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\$20.6M deal in oversight of diagnosis

Man paralyzed after delayed surgery for abdominal aneurysm

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A man who was permanently paralyzed after doctors allegedly failed to diagnose a ruptured aneurysm in time for treatment has settled his lawsuit for \$20.6 million.

A deal was reached Feb. 13, just days before a trial was set to begin Monday before a Cook County judge.

Kelvin Baldrige, then 58, went to the emergency room at St. James Hospital in Olympia Fields with pain in his abdomen, nausea and vomiting.

A CT scan showed several large aneurysms in Baldrige's abdomen and pelvic area. However, two radiologists allegedly failed to diagnose that one of them was bleeding, according to a firm-issued news release.

Baldrige and his wife, Darlene, are represented by Patrick A. Salvi, Patrick A. Salvi II, Matthew L. Williams, Thomas R. Mulroy III, John A. Mennie and Carly E. Shannon of Salvi, Schostok & Pritchard P.C.

Vascular surgeon Vsevolod Tikhomirov, who was employed by defendant Cardiac Surgery Associates S.C. in Indiana, reviewed Baldrige's scans the next morning and he allegedly did not detect the bleeding aneurysm, according to the complaint.

The same day Baldrige began experiencing neurological weakness in his legs, dropping blood pressure, dropping hemoglobin

and hematocrit and increased abdominal pain and an expanded abdomen.

The following day Gopichand Naguboyina, the attending day hospitalist who was employed by Signature Healthcare Solutions S.C., was made aware of Baldrige's condition and ordered a "routine" MRI. The test was never done, Patrick A. Salvi II said in an interview.

Baldrige's attorneys argued the test should have been ordered immediately given their clients' worsening condition.

Baldrige's abdominal distention worsened and an x-ray was ordered. He was then transferred to another hospital where another CT scan was done immediately.

The results showed a free rupture in the right common iliac artery, according to a news release.

Doctors then ordered Baldrige be taken to surgery, which his attorneys' argued should have been done sooner if the doctors at St. James followed the standard of care.

Baldrige, now 64, is permanently paralyzed, has had several toes amputated, deep pressure ulcers and bilateral fasciotomies on both legs, according to a release.

Baldrige and his wife filed a lawsuit in 2015 against the doctors, residents, the hospital and various medical groups that employed the doctors, alleging negligence and loss of consortium counts against them.

Baldrige, who was a machinist at a factory, is unable to work and requires constant care, Patrick A. Salvi II said. Baldrige's current total for medical care has reached \$4 million, he said.

"It was really necessary for my client to have something in the way of financial resources," Patrick A. Salvi II said.



Patrick A. Salvi II



Patrick A. Salvi

The defendants argued Baldrige's injuries would have occurred no matter when he was diagnosed and treated as they were known complications of surgery to repair his ruptured aneurysm, he said.

They also contended Baldrige had pre-existing end-stage kidney disease which "severely" impacted his life expectancy.

Circuit Judge Patricia O'Brien Sheahan granted summary judgment in favor of the hospital in regard to plaintiffs' argument that the physicians were acting as apparent agents of the hospital.

The defense argued a consent form given to patients stated treating physicians were not St. James employees and, therefore, the hospital was not specifically liable for their conduct, according to court documents.

Patrick A. Salvi II said, had the case gone to trial, they still would have pursued individual claims against the treating physicians.

Franciscan Alliance will pay \$13.5 million on behalf of the hospital and the defendant doctors will pay \$7.1 million collectively, according to the release.

Franciscan Alliance Inc., doing

business as Franciscan St. James Health, Dr. Donald Kim and Dr. Sana Hussain are represented by Bradford D. Roth, Daniel J. Broderick Jr. and Lisa Curshellas of Cassidy Schade LLP.

Tikhomirov is represented by John G. Langhenry III and A. Elizabeth Esfeld of Langhenry, Gillen Lundquist & Johnson LLC.

Bailey and Radiology Imaging Consultants S.C. are represented by Brian T. Henry and Sommer R. Luzynczyk, of Pretzel & Stouffer Chtd.

Signature Healthcare Solutions S.C., Naguboyina and Dr. TodZisholtz are represented by Michael Slovis and Joseph Sheahan of Cunningham Meyer & Vedrine PC.

Cardiac Surgery Associates S.C. and Cardiac Surgery Associates Physicians LLC are represented by Thomas R. Hill and Gretchen Powell of Smith Blake & Hill LLC.

The attorneys did not immediately respond to requests for comment.

The case is *Kevin Baldrige, et al., v. Franciscan Alliance, Inc., et al.*, 15 L 10132.

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