



Tribune photo by Bill Hogan

Laura and Thomas Donohue flank lawyer Barry Goldberg Wednesday as they discuss the \$18 million settlement of their suit.

Palos hospital to pay \$18 million

By Mickey Ciokajlo
Tribune staff reporter

A Mokena couple who blamed medical error at Palos Community Hospital for causing their son's irreversible brain damage at birth settled a lawsuit against the facility Wednesday for \$18 million.

Daniel Donohue, now 17, suffers from cerebral palsy and spastic quadriplegia, and he requires around-the-clock care, said Barry Goldberg, the family's attorney.

Donohue was injured in 1985 when an oxygen tube was inserted incorrectly during a resuscitation process after he was delivered by Caesarean section in the Palos Heights hospital, Goldberg said. By the time the error was corrected more than an hour later, the lack of oxygen to his brain had caused permanent damage, Goldberg said.

Donohue's parents, Laura and Thomas, said the money

will allow them to hire help in caring for their son and assure his care should something happen to them.

"I've always felt like if I'm not here, who's going to be able to care for Danny," said Thomas Donohue, an elementary school teacher in Tinley Park.

The settlement comes just two weeks after a Cook County jury awarded \$20 million to an Alabama teenager who suffers from severe cerebral palsy after his birth was delayed at an Evergreen Park hospital in 1983. A post-verdict settlement was reached for \$19 million.

Both cases were brought more than a decade after the injury occurred, which was allowed because the plaintiff's mental incapacity bars the running out of the statute of limitations, Goldberg said it was "pure coincidence" that two such seemingly unusual cases were playing out at nearly the same time in Daley Cen-



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ter courtrooms.

The Donohues said they were too busy raising Daniel and two other sons to contemplate seeing a lawyer years ago. The lawsuit was filed in 1999.

"I got to a point where I

thought it would be a mistake for us not to look into this, for Danny's sake," Thomas Donohue said. "I feel like other people who are in our situation should do the same thing."

Laura Donohue said the family is pleased to learn so many years later what went wrong with their son.

"There were many years that we wondered what had happened," Laura Donohue said. "We've been so engrossed with him that we haven't been able to really take the time to investigate anything further."

The Donohues plan to hire nurses who will help them care for Daniel, who cannot move his arms and legs, and has no bowel or bladder control.

The settlement was reached during the fourth week of trial before Judge James Flannery.

Dan McCarthy, a spokesman for Palos Community Hospital, declined to comment.