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## DeKalb County jurors return record verdict

By **JOHN FLYNN ROONEY**  
LAW BULLETIN STAFF WRITER

A DeKalb County jury has awarded a \$4.3 million verdict to the two surviving children of a woman who died of massive internal bleeding after surgery.

The award represents a record verdict reported in a wrongful-death case in DeKalb County.

On Oct. 18, 2010, Gloria J. Ormond, 57, went to Kishwaukee Community Hospital in DeKalb. She underwent laparoscopic surgery for a hiatal hernia.

That procedure, performed by general surgeon Roger Maillefer, was uneventful. Maillefer is an employee of DeKalb Clinic Chtd.

After the surgery, Ormond was moved to a recovery room and found to have low blood pressure. While there, she stopped breathing briefly and was revived.

Mark A. Nessim, an anesthesiologist and employee of Anesthesia Associates Ltd., oversaw Ormond's care in the recovery room.

Ormond was next moved to an operating room. During an operation, it was determined that Ormond had experienced massive internal bleeding.

She was pronounced dead at the hospital at 1:29 a.m. on Oct. 19, 2010. The cause of death was internal bleeding.

A wrongful-death lawsuit was filed in 2010 by Bridgett Kedzie, Ormond's daughter, on behalf of her mother's estate in DeKalb County Circuit Court, which is now part of the 23rd Judicial Circuit. Ormond is also survived by an adult son, Brian Ormond.

The lawsuit alleged hospital nurses and Nessim were negligent because they failed to adequately assess or monitor Ormond's care in the recovery room.



David E. Rapoport

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The complaint further asserted Maillefer failed to adequately communicate about Ormond's condition with Nessim and a nurse before leaving the hospital. He left at about 4:50 p.m. on the day of the surgery and went home.

At trial, attorneys for the hospital and anesthesia group argued Ormond's low blood pressure resulted from an interaction between medication for high blood pressure and the anesthesia.

Maillefer's lawyer asserted that based on Ormond's condition at the time the surgeon saw her in the recovery room, there was no need for him to stay at the hospital. The surgeon left because Ormond's low blood pressure was already being treated by the anesthesiologist and recovery room nurse.

The final settlement offer was a combined total of \$1 million from the three defendants.

The plaintiff attorneys asked the jury to award \$7.62 million in damages.

The jury returned the verdict in favor of the estate and against the hospital and Anesthesia Associates early Saturday.

Jurors found DeKalb Clinic not liable.

The jury awarded \$3 million for loss of society, grief, sorrow and mental suffering, along with \$1.3 million for Ormond's conscious pain and suffering.

"We believe that no one should ever bleed to death while in the recovery room following a surgery," said [David E. Rapoport](#), managing partner of Rapoport Law Offices P.C. and an attorney for Ormond's estate. "If proper skill and care had been used by either the anesthesiologist or nurse, Ms. Ormond would be alive today."

Another lawyer at Rapoport's firm, [Joshua L. Weisberg](#), also represents Ormond's estate.

"We appreciate that the jury rejected the argument that proper skill and care was used by the medical staff in the recovery room," Rapoport said. "We are encouraged that the citizens of DeKalb County showed that no lesser of a standard of justice applies in that county, as compared to Cook, Madison or St. Clair counties."

[Kevin J. Vedrine](#), a partner at Cunningham, Meyer & Vedrine P.C., represents the hospital.

"We're surprised by the size of the verdict and looking into our options, including post-trial motions and a probable appeal," Vedrine said.

[Robert H. Smith](#), a partner at Lewis & Gellen LLP, represents Anesthesia Associates. He could not be reached for comment.

[Jerrod L. Barenbaum](#), a Hinshaw & Culbertson LLP partner in Rockford, represented DeKalb Clinic. He said the defense attorneys did not expect such a high verdict.

"DeKalb County is known to be a pretty conservative jurisdiction, far more conservative than Cook County," Barenbaum said.

The nearly two-week trial was presided over by 23rd Circuit Associate

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Judge [William P. Brady](#). *Bridgett Kedzie, etc. v. Kishwaukee Community Hospital, et al.*, No. 10 L 000113.

The previous high jury verdict for a wrongful death case in DeKalb County was \$2.75 million, awarded in 2008 in a birth injury case, according to the Jury Verdict Reporter.

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