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Family accepts \$18M from hospital over birth injury

GRACE BARBIC

gbarbic@lawbulletinmedia.com

The family of a now 3-year-old boy who sustained brain injuries and is disabled from an allegedly delayed cesarean section during delivery at John H. Stroger Jr. Hospital in Chicago accepted an \$18 million settlement out of Cook County Circuit Court.

Shada Tucker, then 27, received prenatal care at Stroger's clinic.

Her due date was Oct. 11, 2020, but she was admitted to Stroger for an elective induction of labor on Oct. 14, 2020.

The complaint alleged Tucker had a prior history of back surgery.

During her pre-induction anesthesia assessment, she allegedly advised the anesthesia team that she did not want a spinal epidural for pain management during labor.

While she was in labor, it was eventually determined that Tucker needed an emergency C-Section.

Despite Tucker advising otherwise, the anesthesia team attempted to place an epidural and delayed the C-section by at least 2 hours, the complaint alleged. The C-section was ultimately

performed under general anesthesia.

Tucker was in labor for about 16 hours before she gave birth to Tyshaun by emergency C-section on Oct. 15, 2020.

According to court documents, the delay in delivering Tyshaun caused him to experience respiratory distress, resulting in hypoxic-ischemic encephalopathy and other complications.

Tyshaun was born limp. He also had no heart rate and showed no respiratory effort at birth, documents stated. He was admitted to the neonatal intensive care unit.

Serial radiographic imaging revealed that Tyshaun was experiencing respiratory distress and metabolic acidosis. He was also diagnosed with seizure disorder and severe hypoxic-ischemic brain injury.

According to the plaintiff's attorneys, Tyshaun, now 3, has been diagnosed with cerebral palsy, which affects his gross and fine motor function. He also has severe global cognitive deficits, including communication challenges, a seizure disorder and the need for 24-hour attendant care.

Tucker, individually and



Ian R. Alexander



Barry D. Goldberg

as the mother and next friend of Tyshaun, sued Cook County, doing business as John H. Stroger Jr. Hospital of Cook County, for medical negligence in Cook County Circuit Court.

The suit alleged the obstetrical team responsible for Tyshaun's labor and delivery were negligent in their care.

The complaint also alleged Tucker was denied the opportunity to view the fetal heart monitor tracings as the hospital claimed they were "lost and not able to locate" this evidence.

The settlement was reached through mediation with Edward S. Harmening of ADR Systems and approved on Aug. 8.

The settlement award covers future medical care needs.

Tucker is represented by Ian R. Alexander and Barry D. Goldberg of Goldberg & Goldberg.

"The family is pleased that Tyshaun is going to be able to get the type of care necessary to meet his needs for the rest of his life," Alexander said. "While they're very sad that they were victimized by malpractice, they're satisfied that he's going to be taken care of for the rest of his life."

Stroger Hospital is represented by assistant state's attorneys William Ragan and Belle L. Katubig with the Cook County State's Attorney's Office. They declined to comment. The hospital could not be reached for comment.

The case is *Tucker v. John H. Stroger Jr. Hospital*, 2023L003283.