

COUNTY OF COOK COUNTY)
) SS
STATE OF ILLINOIS)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JANE DOE,)
)
 Plaintiff,) **2020 L 5550**
)
 v.)
)
 VERNON T. CANNON, M.D. and)
 DUPAGE MEDICAL GROUP LTD,)
)
 Defendants.)

THIRD AMENDED COMPLAINT AT LAW

NOW COMES the plaintiff, JANE DOE, by her attorneys in this regard, Hurley McKenna & Mertz, and as her Third Amended Complaint at Law against defendants VERNON T. CANNON, M.D. and DUPAGE MEDICAL GROUP LTD., she states as follows:

COUNT I – CIVIL SEXUAL BATTERY – VERNON T. CANNON, M.D.

1. Plaintiff JANE DOE is an adult female and was a gynecological patient of Defendant VERNON T. CANNON, M.D.
2. Defendant VERNON T. CANNON, M.D. is a medical doctor practicing in obstetrics and gynecology.
3. Co-Defendant DUPAGE MEDICAL GROUP, LTD. is a large medical practice conducting business in both DuPage County and Cook County, Illinois.
4. VERNON T. CANNON, M.D. held hospital privileges at Respondent in Discovery NORTHWESTERN MEDICINE CENTRAL DUPAGE HOSPITAL, commonly known as Central DuPage Hospital.

FILED DATE: 8/15/2022 4:41 PM 2020L005550

5. Plaintiff JANE DOE had been a longstanding patient of VERNON T. CANNON, M.D. prior to May 25, 2018.

6. Defendant and Plaintiff scheduled a colposcopy for May 25, 2018.

7. A colposcopy is a medical diagnostic procedure typically consisting of a magnified examination of the cervix, vagina and vulva with an instrument known as a colposcope.

8. On May 25, 2018, Plaintiff presented to VERNON T. CANNON, M.D. for the colposcopy. The colposcopy was conducted on an outpatient basis at a DUPAGE MEDICAL GROUP LTD. office.

9. Plaintiff entered an examination room for the procedure and removed her pants and underwear and draped the lower half of her body.

10. Defendant VERNON T. CANNON, M.D. thereafter entered the room.

11. Plaintiff specifically asked Defendant VERNON T. CANNON, M.D. to only perform the colposcopy because she was very nervous for the procedure.

12. VERNON T. CANNON, M.D. agreed and Plaintiff placed her feet in stirrups for the examination.

13. Without permission or consent from Plaintiff, VERNON T. CANNON, M.D. then placed his mouth and tongue on the Plaintiff's vagina and anus.

14. After placing his mouth and tongue on the Plaintiff's vagina and anus he told the Plaintiff she "tasted good."

15. VERNON T. CANNON, M.D. thereafter performed the colposcopy previously planned.

16. The sexual touching described above was unwanted by Plaintiff.

17. All physical and sexual advances and contact initiated by VERNON T. CANNON, M.D. were unwanted, unwelcomed, harmful, and damaging to Plaintiff and were done without Plaintiff's consent.

18. Defendant VERNON T. CANNON, M.D. knew or should have known that his intentional sexual advances and contact were unwanted, unwelcomed, harmful, and/or damaging to the Plaintiff.

19. As a physician, VERNON T. CANNON, M.D. owed Plaintiff a duty to avoid sexually battering her and making unwanted advances.

20. VERNON T. CANNON, M.D. breached that duty and sexually battered the Plaintiff when he:

- a. Intentionally made contact with her vagina for the purposes of his own sexual gratification;
- b. Intentionally made contact with her anus for the purposes of his own sexual gratification;
- c. Placed his tongue and mouth upon the vagina of the Plaintiff;
- d. Placed his tongue and mouth upon the anus of the Plaintiff;
- e. Engaged in sexual touching during a medical exam;
- f. Engaged in sexual touching while Plaintiff was in a particularly vulnerable position, in stirrups and unable to defend herself.

