

COOK COUNTY

\$18 million deal will pay for 24-hour care

Palos hospital second facility to settle lawsuit in the past two weeks

By Chris Hack
Staff writer

As the years wore on after the birth of their second son, Tom and Laura Donohue were so busy caring for the severely brain-damaged child, they didn't spend time trying to find out how he got that way.

Daniel Donohue will never be more functional than that day in 1985 when his parents brought him home from Palos Community Hospital. The 17-year-old can't see, walk or talk.

He'll need his diaper changed an average of seven times a day for the rest of his life.

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Matt Marton/Daily Southtown

Laura Donohue (from left), attorney Barry Goldberg, Tom Donohue and attorney Michael Cox announce Wednesday the \$18 million settlement the Donohue family was awarded for a malpractice lawsuit concerning their son Daniel. The lawsuit alleges Daniel Donohue's brain damage stems from mistakes made at Palos Community Hospital in 1985.

Settlement

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Thumbing through his son's medical records for the first time a few years ago, Tom Donohue saw an explanation for Danny's condition: a devastating set of medical mistakes in the minutes after his birth.

Palos Community Hospital agreed Tuesday to pay the Mokena family \$18 million, money that will finance a lifetime of 24-hour medical care for Danny.

In a lawsuit against the Palos Heights facility, the family claimed hospital workers should have known that a tiny adjustment — one that likely would have prevented much of the brain damage — needed to be made to a plastic tube in the baby's chest.

The hospital agreed to settle the case several weeks into trial, according to Donohue attorney Barry Goldberg. The settlement was approved Tuesday by a Cook County judge. Palos Community spokesman Dan McCarthy said the hospital had no comment on the case.

The settlement comes two weeks after Little Company of Mary Hospital in Evergreen Park agreed to pay \$19 million to the mother of a boy who

was born there 19 years ago with cerebral palsy.

In that case, hospital workers were accused of failing to monitor a declining fetal heart rate. Unnoticed, the slow heart cut off oxygen to the not-yet-born baby's brain, causing severe cerebral palsy.

For Danny, a lack of oxygen shortly after his birth caused similar results.

He spends his days in an elaborate wheelchair, unable to grasp objects with his hands. Dinner comes from a can fed through a tube into his stomach. Because he cannot swallow, saliva must be sucked out of his mouth.

"He's a living, breathing, feeling human being," Goldberg said. "Daniel smiles, laughs, cries, enjoys music, caressing and the company of others."

Tom Donohue is a fifth-grade teacher at a Tinley Park elementary school. His wife taught, too, until two years ago; she was recently diagnosed with multiple sclerosis. The parents have two other sons.

The \$18 million settlement will allow the family to pay for around-the-clock care for Danny by nurses on three shifts. It will also allow Tom and Laura to take their first vacation alone since Danny was born.

Goldberg said that, with the 24-hour nursing care, Daniel's health expenses for the rest of his life could cost as much

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TOM DONOHUE, father of brain-damaged child

as \$14 million.

"This settlement is not a windfall for this child," Goldberg said.

The Chicago lawyer laid most of the blame on the labor and delivery nurses who attended to Laura Donohue in 1985. According to the lawsuit, hospital labor and delivery nurses monitoring Laura Donohue didn't keep her obstetrician informed about minor problems developing with the birth.

When Daniel was delivered, hospital staff performed an intubation: a plastic

tube had to be stuck down the newborn's throat to help him breathe.

The tube was improperly positioned, causing one of the baby's lungs to collapse. A routine chest X-ray showed the problem — but doctors did not see the x-ray for an hour and a half.

Goldberg said the tube only had to be moved about one centimeter to fix the lung problem. If it had been moved sooner, the devastating brain damage might have been prevented, he said.

"For many years, we wondered what happened," Laura Donohue said, her attorney adding that hospital officials never told the family about the tube mistake.

Tom Donohue said he was sitting in a doctor's examination room before a routine appointment for Danny in the late 1990s when he saw his son's medical records on a desk. As the doctor left the room, Donohue asked to see the charts.

The badly placed tube, the delayed X-ray — all of it was spelled out in the records.

"It got to a point where I thought it would be a mistake not to have this looked into," he said. "Other people in the same situation should do the same thing."

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