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IN THE NEWS

IN CIRCUIT COURT

A family in Poland will receive \$6.8 million for the wrongful death of a man who was given medication meant for another patient.

Stanislaw Waliczek, a Polish citizen working in the U.S., was taken to the emergency room at Alexian Brothers Hospital in Elk Grove Village on July 11, 1995, after a 30-foot fall at a construction site in the northwestern suburb.

According to **Mark E. McNabola**, an anticoagulant that was meant for a cardiac patient treated earlier in the same area of the emergency room was mistakenly administered to Waliczek. The result was that bleeding in his brain, caused by the fall, was not stopped. Waliczek died two days later at Loyola Medical Center.

A Cook County jury returned a \$6.5 million verdict in favor of Waliczek's estate last year, but hospital officials decided to appeal the award.

Dr. Gandhi Gutta, who treated Waliczek in the emergency room, settled after the trial for \$800,000, paid for by his insurance carrier, ISMIS.

The hospital agreed this week to forgo the appeal and settle for \$6 million, which equals the jury verdict plus interest after Gutta's share is excluded. The \$6 million will be paid by the hospital's insurance carrier.

Patricia J. Barker of Anderson, Bennett & Partners represented the hospital, and **Randall J. Gudmundson** of French, Kezelis & Kominiarek P.C. represented Gutta.

Circuit Judge **Richard J. Elrod** presided over the eight-day trial, which took place in June 2001. Members of Waliczek's family testified from Poland, where they live, via satellite. He is survived by a wife and two grown children.

Along with McNabola, **Alice E. Dolan** of Cogan & McNabola P.C. represented the Waliczek family. *The Estate of Stanislaw Waliczek, deceased v. Dr. Ghandi Gutta, et al.*, No. 97 L 8110.