21. As a proximate cause of the act described above, Plaintiff suffered personal and pecuniary damages, including but not limited to pain and suffering and loss of normal life.

WHEREFORE, the Plaintiff, JANE DOE, by and through Plaintiff's attorneys, Hurley McKenna & Mertz, prays for damages against defendant VERNON T. CANNON, M.D. in a sum in excess of \$50,000.00, plus the costs of suit, and all other relief permitted by law.

**COUNT II – NEGLIGENCE – INSTITUTIONAL NEGLIGENCE –
DUPAGE MEDICAL GROUP LTD.**

1. Plaintiff JANE DOE is an adult female and was a gynecological patient of co-Defendant VERNON T. CANNON, M.D.
2. Co-Defendant VERNON T. CANNON, M.D. is a medical doctor practicing in obstetrics and gynecology.
3. Defendant DUPAGE MEDICAL GROUP, LTD. is a large medical practice conducting business in both DuPage County and Cook County, Illinois.
4. At all times relevant to this Third Amended Complaint, co-Defendant VERNON T. CANNON, M.D. was an employee, agent, apparent agent, principal, partner and/or shareholder with Defendant DUPAGE MEDICAL GROUP, LTD.
5. Co-Defendant VERNON T. CANNON, M.D. held hospital privileges at NORTHWESTERN MEDICINE CENTRAL DUPAGE HOSPITAL, commonly known as Central DuPage Hospital.
6. Plaintiff JANE DOE had been a longstanding patient of DUPAGE MEDICAL GROUP, LTD. prior to May 25, 2018.
7. Plaintiff scheduled with VERNON T. CANNON, M.D. a colposcopy for May 25, 2018.
8. A colposcopy is a medical diagnostic procedure typically consisting of a magnified examination of the cervix, vagina and vulva with an instrument known as a colposcope.

9. On May 25, 2018, Plaintiff presented to VERNON T. CANNON, M.D. for the colposcopy. The colposcopy was conducted on an outpatient basis at a DUPAGE MEDICAL GROUP LTD. office.

10. Plaintiff entered an examination room for the procedure and removed her pants and underwear and draped the lower half of her body.

11. Defendant VERNON T. CANNON, M.D. thereafter entered the room.

12. Plaintiff specifically asked Defendant VERNON T. CANNON, M.D. to only perform the colposcopy because she was very nervous for the procedure.

13. VERNON T. CANNON, M.D. agreed and Plaintiff placed her feet in stirrups for the examination.

14. VERNON T. CANNON, M.D. then placed his mouth and tongue on the Plaintiff's vagina and anus.

15. After placing his mouth and tongue on the Plaintiff's vagina and anus he told the Plaintiff she "tasted good."

16. VERNON T. CANNON, M.D. thereafter performed the colposcopy previously planned.

17. The touching described above was unwanted by Plaintiff.

18. All physical and sexual advances and contact initiated by VERNON T. CANNON, M.D. were unwanted, unwelcomed, harmful, and damaging to Plaintiff and was done without Plaintiff's consent.

19. As a sophisticated medical practice, employing doctors in a variety of medical practices, Defendant owed its patient, JANE DOE, a duty to implement policies and procedures,

screen physicians, and supervise physicians so as to prevent sexual battery by gynecologists, including VERNON T. CANNON, M.D.

20. Beginning by at least May 25, 2018, Defendant VERNON T. CANNON, M.D. was regularly consuming alcohol before, during and after work and practicing as a gynecologist while intoxicated.

21. Records in the possession of Defendant DUPAGE MEDICAL GROUP, LTD. document at least three instances of patients complaining about VERNON T. CANNON, M.D.'s drinking while providing medical care and at least two additional instances calling into question his professionalism.

22. DUPAGE MEDICAL GROUP, LTD. sends patients surveys following appointments.

23. Those surveys allow for patients to rate physicians and staff and to make comments about their medical care.

24. The responses for the year 2018 are undated, but contain approximately 90 patient responses over the course of the year.

