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## Cook jury awards \$42.4M in wrongful death case

Quadriplegic man died at Advocate Condell hospital

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A Cook County jury awarded \$42.4 million to the family of a quadriplegic man who died at Advocate Condell Medical Center in Libertyville after falling into a coma from respiratory arrest and hypoxia while awaiting surgery.

Scott Wilcox, then 47, was a patient at Advocate Condell on July 28, 2017. He was being monitored for baclofen withdrawal and potential surgical replacement of his baclofen pump.

Wilcox became a quadriplegic after a skiing accident when he was 26 years old. A pump was implanted near his abdomen to deliver baclofen directly into his spinal cord to help control muscle spasms.

During the weekend of his July 2017 hospitalization, he developed severe signs and symptoms of baclofen withdrawal, according to the complaint.

The hospital allegedly decided to go forward with surgery to replace Wilcox's pump on July 31. However,



**Michael D. Ditore**

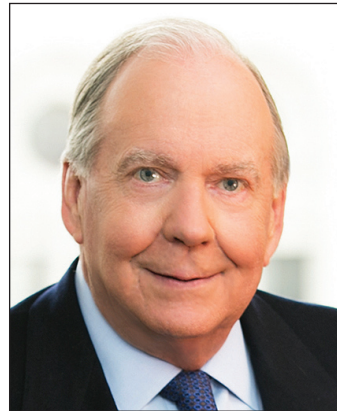
the complaint alleges neither the pump nor the proper concentration of intrathecal baclofen were available in the hospital at the time of the scheduled surgery.

The complaint maintains that Wilcox went into respiratory failure and hypoxia on the day of his scheduled surgery due to progressive baclofen withdrawal and the failure of the hospital to timely replace his pump.

He never regained consciousness and remained in coma until a decision was made to take him off life support on Aug. 13, 2017.

Wilcox's wife Robin, as independent executor of his estate, brought medical negligence and wrongful death claims against Advocate Condell.

The suit alleged the hospital



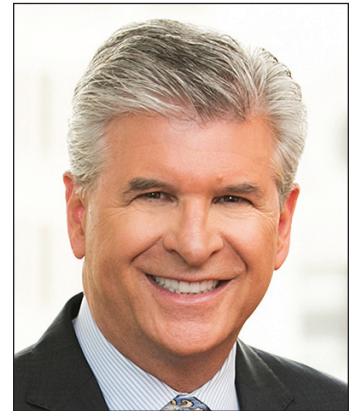
**Thomas A. Demetrio**

was negligent in several ways, such as failing to ensure effective communication among Wilcox's healthcare providers, which resulted in the delay of receiving his intrathecal baclofen medication.

The case went to trial before Cook County Circuit Court Judge Lorna E. Propes. The jury returned a verdict in favor of Wilcox's estate on Aug. 19.

The award covers loss of society and loss of income, as well as grief, sorrow and mental suffering of the family. The estate of Wilcox was represented by Thomas A. Demetrio, Michael D. Ditore and David R. Barry, Jr. of Corboy & Demetrio.

"While the family is pleased that the jury held Advocate responsible, ultimately they're going to be



**David R. Barry Jr.**

missing their dad ... every day for the rest of their lives," Ditore said. "So we're happy to have gotten that result, but of course, it's bittersweet at best for the family."

Advocate Condell was represented by Thomas R. Hill, Timothy Dobry and Lauren T. Scalzo of Smith Blake Hill, LLC. The attorneys could not be reached for comment.

"Our hearts go out to this individual and his family," a spokesperson for Advocate Condell said in a statement. "We are committed to providing the best care to all of our patients and their safety is our top priority. Out of respect for privacy and pending litigation, we are unable to comment further."

The case is *Wilcox v Advocate Condell Medical Center*, No. 2018 L 010293.