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\$9.2 million settlement sets record

Bilateral amputation leads to top med-mal payout in Will County

BY JAMIE LOO

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In a record-high recovery in a Will County medical-malpractice case, a woman will receive a \$9.2 million settlement after complications from a weight-loss surgery led to the amputation of both of her legs.

On Nov. 8, 2010, Mary Beth Ruphard, 49, underwent laparoscopic sleeve gastrectomy surgery, a bariatric weight-loss procedure that removes most of the stomach. She had a pre-existing blood clotting disorder and had been taking Coumadin, a blood-thinning medication, for 10 years.

Five days before the surgery at Provena St. Joseph Medical Center in Joliet, hematologist Sarode Pundaleeka advised Ruphard to stop taking Coumadin. She expected to be put back on the medication following her surgery, said her attorney, Mark E. McNabola of McNabola Law Group.

After the surgery, Ruphard experienced bleeding complications near the incision site, and her surgeon, Brian J. Winkleman, implanted an IVC filter, which is

used to capture blood-clot fragments. She was not put back on Coumadin and was discharged from the hospital on Nov. 14.

"As a result, she was a ticking time bomb," McNabola said.

Ruphard returned to the hospital on Nov. 24 with abdominal pain, was vomiting blood and had a loss of sensory feeling in her legs. Her condition worsened, and by Nov. 26, she had compartment syndrome and extensive deep vein thrombosis that necessitated bilateral above-the-knee amputation on both of her legs.

The lawsuit alleged that Winkleman failed to create a post-operation anticoagulation plan for Ruphard and failed to review it with a hematologist.

Given her pre-existing blood clotting disorder, McNabola said his client should have been monitored more carefully after her surgery and as an outpatient after leaving the hospital. The suit also alleged that a hematologist was not consulted before the IVC filter was implanted.

The defense argued that Ruphard had a very complicated medical situation, which also includes diabetes and hypertension. With her pre-existing blood clotting disorder, medical personnel had few options once bleeding complications arose.

Prior to the surgery, she was a certified nurse's assistant, and the loss of her legs has kept her from returning to work. McNabola said



Mark E. McNabola

she has transportation issues and generally cannot leave the house without the assistance of her husband, who is a postal carrier.

"She is being fitted for innovative prosthetic devices which will allow her to one day dance with her husband," he said.

Ruphard was also represented by Laird M. Ozmon of Ozmon Law Ltd. in Joliet and Theodore C. Jennings and Ruth M. Degnan of McNabola Law Group.

The settlement was approved Jan. 14 by Will County Circuit Judge Susan T. O'Leary.

It's a record for a medical-malpractice settlement or verdict in that county, according to the Jury Verdict Reporter. The previous high for a settlement in a Will County medical-malpractice case was \$7.65 million in 2008.

The hospital paid \$6.5 million in



Laird M. Ozmon

the settlement and was represented by Brian C. Fetzer and Carl M. Schultz of Johnson & Bell Ltd. Fetzer could not be reached for comment.

Family Medical Group S.C., which employs Winkleman, paid \$1.75 million out of a \$2 million policy limit.

The group was represented by Kevin Joseph Burke and Charles A. Egner of Hinshaw & Culbertson LLP, and Winkleman was represented by Troy A. Lundquist of Langhenry, Gillen, Lundquist & Johnson LLC.

Pundaleeka paid \$950,000 out of a \$1 million policy limit and was represented by Martha Swatek of Swatek Law Group LLC in Geneva.

The case is *Mary Beth Ruphard and Scott Ruphard v. Provena St. Joseph Medical Center, et al.*, No. 11 L 744.