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Cook County jury awards \$19M in baby's death

By Grace Barbic
gbarbic@lawbulletinmedia.com

A Cook County jury awarded \$19 million to the family of a baby boy who sustained brain damage during delivery at a Chicago hospital and died 10 months later.

According to the complaint, the baby's death was the result of obstetrical malpractice during labor and delivery.

On Oct. 17, 2016, Charlene Moore was admitted to St. Bernard Hospital in Chicago for the birth of her child.

Moore underwent a vaginal birth after previously giving birth via cesarean. She was allegedly given Cervidil at the hospital to induce labor.

According to the complaint, Cervidil's manufacturer does not recommend the drug for patients who have previously undergone a C-section — due to the risk for uterine rupture and other complications related to childbirth.

During labor, Moore allegedly began experiencing pain and bleeding and an emergency C-section was ordered, according to the complaint.

Moore's uterus ruptured and the baby suffered catastrophic brain damage as a result, according to the complaint.

Moore suffered an extreme loss of blood that required her to stay in the intensive care unit, the plaintiffs' attorneys said.

Devon Bank, as personal representative and independent administrator of the Estate of Darone Bush, and Moore brought medical negligence and wrongful death claims against St. Bernard Hospital.

The complaint alleged the hospital failed to conduct a complete and accurate assessment of Moore's case and failed to properly monitor her labor, including the improper use of Cervidil, among other claims.

The case went to trial on March 24 before Cook County Circuit Court Judge Joan E. Powell.

The jury returned a verdict in favor of the Estate and against St. Bernard on April 7.

The award covers loss of society, pain and suffering and emotional distress, among other damages.

The Estate and Moore were represented by Matt Patterson and Jack Beam of Beam Legal Team.

“It was a very tragic case and what stands out is how easily preventable and how predictable this outcome was,” Patterson said. “I think the jury statement that everybody deserves the same standard of care and that you can’t just disregard policies and protocols and practices because you claim to be some kind of community hospital ... I think was a really powerful message sent and hopefully received. Because if you’re going to provide services to underprivileged communities, you should do so to the standards that they deserve, just like everybody else does.”

St. Bernard Hospital was represented by Thomas H. Conlon and Peter J. Strauss of Brennan Burtker LLC.

“St. Bernard offers our sincere condolences to those who have lost loved ones, and especially those who have entrusted their care to us. In all things, we aspire to live the healing mission of Christ, and our mission calls us to care for the sick and promote the health of our community while witnessing the Christian values of respect, dignity, caring and compassion for everyone,” the hospital said in a statement.

“We are a stand-alone community hospital that has served the Englewood community for more than 118 years. Like many safety-net hospitals, St. Bernard continues to face financial straits that jeopardize our operations. However, we do our best every day to provide safe and compassionate care to everyone, regardless of their financial means. We hope to continue that tradition.”

St. Bernard said while it respects the jury’s verdict, it strongly disagrees with its conclusions and expects to start the appeals process soon.

The case is *Bank v. St. Bernard Hospital*, No. 2018 L 011164.