25. Upon information and belief (because the responses are undated), in early 2018, a patient complained that Dr. Cannon "was under the influence of alcohol. He was slurring his words and had a strong odor of an alcoholic beverage coming from his breath."

26. Though this Complaint is undated, it appears to have been made early in 2018, as it is the fifth entry on a spreadsheet of approximately 90 entries for the year 2018.

27. A subsequent entry, the 16th of approximately 90 entries for 2018, indicates that the patient "will never recommend" Dr. Cannon.

28. In the 17th entry for 2018, a patient described VERNON T. CANNON, M.D. as “very unprofessional.”

29. Though VERNON T. CANNON, M.D.’s drinking appears to have been reported to DUPAGE MEDICAL GROUP, LTD. in early 2018, DUPAGE MEDICAL GROUP, LTD. did nothing with those reports in terms of an investigation.

30. Had DUPAGE MEDICAL GROUP, LTD. investigated, they would have learned that VERNON T. CANNON, M.D. had been charged with two counts of Domestic Violence on April 1, 2016.

31. Had DUPAGE MEDICAL GROUP, LTD. investigated, they would have learned that Warrenville Police Department responded to a neighbor calling 911 at an apartment complex in Warrenville, Illinois.

32. The Warrenville Police Department went to the apartment and identified a victim of domestic abuse with “visible injuries to her face” and “blood in various locations from the bed to the carpet and into the hallway and bathroom.”

33. Ultimately, the Warrenville Police Department identified Vernon T. Cannon, M.D. as the perpetrator and contacted the Arlington Heights Police Department to detain Vernon T. Cannon, M.D.

34. The Warrenville Police Department also described that both the victim and Dr. Cannon were “drinking bourbon” prior to the incident.

35. Photographs depict injuries to the face of the victim and injuries to the hand of Dr. Cannon.

36. Vernon T. Cannon, M.D. was arrested and charged with two counts of Domestic Violence: Count I: “Knowing and without legal justification, made physical contact of a

provoking nature with [the victim], an individual the defendant has a child in common with, in that said defendant placed his hands upon the face of [the victim.]”

37. Count II read as follows: “Knowingly and without legal justification, caused bodily harm to [the victim], an individual the defendant has a child in common with, in that said defendant struck [the victim] in the face with his hands causing bloody and puffy lips.”

38. Had DUPAGE MEDICAL GROUP, LTD. investigated, they would have learned that VERNON T. CANNON, M.D. lied at least twice in his April 17, 2017 response to the Health Care Professionals Recredentialing and Business Data Gather Form.

39. Specifically, DUPAGE MEDICAL GROUP, LTD. would have learned that Vernon T. Cannon, M.D. lied when he responded “No” to the following question: “Have you been charged with or convicted of a crime (other than a minor traffic offense) in this or any other state or country and/or do you have any criminal charges pending other than minor traffic offenses in this state or any other state or country.”

40. VERNON T. CANNON, M.D.’s “no” answer was false because he had been charged with a crime in 2016.

41. DUPAGE MEDICAL GROUP, LTD. would also have learned that Vernon T. Cannon, M.D. lied when he responded “No” to the following question: “Have you been the subject of a civil or criminal complaint or administrative action or been notified in writing that you are being investigated as the possible subject at a civil, criminal or administrative action regarding sexual misconduct, child abuse, domestic violence or elder abuse?”

42. VERNON T. CANNON, M.D.’s “no” answer was false because he had been charged with two counts of domestic violence.

43. DUPAGE MEDICAL GROUP, LTD's Human Resource Department eventually became aware that VERNON T. CANNON, M.D. completed an alcohol rehabilitation program. However, that program did not begin until October of 2019.

44. An obstetrician has a duty to practice obstetrics sober.

45. An intoxicated obstetrician poses a particular risk to women of engaging in non-consensual sexual acts.

46. Medical professional publications indicate that approximately one-half of sexual assault cases involve alcohol consumption by either the perpetrator, the victim, or both.

