

IN THE CIRCUIT COURT OF THE 21st JUDICIAL CIRCUIT
KANKAKEE COUNTY, ILLINOIS

SUSAN KAY NICKLES, as Executor of the
Estate of MARY J. EVANS, Deceased

Plaintiff,

v.

RIVERSIDE MEDICAL CENTER, JOHN P.
HUNG, M.D., Individually and as the Agent
and Employee of JOHN P. HUNG, M.D.,
S.C., STEVEN SCHAEFFER, CRNA,
Individually and as the Agent and Employee
of EMCARE OF ILLINOIS, S.C., JOHN
MITCHELL, M.D., Individually and as the
Agent and Employee of EMCARE OF
ILLINOIS, S.C., and each of them,

Defendants.

File No.

Init Case Mgmt Conf

MAY 29 2014

9:00 AM IN ROOM 204

JURY DEMAND



COMPLAINT AT LAW

NOW COMES the Plaintiff, SUSAN KAY NICKLES, as Executor of the Estate of
MARY J. EVANS, Deceased, by her attorneys, MOSSING & NAVARRE, LLC, and
complaining of the Defendants, RIVERSIDE MEDICAL CENTER, JOHN P. HUNG, M.D.,
Individually and as the Agent and Employee of JOHN P. HUNG, M.D., S.C., STEVEN
SCHAEFFER, CRNA, Individually and as the Agent and Employee of EMCARE OF
ILLINOIS, S.C., and JOHN MITCHELL, M.D., Individually and as the Agent and Employee of
EMCARE OF ILLINOIS, S.C., and each of them, states as follows:

COUNT I - MEDICAL NEGLIGENCE (WRONGFUL DEATH)

1. On and before July 9, 2012 and thereafter, the defendant, RIVERSIDE MEDICAL
CENTER, was a hospital corporation organized and existing pursuant to the laws of the State of
Illinois and it employed physicians, nurses, technologists, and other healthcare professionals

comprising a single organized hospital and medical staff within its hospital facility, commonly referred to as RIVERSIDE MEDICAL CENTER, located in the City of Kankakee, State of Illinois.

2. On and before July 9, 2012, and thereafter, the defendant, JOHN P. HUNG, M.D. was a physician licensed to practice medicine in the State of Illinois who held himself out to members of the public as having specialized training and experience in the medical specialty of otolaryngology.

3. At all times relevant herein, and in connection with the care and treatment of the decedent, MARY J. EVANS, the Defendant, JOHN P. HUNG, M.D., was the actual and/or apparent agent and employee of JOHN P. HUNG, M.D., S.C.

4. On and before July 9, 2012, and thereafter, the Defendant, STEVEN SCHAEFFER, CRNA, was a Certified Nurse Anesthetist licensed in the State of Illinois.

5. On and before July 9, 2012, and thereafter, the Defendant, EMCARE OF ILLINOIS, S.C., was a corporation licensed in the State of Illinois and employed physicians and CRNAs including but not limited to STEVEN SCHAEFFER, CRNA.

6. At all times relevant herein, and in connection with the care and treatment of the decedent, MARY J. EVANS, the Defendant, STEVEN SCHAEFFER, CRNA, was the actual and/or apparent agent and employee of EMCARE OF ILLINOIS, S.C.

7. At all times relevant herein, and in connection with the care and treatment of the decedent, MARY J. EVANS, the Defendant, STEVEN SCHAEFFER, CRNA, was the actual and/or apparent agent and employee of RIVERSIDE MEDICAL CENTER.

8. At all times relevant herein, and in connection with the care and treatment of the

decedent, MARY J. EVANS, the Defendant, RIVERSIDE MEDICAL CENTER, employed nurses, technologists and other hospital staff including but not limited to STACIE ANDREWS, RN, and JENNIFER KOERNER, ST., who at all times relevant herein were acting as the actual and/or apparent agents and employees of RIVERSIDE MEDICAL CENTER.

9. On or about July 9, 2012, the Defendant, JOHN P. HUNG, M.D., admitted the decedent, MARY J. EVANS, to RIVERSIDE MEDICAL CENTER for excision of a lesion on her forehead.

10. The circulating nurse during the surgical procedure was STACIE ANDREWS, R.N. and the surgical scrub technologist during the surgical procedure was JENNIFER KOERNER, ST.

11. STEVEN SCHAEFFER, CRNA administered the conscious sedation to MARY J. EVANS during the surgical procedure.

12. STEVEN SCHAEFFER, CRNA administered oxygen to MARY J. EVANS via face mask during the surgical procedure.

13. During the operative procedure, JOHN P. HUNG, M.D. operated an electrocautery device.

14. Towards the end of the surgical procedure, JOHN P. HUNG, M.D. removed the skin tags on MARY J. EVANS' forehead with electrocautery.

