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## Cook County jury awards \$14M to teen injured during his birth

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A Cook County jury awarded \$14 million to a boy who alleged that he suffered a brain injury before birth.

Ryan Hill, 13, was born in 1998 at Northwestern Memorial Hospital after his mother neared her 42nd week of pregnancy and visited her obstetrician. The obstetrician told her she could wait a day for the hospital to induce labor.

The next day, the obstetrician ordered nurses to administer Pitocin to the mother to stimulate contractions.

Ryan's suit against the hospital and the obstetrician alleged that after 19 hours of labor, the mother developed excessive contractions, known as tachysystole.

The suit alleged that the hospital kept a written policy on Pitocin use that stated nurses should reduce or discontinue the drug if tachysystole occurs. But the nurses failed to follow the policy, the suit alleged, and continued to give her Pitocin even though tachysystole appeared for about five hours prior to delivery.

The suit also accused the obstetrician and nurses of delaying a cesarean section after Ryan's fetal heart rate became abnormal and showed signs of distress.

The suit alleged that the tachysystole and delayed delivery caused Ryan to experience a partial prolonged hypoxia — a lack of oxygen in his brain — and brain damage before his birth.

Ryan suffers from seizures and cognitive defects that affect his ability to learn, follow directions and make decisions.

Christopher T. Hurley and Mark R. McKenna of Hurley, McKenna & Mertz P.C. represented the Hill family.

"It's really a bittersweet result because while the family is happy that the jury rendered a just result, they still have a brain-damaged child," Hurley said.

"All three of my children were born at Northwestern. It's a fine institution. I hope an experience like this causes them to continue to find ways to provide better care to people who come there and that they don't use it as an excuse to complain about the jury system."

Richard H. Donohue of Donohue, Brown, Mathewson & Smyth LLC represented the obstetrician.

"I've tried a fair number of these cases and I was never more surprised by a result than this one," Donohue said.

"It was pretty clear to me that the imaging studies that were done after birth showed this boy unfortunately suffered a stroke



Christopher T. Hurley

before the mother ever got to the hospital. ... I felt we presented and I felt we had a pretty solid causation defense. But the jury concluded otherwise."

Marilee Clausing and Michele C. Anderson of Anderson, Rasor & Partners LLP represented the hospital.

"We empathize with the family and respect the jury process, but are disappointed in the result and are considering our options on appeal," the hospital said in a statement.

The jury issued the verdict Monday after a three-week trial in front of Circuit Judge Gregory J. Wojkowski. The case is *Ryan Hill, etc. v. Dr. Elias Sabbagha, et al.* No. 06 L 908.