47. Other surveys of literature demonstrate that alcohol consumption in men is positively associated with sexual assault perpetration.

48. As a sophisticated medical group, DUPAGE MEDICAL GROUP, LTD. knew or should have known that alcohol consumption by a physician, particularly an obstetrician, posed a threat to his female patients.

49. As a sophisticated medical group, DUPAGE MEDICAL GROUP, LTD. knew or should have known that a gynecology patient could not and would not consent to examinations by a physician in either an intoxicated state or with a history of examining women while intoxicated.

50. For these, and other reasons, Defendant DUPAGE MEDICAL GROUP, LTD. owed a duty to ensure that its obstetricians, including VERNON T. CANNON, M.D. practiced medicine sober and did not engage in non-consensual sexual contact with patients, including Plaintiff.

51. DUPAGE MEDICAL GROUP, LTD. breached that duty and was negligent as an institution in one or more of the following ways:

- a. Failed to adopt policies and procedures requiring chaperones to be present with Dr. Cannon during gynecological examinations;
- b. Failed to adopt policies and procedures requiring chaperones to be present with Dr. Cannon during examinations in light of the history of complaints of his intoxication and his unprofessionalism;
- c. Failed to adopt policies and procedures that protected patients from sexual assault by Vernon T. Cannon, M.D.;
- d. Failed to conduct any investigation into Dr. Cannon after patients reported his drinking;
- e. Failed to take any remedial measures to address Dr. Cannon's drinking and, instead, allowed him to continue to practice obstetrics and gynecology.
- f. Negligently managed its practice and the physicians within the practice.

52. As a proximate result of the acts or omissions described above, Plaintiff suffered personal and pecuniary damages, including but not limited to pain and suffering and loss of normal life.

WHEREFORE, the Plaintiff, JANE DOE, by and through Plaintiff's attorneys, Hurley McKenna & Mertz, prays for damages against defendant DUPAGE MEDICAL GROUP LTD. in a sum in excess of \$50,000.00, plus the costs of suit, and all other relief permitted by law.

COUNT III – NEGLIGENCE – DUPAGE MEDICAL GROUP – NEGLIGENT SUPERVISION AND RETENTION

1. Plaintiff JANE DOE is an adult female and was a gynecological patient of co-Defendant VERNON T. CANNON, M.D.

2. Co-Defendant VERNON T. CANNON, M.D. is a medical doctor practicing in obstetrics and gynecology.

3. Defendant DUPAGE MEDICAL GROUP, LTD. is a large medical practice conducting business in both DuPage County and Cook County, Illinois.

4. At all times relevant to this Third Amended Complaint, co-Defendant VERNON T. CANNON, M.D. was an employee, agent, apparent agent, principal, partner and/or shareholder with Defendant DUPAGE MEDICAL GROUP, LTD.

5. Co-Defendant VERNON T. CANNON, M.D. held hospital privileges at NORTHWESTERN MEDICINE CENTRAL DUPAGE HOSPITAL, commonly known as Central DuPage Hospital.

6. Plaintiff JANE DOE had been a longstanding patient of DUPAGE MEDICAL GROUP, LTD. prior to May 25, 2018.

7. Plaintiff scheduled with VERNON T. CANNON, M.D. a colposcopy for May 25, 2018.

8. A colposcopy is a medical diagnostic procedure typically consisting of a magnified examination of the cervix, vagina and vulva with an instrument known as a colposcope.

9. On May 25, 2018, Plaintiff presented to VERNON T. CANNON, M.D. for the colposcopy. The colposcopy was conducted on an outpatient basis at a DUPAGE MEDICAL GROUP LTD. office.

10. Plaintiff entered an examination room for the procedure and removed her pants and underwear and draped the lower half of her body.

11. Defendant VERNON T. CANNON, M.D. thereafter entered the room.

12. Plaintiff specifically asked Defendant VERNON T. CANNON, M.D. to only perform the colposcopy because she was very nervous for the procedure.

