staff continued to administer medications and treatments for pneumonia even though she was not responding to these treatments.

Throughout the night, Octavia’s breathing worsened. Early the next morning, a cardiologist was notified of Octavia’s current status and recognized that she was most likely suffering from heart failure and not pneumonia. He immediately suspected postpartum cardiomyopathy and ordered that Octavia be intubated. A test confirmed the diagnosis and treatment was instituted. However, it was too late. Octavia had significantly tired as she was breathing twice as fast as normal for over 15 hours. During

transfer to the ICU, a nurse pulled out Octavia's endotracheal tube, her only source of oxygen, which sent her into respiratory arrest, cardiac arrest and death.

Postpartum cardiomyopathy is a serious and life threatening condition women suffer after child birth. The condition causes ventricular heart damage which affects the heart's ability to pump blood throughout the body. The condition requires timely diagnosis and treatment to prevent an untoward outcome.

Defendants involved are Advocate Bethany Hospital, Dr. Sang In Han, Dr. David Bogolub, Dr. Andrew Labrador, Diane Samson P.A. and Emergency Medical Specialists II, S.C.

"Octavia's death was tragic because it was preventable with timely medical treatment. She was boarded in the emergency room without any physician responding to her serious medical symptoms and complaints for over 15 hours. They just let her lie there until her heart finally gave out," said John Perconti.

"This process has helped me learn the true facts of what happened to my daughter and has brought closure for me and my family. My attorneys did an outstanding job in discovering the truth and resolving this case," said Rochelle Shealey, Octavia's mother.

"We are happy we were able to reach a settlement in this case. However, it will never compensate Tanyia for the loss of her mother at such a young age. Rochelle has done a remarkable job raising her granddaughter," said Perconti.

Levin & Perconti is a nationally renowned law firm concentrating in all types of personal injury, medical malpractice, and wrongful death litigation. The lawyers at Levin & Perconti are committed to protecting and vindicating the rights of people who are injured by the negligence of others. Please contact the firm at (312) 332-2872 or visit [www.levinperconti.com](http://www.levinperconti.com) for more information.

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