

Chicago Daily Law Bulletin®

Volume 161, No. 234

Jury awards \$1M after elderly woman's stroke

BY LAURAANN WOOD
Law Bulletin staff writer

A Cook County jury awarded \$1,169,000 to the estate of a woman who suffered a stroke after her doctor took her off blood-thinning medication.

The verdict came Nov. 20 in a case that alleged 84-year-old Rose Lasko's nursing home physician negligently caused her to suffer a stroke from a blood clot in the left side of her brain.

Lasko was living in an independent senior living facility when she fell and broke her left ankle in February 2006. After receiving reparative surgery at Skokie Hospital, she was discharged to the Manor at Lincolnwood Place for short-term rehabilitation and placed under Dr. John Fultz's care.

After suffering a minor stroke in mid-2004, Lasko was diagnosed with atrial fibrillation — a condition that causes the heart's chambers to beat out of sync and potentially cause blood clots from pooling blood — and placed on the blood-thinner warfarin.

She took the medication regularly until Fultz discontinued the prescription out of concern Lasko's blood was getting too thin, said Jordan S. Powell, a partner Levin & Perconti who represented Lasko.

About two months later, Lasko

suffered an embolic ischemic stroke — a lack of oxygen and blood to the brain resulting from a blood clot — the exact condition warfarin was prescribed to prevent, Powell said.

Lasko survived the stroke and Fultz placed her back on the warfarin, Powell said, but she never returned to her normal self. She went from fluent and articulate communication to using only four words — yes, no, good and bad — and was reduced to a soft diet because she could no longer tolerate “normal” food, he said.

“She was living independently — reading, enjoying movies, talking, enjoying time with her grandkids, loved to eat, go to the mall, all of that,” Powell said. “None of that she could do after the stroke. The way her daughter described it is she was a shell of herself.”

Bound to a wheelchair and lacking her ability to reason, Powell said, Lasko lived in her post-stroke condition until she died in August 2010.

But one month prior to her death, Lasko filed a malpractice lawsuit against Lincolnwood Place and Fultz in Cook County Circuit Court. Powell continued to represent Lasko's estate through her daughter Ileen under the state's Survival Act.

“It was important to her



Jordan S. Powell

family to continue this lawsuit on even after she passed,” Powell said.

Jaime A. Koziol, an associate at Levin & Perconti, also represented Lasko's estate.

Lasko's estate and Lincolnwood Place reached a \$914,673 policy settlement in 2012, and the case proceeded solely against Fultz.

The complaint alleged the physician negligently failed to properly manage her anticoagulation medication and consult Lasko and her family on risks and benefits of taking or discontinuing the prescription.

Circuit Judge Jeffrey Lawrence presided over the 10-day trial that began Nov. 10.

Powell said he demanded Fultz's \$1 million policy amount

four times, most recently on Nov. 18. On Nov. 19, one day before the end of trial, Powell said he suggested a high-low agreement with bounds at \$500,000 and \$1 million.

After about 90 minutes of deliberation, a jury awarded Lasko's estate \$250,000 for loss of a normal life, \$500,000 for pain and suffering and \$419,000 for medical expenses.

“The client and the family was very happy in the sense that justice, they feel, was served,” Powell said. “It's something they knew from the very moment in time that this happened that Dr. Fultz did something wrong and never would admit to. They knew it deep down in their hearts, but it was very cathartic for them on behalf of their mother to force Dr. Fultz to finally have to own up to this and admit to it.”

But Julie A. Ramson — a partner at McKenna, Storer who represented Fultz — emphasized that the verdict was only a relatively small portion of what Powell requested from the jury.

“He asked for almost \$6.5 million,” she said. “I don't think that's a massive victory in his favor.”

Kristin Dvorsky Tauras, an associate at McKenna, Storer, also represented Fultz.

The case is *Ileen Lasko v. John Fultz*, 10 L 8306.