13. VERNON T. CANNON, M.D. agreed and Plaintiff placed her feet in stirrups for the examination.

14. VERNON T. CANNON, M.D. then placed his mouth and tongue on the Plaintiff's vagina and anus.

15. After placing his mouth and tongue on the Plaintiff's vagina and anus he told the Plaintiff she "tasted good."

16. VERNON T. CANNON, M.D. thereafter performed the colposcopy previously planned.

17. The touching described above was unwanted by Plaintiff.

18. All physical and sexual advances and contact initiated by VERNON T. CANNON, M.D. were unwanted, unwelcomed, harmful, and damaging to Plaintiff and was done without Plaintiff's consent.

19. As a sophisticated medical practice, employing doctors in a variety of medical practices, Defendant owed its patient, JANE DOE, a duty to implement policies and procedures, screen physicians, and supervise physicians so as to prevent sexual battery by gynecologists, including VERNON T. CANNON, M.D.

20. Beginning by at least May 25, 2018, Defendant VERNON T. CANNON, M.D. was regularly consuming alcohol before, during and after work and practicing as a gynecologist while intoxicated.

21. Records in the possession of Defendant DUPAGE MEDICAL GROUP, LTD. document at least three instances of patients complaining about VERNON T. CANNON, M.D.'s

drinking while providing medical care and at least two additional instances calling into question his professionalism.

22. DUPAGE MEDICAL GROUP, LTD. sends patients surveys following appointments.

23. Those surveys allow for patients to rate physicians and staff and to make comments about their medical care.

24. The responses for the year 2018 are undated, but contain approximately 90 patient responses over the course of the year.

25. Upon information and belief (because the responses are undated), in early 2018, a patient complained that Dr. Cannon “was under the influence of alcohol. He was slurring his words and had a strong odor of an alcoholic beverage coming from his breath.”

26. Though this Complaint is undated, it appears to have been made early in 2018, as it is the fifth entry on a spreadsheet of approximately 90 entries for the year 2018.

27. A subsequent entry, the 16th of approximately 90 entries for 2018, indicates that the patient “will never recommend” Dr. Cannon.

28. In the 17th entry for 2018, a patient described VERNON T. CANNON, M.D. as “very unprofessional.”

29. Though VERNON T. CANNON, M.D.’s drinking appears to have been reported to DUPAGE MEDICAL GROUP, LTD. in early 2018, DUPAGE MEDICAL GROUP, LTD. did nothing with those reports in terms of an investigation.

30. Had DUPAGE MEDICAL GROUP, LTD. investigated, they would have learned that VERNON T. CANNON, M.D. had been charged with two counts of Domestic Violence on April 1, 2016.

31. Had DUPAGE MEDICAL GROUP, LTD. investigated, they would have learned that Warrenville Police Department responded to a neighbor calling 911 at an apartment complex in Warrenville, Illinois.

32. The Warrenville Police Department went to the apartment and identified a victim of domestic abuse with “visible injuries to her face” and “blood in various locations from the bed to the carpet and into the hallway and bathroom.”

33. Ultimately, the Warrenville Police Department identified Vernon T. Cannon, M.D. as the perpetrator and contacted the Arlington Heights Police Department to detain Vernon T. Cannon, M.D.

34. The Warrenville Police Department also described that both the victim and Dr. Cannon were “drinking bourbon” prior to the incident.

35. Photographs depict injuries to the face of the victim and injuries to the hand of Dr. Cannon.

36. Vernon T. Cannon, M.D. was arrested and charged with two counts of Domestic Violence: Count I: “Knowing and without legal justification, made physical contact of a provoking nature with [the victim], an individual the defendant has a child in common with, in that said defendant placed his hands upon the face of [the victim.]”

37. Count II read as follows: “Knowingly and without legal justification, caused bodily harm to [the victim], an individual the defendant has a child in common with, in that said defendant struck [the victim] in the face with his hands causing bloody and puffy lips.”

