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*Bob Baizer, senior partner in the Highland Park-based law firm of Baizer and Kolar*

# Man wins \$19 million settlement

By Art Peterson  
STAFF WRITER

A Chicago hospital has agreed to pay a pre-verdict settlement of \$19.4 million to a Lake Forest man to resolve a nine-year-old neurosurgical malpractice case.

Bob Baizer, senior partner in the Highland Park-based law firm of Baizer and Kolar, said the settlement with Rush Presbyterian St. Luke's Medical Center is a record for Lake County and one of the largest nationwide.

The victim in the malpractice was Paul Wyatt, who Baizer described as "the Michael Jordan of investment banking."

At age 30 in 1992, he was the youngest partner ever at a prestigious investment banking house, Baizer said. "He was an enormously successful institutional municipal bond salesman."

Wyatt's lost income was estimated at \$50 million in the trial, which went two weeks in Cook County Circuit Court before the out-of-courtroom settlement was recently reached.

Wyatt was attacked in December 1992 while on a business trip to San Antonio, Texas. During the armed robbery, he was kicked in the head and suffered other injuries.

After returning home, he developed headaches, which Baizer said were caused by slow bleeding inside the skull, but outside the brain.

The condition required a "routine procedure," Baizer said, drilling a hole into the skull to release the old blood. The procedure was performed with the expectation Wyatt would remain in the hospital for several days and return to normal activities within the next week.

The post-operative recovery was uneventful, Baizer said, until the attending nurse observed a reaction she had not seen in 20 years. A second-year resident examined Wyatt and opted to do nothing, Baizer said. Three hours later, after another exam, the decision again was to do nothing.

Twenty minutes after the second exam, Wyatt suffered a grand mal seizure. Doctors failed to administer an anti-seizure drug, Baizer said, and two hours later, Wyatt suffered a second seizure. A CT scan revealed a large amount of bleeding inside the brain.

As a result of the hemorrhage, Wyatt suffered the equivalent of a severe stroke, Baizer said. He remained at Rush for a month and then was transferred to the Rehabilitation Institute of Chicago for two months.

"For the first few days after the stroke, it was uncertain whether he would live," Baizer said.

At the institute, Wyatt "made great progress during rehabilitation. By the time he left, he was able to walk, but was unable to speak more than a word or two," Baizer said. "Today, he has partial paralysis and almost total numbness on his right side. Speech is extremely difficult, finding words and processing written information. He has been unable to work since the stroke and will not be able to in the future."

The settlement was reached after two weeks of testimony and just prior to final testimony and closing arguments.

"Clearly the most poignant moments in the trial were the testimony of Paul and

(wife) Linda Wyatt," said Joe Kolar, another partner in the law firm. "Many of the jurors wept as both testified regarding their lives before and after the stroke. Particularly moving were letters that Linda had written to Paul for the first three or four months after the stroke, during a time that Paul could not communicate."

Baizer credits "intense efforts" of Cook County Circuit Judge Jennifer Duncan-Brice to help both sides reach the settlement.

Baizer said Rush "is one of the finest hospitals in the U.S. Since this incident, they have opened a neuro-intensive care unit and have developed one of the finest neurosurgical groups in the U.S. The residents who were involved in this case have now distinguished themselves as excellent neurosurgeons. They made a mistake that unfortunately had tragic consequences."

In 1997 the Baizer-Kolar law firm gained an \$18.6 million award from a medical malpractice case tried in Lake County, on behalf of a Highland boy who had suffered brain injuries at birth.