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## Infant brain injury brings \$50M award

### Jury finds Evanston Hospital mishandled delivery, after-care

BY **JORDYN REILAND**  
Law Bulletin staff writer

A Cook County jury awarded more than \$50 million to the family of a child Tuesday who sustained a “severe and permanent” brain injury due to a lack of oxygen to his organs when he was born.

The verdict was reached after an 11-day trial before Circuit Judge Kay M. Hanlon.

The \$50.3 million verdict is the third highest reported Illinois medical-malpractice verdict and the second highest reported Illinois birth injury verdict, according to John R. Kirkton, editor of the Jury Verdict Reporter, a Law Bulletin Media publication.

Aimee Florez and her husband, David, arrived at NorthShore University HealthSystem in Evanston on March 22, 2009, to give birth to their first child. After 12 hours of labor, Julien was born with a

low heart rate, blue coloration and difficulty breathing on his own.

Doctors and the nursing staff worked to get oxygen to his brain and organs but Julien ultimately sustained brain damage known as hypoxic ischemic encephalopathy.

Since then Julien has developed cerebral palsy and has decreased motor skills, bilateral hearing loss and difficulty walking, according to a news release issued by plaintiffs’ firm, Salvi, Schostok & Pritchard P.C.

“This injury never should have happened. Julien’s doctor and nurses did not recognize the ominous signs of fetal distress and his brain injury occurred right before their eyes,” Matthew L. Williams, who represented the Florez family, said in a news release.

In December 2014, Aimee and David Florez sued NorthShore University HealthSystem and its medical staff in Cook County Circuit Court, alleging the doctors and nurses failed to recognize signs of fetal distress shown on a fetal monitor strip before Julien was born.



**Matthew L. Williams**

The suit also contended the mother’s doctor should not have prescribed Pitocin because it put additional stress on Julien in the womb. Also, the medical staff waited too long to order a C-section.

During trial, the family’s attorneys turned down a \$10 million settlement offer, according to the news release.

Patrick A. Salvi II, who also represented the family, said in a news release Aimee Florez’s body was not given the chance to work out its issues and, instead, doctors gave her medication that could increase stress on the baby.

“Had Aimee never been



**Patrick A. Salvi II**

given Petocin and been administered a more timely C-section, Julien’s injury could have been prevented altogether,” Salvi said.

The Florez family was also represented by Brian L. Salvi and Heidi L. Wickstrom, all of Salvi, Schostok & Pritchard.

David C. Burtker of Cunningham Meyer & Vedrine, P.C. represented the defendants. He could not be immediately reached for comment.

The case is *Julien Florez, a minor, et al., v. NorthShore University HealthSystem d/b/a Evanston Hospital, et al.*, 14 L 13348.

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