15. Before the surgical procedure was finished, a fire erupted.

16. MARY J. EVANS' face was burned in the fire.

17. The Decedent, MARY J. EVANS reached up with her right hand in an attempt to put out the fire on her face.

18. According to the nurses' notes, MARY J. EVANS' entire face was burned as well as

her right hand, the back of her shoulders and her hair.

19. After the fire occurred, personnel in the operative suite poured saline on MARY J. EVANS' face to extinguish the fire.

20. The oxygen which was being administered to MARY J. EVANS intra-operatively by STEVEN SCHAEFFER, CRNA was then shut off by STEVE SCHAEFFER, CRNA.

21. After the fire was extinguished, MARY J. EVANS' airway was examined.

22. MARY J. EVANS' vocal cords were swollen and carbonaceous sputum was noted.

23. The decedent, MARY J. EVANS, was then intubated and transported to the Recovery Room.

24. The Decedent, MARY J. EVANS, was transferred that same day to the burn unit at Loyola Medical Center for further care and treatment.

25. On and before July 9, 2012 and thereafter, and in connection with the care and treatment of MARY J. EVANS, the Defendant, RIVERSIDE MEDICAL CENTER, as an institution, was negligent in one or more of the following respects:

- a. Failed to implement appropriate policies and procedures to prevent intra-operative fires;
- b. Failed to implement appropriate policies and procedures regarding Fire Risk Assessments;
- c. Failed to properly and timely train operating room personnel regarding Fire Risk Assessments;
- d. Failed to properly and timely train operating room personnel regarding policies and procedures concerning prevention of surgical fires;
- e. Failed to ensure that appropriate standards of practice for fire prevention were implemented in a timely and proper manner; and/or
- f. Was otherwise careless and negligent in the care and treatment of MARY J. EVANS.

26. On and before July 9, 2012 and thereafter, and in connection with the care and treatment of MARY J. EVANS, the Defendant, RIVERSIDE MEDICAL CENTER, by and through its actual and/or apparent agents and employees including but not limited to operating room nurses and technologists, was negligent in one or more of the following respects:

- a. Failed to properly and timely monitor and treat the decedent, MARY J. EVANS;
- b. Failed to properly and timely communicate and coordinate activities between and among all members of the surgical team;
- c. Allowed the configuration of surgical drapes and open oxygen sources to promote the trapping and/or pooling of an oxidizer-enriched atmosphere;
- d. Failed to appreciate the risk of an intraoperative fire in this setting;
- e. Failed to minimize or avoid an oxidizer enriched atmosphere near the surgical site;
- f. Failed to minimize the presence of oxidizer enriched atmosphere in proximity to the ignition source; and/or
- g. Was otherwise careless and negligent in the care and treatment of MARY J. EVANS.

27. On and before July 9, 2012 and thereafter, and in connection with the care and treatment of MARY J. EVANS, the Defendant, RIVERSIDE MEDICAL CENTER, by and through its actual and/or apparent agents and employees, including but not limited to STEVEN SCHAEFFER, CRNA, was negligent in one or more of the following respects:

- a. Failed to properly and timely monitor and treat the decedent, MARY J. EVANS;
- b. Failed to properly and timely communicate and coordinate activities between and among all members of the surgical team;
- c. Failed to decrease the oxygen concentration before an ignition source was used;
- d. Allowed the configuration of surgical drapes and open oxygen sources to promote the trapping and/or pooling of an oxidizer-enriched atmosphere;

- e. Failed to appreciate the risk of an intraoperative fire in this setting;
- f. Failed to minimize or avoid an oxidizer enriched atmosphere near the surgical site;
- g. Failed to minimize the presence of oxidizer enriched atmosphere in proximity to the ignition source;
- h. Failed to properly and timely manage the administration of oxygen in this setting; and/or
- i. Was otherwise careless and negligent in the care and treatment of MARY J. EVANS.

28. On and before July 9, 2012, and thereafter, and in connection with the care and treatment of MARY J. EVANS, the Defendant, RIVERSIDE MEDICAL CENTER, by and through its actual and/or apparent agents and employees, including but not limited to JOHN MITCHELL, M.D., was negligent in one or more of the following respects:

- a. Failed to properly and timely monitor and treat the decedent, MARY J. EVANS;
- b. Failed to perform proper and timely pre-operative assessment of MARY J. EVANS;
- c. Failed to properly and timely supervise STEVEN SCHAEFFER, CRNA;
- d. Failed to be present in the operative suite during critical aspects of the procedure;
- e. Failed to properly and timely train STEVEN SCHAEFFER, CRNA relative to the risk of an intraoperative fire in this setting;
- f. Failed to properly and timely train STEVEN SCHAEFFER, CRNA regarding anesthesia management of a patient undergoing head and neck surgery;
- g. Failed to properly and timely communicate and coordinate activities between and among all members of the surgical team;
- h. Failed to appreciate the risk of an intraoperative fire in this setting;
- i. Was otherwise careless and negligent in the care and treatment of MARY J. EVANS.

