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Brain injury brings \$19.5M in settlement

Tracheostomy trouble causes lack of oxygen, motor skills problems

BY **JORDYN REILAND**
Law Bulletin staff writer

A man who sustained brain damage after a botched procedure to downsize his tracheostoma has settled his lawsuit for \$19.5 million.

The settlement payment was disbursed Friday following a Nov. 7 agreement during a mediation with retired judge Donald O'Connell with O'Connell Mediation Services, according to his lawyers at Salvi Schostok & Pritchard P.C.

Plaintiff Scot Patterson was represented by firm attorneys Patrick A. Salvi, Patrick A. Salvi II, Thomas R. Mulroy III and Carly E. Shannon.

Patterson, then 56, was admitted Dec. 17, 2016, to Northwestern Memorial Hospital with sepsis, hemorrhagic shock and acute hypoxemia respiratory failure following treatment for a blockage in one of the pulmonary arteries in his lungs at Lake Forest Hospital.

On Dec. 26, 2016, doctors performed Patterson's tracheostomy, where they placed an 8 millimeter tube and scheduled another procedure to downsize

the tube six days later on Jan. 2, according to a firm-issued news release.

Doctors noted Patterson had an "extremely difficult intubation" because of his large neck size.

On Jan. 2, Patterson's breathing tube was switched out by doctors lacking the proper experience and supervision to do so, according to court records.

The lawsuit, filed in January 2018, alleged a guide was not used to perform the procedure, and Patterson's airway was not maintained.

Patterson sustained a hypoxic brain injury and was diagnosed with Lance-Adams syndrome, a neurological complication which severely impacts motor skills.

Attorneys contended the procedure should have been done in the intensive care unit in case of complications, not on a general medical floor.

The defense argued Patterson's life expectancy is shortened by his medical condition, and therefore future medical damages are limited.

Patrick A. Salvi II said in an interview that the result is significant because it allows his client to afford care at his own home instead of at a nursing home.

The settlement will also allow him to get the therapy he needs, he said.

"We are hopeful that it will not only extend his life span but



Patrick A. Salvi



Patrick A. Salvi II



Thomas R. Mulroy III



Carly E. Shannon

tremendously improve his quality of life," he said.

Patrick A. Salvi said in a statement that the "devastating injury was completely avoidable and only made possible through systemic negligence."

Northwestern Memorial Hospital was represented by

Richard H. Donohue of Donohue Brown Mathewson & Smyth LLC.

He could not immediately be reached.

The case is *Scot Patterson v. Northwestern Memorial Hospital, et al.*, 18 L 659.

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