38. Had DUPAGE MEDICAL GROUP, LTD. investigated, they would have learned that VERNON T. CANNON, M.D. lied at least twice in his April 17, 2017 response to the Health Care Professionals Recredentialing and Business Data Gather Form.

39. Specifically, DUPAGE MEDICAL GROUP, LTD. would have learned that Vernon T. Cannon, M.D. lied when he responded “No” to the following question: “Have you been charged with or convicted of a crime (other than a minor traffic offense) in this or any other state or country and/or do you have any criminal charges pending other than minor traffic offenses in this state or any other state or country.”

40. VERNON T. CANNON, M.D.’s “no” answer was false because he had been charged with a crime in 2016.

41. DUPAGE MEDICAL GROUP, LTD. would also have learned that Vernon T. Cannon, M.D. lied when he responded “No” to the following question: “Have you been the subject of a civil or criminal complaint or administrative action or been notified in writing that you are being investigated as the possible subject at a civil, criminal or administrative action regarding sexual misconduct, child abuse, domestic violence or elder abuse?”

42. VERNON T. CANNON, M.D.’s “no” answer was false because he had been charged with two counts of domestic violence.

43. DUPAGE MEDICAL GROUP, LTD. has provided no explanation for why VERNON T. CANNON, M.D. was able to practice for well over a year *after* a patient reported VERNON T. CANNON, M.D.’s drinking while practicing obstetrics.

44. An obstetrician has a duty to practice obstetrics sober.

45. An intoxicated obstetrician poses a particular risk to women of engaging in non-consensual sexual acts.

46. Had DUPAGE MEDICAL GROUP, LTD. conducted an investigation and learned about the Domestic Violence charges, the lying upon data gathering forms, and the history of patient complaints of intoxication, it would have terminated Vernon T. Cannon, M.D.

47. Medical professional publications indicate that approximately one-half of sexual assault cases involve alcohol consumption by either the perpetrator, the victim, or both.

48. Other surveys of literature demonstrate that alcohol consumption in men is positively associated with sexual assault perpetration.

49. As a sophisticated medical group, DUPAGE MEDICAL GROUP, LTD. knew or should have known that alcohol consumption by a physician, particularly an obstetrician, posed a threat to his female patients.

50. As a sophisticated medical group, DUPAGE MEDICAL GROUP, LTD. knew or should have known that a gynecology patient could not and would not consent to examinations by a physician in either an intoxicated state or with a history of examining women while intoxicated.

51. For these, and other reasons, Defendant DUPAGE MEDICAL GROUP, LTD. owed a duty to ensure that its obstetricians, including VERNON T. CANNON, M.D. practiced medicine sober and did not engage in non-consensual sexual contact with patients, including Plaintiff.

52. DUPAGE MEDICAL GROUP, LTD. breached that duty in one or more of the following ways:

- a. Negligently retained Dr. Cannon when it knew or should have known he had engaged in inappropriate relationships with patients prior to his assault of Plaintiff;
- b. Negligently retained Dr. Cannon when it knew or should have known he had engaged in drinking while examining female patients;

- c. Failed to adequately supervise Vernon T. Cannon, M.D. during his examination of Plaintiff;
- d. Failed to adequately supervise Vernon T. Cannon, M.D. during his examination of Plaintiff in light of his history of conducting examinations of women while intoxicated;
- e. Otherwise failed to adequately supervise its physicians.

53. As a proximate result of the acts or omissions described above, Plaintiff suffered personal and pecuniary damages, including but not limited to pain and suffering and loss of normal life.

WHEREFORE, the Plaintiff, JANE DOE, by and through Plaintiff's attorneys, Hurley McKenna & Mertz, prays for damages against defendant DUPAGE MEDICAL GROUP LTD. in a sum in excess of \$50,000.00, plus the costs of suit, and all other relief permitted by law.

