

## Med-mal trial yields \$7 million verdict

By David Mitchell  
Law Bulletin staff writer

A jury on Monday awarded more than \$7 million to the family of a Deerfield man who died in St. Francis Hospital of Evanston when internal bleeding allegedly went untreated.

A lawsuit filed by the family of 57-year-old Michael Horwitz alleged that he showed signs of gastrointestinal bleeding for hours before the medical staff attempted to give him blood.

"For five or six hours, nobody treated it," said Peter A. Nicholson, a partner in the Loop firm of Goldberg & Goldberg. "He wound up bleeding to death in the hospital.... Our theory was he should have been sent to the intensive care unit early in the morning."

The jury found chief resident Mustapha Kadri, an agent of the hospital, liable in the wrongful-death suit and awarded the plaintiffs \$7,362,000, Nicholson said.

Nicholson, Barry D. Goldberg and Barth H. Goldberg represented the deceased's son, Scott Horwitz, on behalf of the estate of Michael Horwitz. The trial began on Jan. 3 before Cook County Circuit Judge James P. Flannery Jr. *Scott*

*Horwitz v. St. Francis Hospital of Evanston*, No. 02 L 14727.

According to the suit, Horwitz was a hospital patient in May 2002. Staff members found him minutes after he fainted in the bathroom at around 5 a.m. and tests conducted about an hour later showed that his hemoglobin level was low and that there was blood in his stool, Nicholson said.

The suit alleged that there were several other indications that morning of internal bleeding, but the medical staff did not bring him to the intensive care unit or try to give him blood until about 10:30 a.m.

The jury agreed that Kadri was negligent for failing to tell an attending physician about the results of the tests performed on Horwitz earlier that morning, Nicholson said.

Patricia S. Kocour, a partner in Swanson, Martin & Bell, and associate Kelly Sullivan Rundio represented Kadri and St. Francis Hospital.

Kocour said the parties were unable to reach an out-of-court settlement and needed a jury to decide the issue. The plaintiff originally demanded \$30 million and later asked the jury for a \$17.5 million verdict, she said.