



# Chicago Daily Law Bulletin

\$1

10, 251

preme Court ready to examine Frye standard

LAWYERS' FORUM, PAGE 4



COURT CALL  
NEW SUITS .....  
CASE SUMMARIES ..... 3;  
CLASSIFIEDS .....  
PUBLIC NOTICES .....

52 pages in 3 sections

BOOK



## Brain-damage suit settles for \$7M

### Agreement is the fifth-highest recovery for medical-malpractice cases in DuPage County

BY ROY STROM  
*Law Bulletin staff writer*

A hospital and the family of a 10-year-old girl reached a \$7 million settlement in a lawsuit that alleged negligent care of the girl shortly after her birth caused lifelong mental and physical disabilities.

Rachel Cooper suffered brain damage shortly after her birth at Edward Hospital in Naperville in January 2003 when she was given 90 times the prescribed amount of intravenous fluids, the suit in DuPage County Circuit Court alleged. Rachel's family began litigation in 2011, believing until then that

Rachel's disabilities — which include a relatively low IQ and difficulties with executive function — may improve over time, said Robert S. Baitzer, a partner at Baitzer, Kolar & Lewis PC, in Highland Park who represented the Cooper family along with colleague Brian J. Lewis.

"With this money she will be able to get a lot of therapy," Baitzer said. "And her parents are hopeful that maybe one day she will be able to go to college and maybe one day be able to work productively."

The \$7 million settlement is the fifth-highest medical-malpractice verdict or settlement reported in

DuPage County, according to the Jury Verdict Reporter. The highest on record in that county is \$12 million.

Soon after Rachel was born a healthy triplet with two brothers, she was prescribed a hydrating solution called D10W. The intravenous solution was to be infused at a rate of 4.5 cc an hour.

She received the solution at that rate for two hours. But then a series of events went wrong that led to her receiving 405 cc an hour for roughly 46 minutes, which resulted in permanent brain damage, the complaint alleged.

When a nurse hung a new bag, she set the IV pump to dispense 405 cc an hour, the complaint alleged. Not only was the nurse negligent for setting the wrong rate, the complaint alleged, but the

nurse also used an IV pump intended for adults.

"If they had used a neonatal pump, it couldn't have delivered anywhere near this amount," Baitzer said.

The solution was infused at the elevated rate for 46 minutes before another nurse in the neonatal intensive care unit noticed the infant looking puffy, the family alleged.

Rachel's blood volume increased by 250 percent and her weight increased by 20 percent in less than an hour, the family alleged. After a nurse noticed, a doctor saved the girl's life by lowering her glucose levels while bringing up her levels of sodium, the family alleged.

"It's the only case I've ever started out suggesting to a defense counsel that it would be appropriate to admit negligence because it seems so obvious," Baitzer said.



Robert S. Baitzer

The settlement was reached in mediation with Jennifer Duncan Brice of Resolute Systems ahead of a trial date set for this month. Hall, Prangle & Schoonveld LLC

lawyers Mary N. Nielsen and Matthew W. McEligott, who represented Edward Hospital, could not be reached for comment.

[rstrom@lbpcc.com](mailto:rstrom@lbpcc.com)

## Verdict stands is error

v. FCI Builders