HURLEY MCKENNA & MERTZ

By: /s/Evan M. Smola
Evan M. Smola
Attorney for Plaintiff

HURLEY MCKENNA & MERTZ, P.C.
Attorneys for Plaintiff
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COUNTY OF COOK COUNTY)
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JANE DOE,)
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 Plaintiff,) **2020 L 5550**
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 VERNON T. CANNON, M.D. and)
 DUPAGE MEDICAL GROUP LTD,)
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 Defendants.)
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JURY DEMAND

NOW COMES the plaintiff, JANE DOE, by and through her attorney in this regard, Hurley McKenna & Mertz, P.C., and hereby demands that this matter be tried before a jury of twelve persons.

HURLEY MCKENNA & MERTZ

By: /s/Evan M. Smola
Evan M. Smola
Attorney for Plaintiff

HURLEY McKENNA & MERTZ, P.C.
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FILED DATE: 8/15/2022 4:41 PM 2020L005550

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JANE DOE,)
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 VERNON T. CANNON, M.D. and)
 DUPAGE MEDICAL GROUP LTD,)
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 Defendants.)
)
 NORTHWESTERN MEDICINE CENTRAL)
 DUPAGE HOSPITAL,)
 CENTRAL DUPAGE HOSPITAL, and)
 CENTRAL DUPAGE HOSPITAL)
 ASSOCIATION.)
)
 Respondents in Discovery.)

2020 L 5550

AFFIDAVIT PURSUANT TO 735 ILCS 5/2-622

I, Evan M. Smola, being duly swear and under oath, states as follows:

1. I have consulted and reviewed the facts of this case with a medical doctor whom I believe:
 - (i) is knowledgeable in the relevant issues involved in this action;
 - (ii) practices and has practiced for the last six years as a physician in the same area of medicine that is at issue in this action;
 - (iii) is qualified by experience or demonstrated competence in the subject of this case.
2. The reviewing health professional has determined in a written report, after a review of the medical record and other relevant material involved in the particular action that there is a reasonable and meritorious cause for filing this action against the defendants.

3. I have concluded on the basis of the reviewing health professional's review and consultation that there is a reasonable and meritorious cause for filing this action.

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

/s/ Evan M. Smola
Evan M. Smola
One of the attorneys for the Plaintiff

HURLEY McKENNA & MERTZ, P.C.
Attorneys for Plaintiff
20 S. Clark St., Suite 2250
Chicago, Illinois 60603
(312) 553-4900
Atty. No. 41267

Evan M. Smola
Hurley McKenna & Mertz
33 N. Dearborn St.
Suite 1430
Chicago, IL 60602

Dear Mr. Smola:

I am a physician licensed to practice medicine in all of its branches. I am certified by the National Board of Physicians and Surgeons and the American Board of Medical Quality. I am knowledgeable and familiar with the care and treatment administered in this case. I have reviewed a written statement of Jane Doe as well as certain medical records from DuPage Medical Group. I have reached the conclusion that there is a reasonable and meritorious cause for the filing of an action against DuPage Medical Group for institutional negligence and failure to supervise.

Prior to May 25, 2018, Jane Doe was a gynecological patient of Dr. Vernon T. Cannon. According to the medical records, Jane Doe and Dr. Vernon T. Cannon scheduled a colposcopy for May 25, 2018. Generally, a colposcopy is a procedure in which a medical instrument is used to examine the cervix, vagina and vulva. According to the patient's statement, Dr. Cannon then made sexual contact with her and followed that contact up with remarks of a sexual nature.

There apparently was not a chaperone present for this procedure. In my opinion, taking the patient's statement as true, DuPage Medical Group failed to implement policies and procedures that would prevent Dr. Cannon from sexually abusing a patient in this context. For these reasons, I find there to be a reasonable and meritorious cause of action against DuPage Medical Group for its failure to implement policies and procedures that protect patients and for its failure to supervise Dr. Cannon.

Of course, at present, I do not have access to DuPage Medical Group's policies and procedures or its employment file for Dr. Cannon. I reserve my right to change, amend, or supplement my opinions should further information become available to me.

Sincerely