

Chicago Daily Law Bulletin

Volume 148, No. 162

Monday, August 19, 2002

\$19.4 million settlement for injured man sets new mark

By KATE SCHOTT
Law Bulletin staff writer

A record \$19.4 million settlement has been reached between a hospital and some of its doctors, and a patient who suffered a brain hemorrhage after undergoing a procedure to relieve bleeding that caused pressure on his brain.

The operation to relieve the chronic subdural hematoma was performed Feb. 3, 1993, at Rush-Presbyterian-St. Luke's Medical Center.

Former investment broker Paul Wyatt, who can no longer work, suffers speech impairment and mild hemiparesis as a result of the hemorrhage, according to the lawsuit.

The settlement is the highest recorded in Cook County for a victim with those injuries, according to John Kirkton, editor of the Jury Verdict Reporter.

In 1992, Wyatt—at the age of 30—was named the youngest partner at the investment banking firm of William Blair & Co. He was making nearly \$1 million a year, according to plaintiff attorney Robert S. Baizer of the Highland Park law firm of Baizer & Kolar.

"He truly was the Michael Jordan of institutional bond sales," Baizer said of Wyatt, who was an avid golfer.

That year, while on a business trip in San Antonio, Wyatt was robbed by men who kicked him in the head. The men, Baizer said, were never found by police.

When Wyatt returned to Chicago, he experienced severe headaches caused by the hematoma.

Doctors performed the procedure to relieve the pressure, Baizer said, calling the operation "a routine procedure usually done by a resident."

But 11 hours after the surgery, while a nurse was emptying and re-suctioning a drain

secured in his skull, Wyatt vomited and experienced pain, Baizer said.

A few hours later, Baizer said, his client suffered the first of two seizures, the result of the intracerebral hemorrhage.

Baizer and attorneys Joseph E. Kolar and Beth R. Prager, argued that doctors should have clamped the drain and administered an anti-convulsant medication sooner.

Wyatt, now 39, is often "frustrated and depressed," Baizer said.

"He has a lot of trouble finding words so he'll speak very haltingly," Baizer said. "It's horrible. There's just sort of a link missing."

Wyatt also suffers from complete numbness on his right side.

The parties agreed to the settlement in the third week of the emotional trial, Baizer said.

"Paul and [his wife] Linda were very very difficult witnesses to put on," Baizer said. "I had a lot of trouble keeping my composure."

The couple has three young children, Baizer said.

AIG Insurance Co. will pay \$17.5 million on behalf of Rush, two doctors and a nurse, all represented by R. Dennis Rasor and Amy H. Kane of Anderson, Bennett & Partners.

Isthmus Insurance Co. will pay \$1.9 on behalf of the Associates in Neurosurgery and a retired doctor, represented by Francis Raymond Petrek Jr. and Luisa F. Trujillo of Bollinger, Ruberry & Garvey.

Petrek said the doctors did "an exemplary job" and had no other choice but to perform the procedure due to the severity of Wyatt's head injuries.

"The only other option was to not decompress the swelling" which would have resulted in the death of Wyatt, Petrek said.

Cook County Circuit Judge Jennifer Duncan-Brice presided. The case is Wyatt v. Rush-Presbyterian-St. Luke's Medical Center at al., No. 00 L 11508.