29. On and before July 9, 2012 and thereafter, and in connection with the care and

treatment of MARY J. EVANS, the Defendant, JOHN P. HUNG, M.D., Individually and as the agent and employee of JOHN P. HUNG, M.D., S.C., was negligent in one or more of the following respects:

- a. Failed to properly and timely monitor and treat the decedent, MARY J. EVANS;
- b. Failed to properly and timely communicate and coordinate activities between and among all members of the surgical team;
- c. Failed to wait for the oxygen concentration to decrease before using an ignition source;
- d. Allowed the configuration of surgical drapes and open oxygen sources to promote the trapping and/or pooling of an oxidizer-enriched atmosphere;
- e. Failed to appreciate the risk of an intraoperative fire in this setting;
- f. Failed to properly manage ignition sources (electrocautery);
- g. Was otherwise careless and negligent in the care and treatment of MARY J. EVANS.

30. On and before July 9, 2012 and thereafter, and in connection with the care and treatment of MARY J. EVANS, the Defendant, STEVEN SCHAEFFER, CRNA, Individually and as the agent and employee of EMCARE OF ILLINOIS , S.C., was negligent in one or more of the following respects:

- a. Failed to properly and timely monitor and treat the decedent, MARY J. EVANS;
- b. Failed to properly and timely communicate and coordinate activities between and among all members of the surgical team;
- c. Failed to decrease the oxygen concentration before an ignition source was used;
- d. Allowed the configuration of surgical drapes and open oxygen sources to promote the trapping and/or pooling of an oxidizer-enriched atmosphere;
- e. Failed to appreciate the risk of an intraoperative fire in this setting;
- f. Failed to minimize or avoid an oxidizer enriched atmosphere near the surgical site;

- g. Failed to minimize the presence of oxidizer enriched atmosphere in proximity to the ignition source;
- h. Failed to properly and timely manage the administration of oxygen in this setting; and/or
- i. Was otherwise careless and negligent in the care and treatment of MARY J. EVANS.

31. On and before July 9, 2012 and thereafter, and in connection with the care and treatment of MARY J. EVANS, the Defendant, JOHN MITCHELL, M.D., Individually and as the agent and employee of EMCARE OF ILLINOIS, S.C., was negligent in one or more of the following respects:

- a. Failed to properly and timely monitor and treat the decedent, MARY J. EVANS;
- b. Failed to perform proper and timely pre-operative assessment of MARY J. EVANS;
- c. Failed to properly and timely supervise STEVEN SCHAEFFER, CRNA;
- d. Failed to be present in the operative suite during critical aspects of the procedure;
- e. Failed to properly and timely train STEVEN SCHAEFFER, CRNA relative to the risk of an intraoperative fire in this setting;
- f. Failed to properly and timely train STEVEN SCHAEFFER, CRNA regarding anesthesia management of a patient undergoing head and neck surgery;
- g. Failed to properly and timely communicate and coordinate activities between and among all members of the surgical team;
- h. Failed to appreciate the risk of an intraoperative fire in this setting;
- i. Was otherwise careless and negligent in the care and treatment of MARY J. EVANS.

32. As a proximate result of one or more of the foregoing negligent acts and/or omissions on the part of the Defendants, RIVERSIDE MEDICAL CENTER, JOHN P. HUNG, M.D.,

Individually and as the Agent and Employee of JOHN P. HUNG, M.D., S.C., STEVEN SCHAEFFER, CRNA, Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., and JOHN MITCHELL, M.D., Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., and each of them, MARY J. EVANS suffered injuries and damages of a permanent nature including but not limited to severe burns to her face, shoulder and right hand and sequelae from those burns and ultimately she died on May 11, 2013.

33. On May 11, 2013, the Plaintiff's decedent, MARY J. EVANS, left surviving her as her only heir and next of kin, her daughter, SUSAN KAY NICKLES, who suffered and will continue to suffer a loss of MARY J. EVANS' society and companionship as a proximate result of her death.

34. The Plaintiff, SUSAN KAY NICKLES, is the duly appointed Executor of the Estate of MARY J. EVANS, deceased, by virtue of an Order entered in the Circuit Court of Kankakee County, Illinois and she brings this action pursuant to the authority of said appointment.

35. Attached hereto and made a part hereof is an affidavit submitted pursuant to Section 2-622(1) of the Illinois Code of Civil Procedure.

36. The Plaintiff, SUSAN KAY NICKLES, Executor of the Estate of MARY J. EVANS, Deceased, brings this Action pursuant to the Wrongful Death Act, Ch. 740 ILCS Section 180 et seq.

WHEREFORE, the Plaintiff, SUSAN KAY NICKLES, Executor of the Estate of MARY J. EVANS, Deceased, demands judgment against the Defendants, RIVERSIDE MEDICAL CENTER, JOHN P. HUNG, M.D., Individually and as the Agent and Employee of JOHN P. HUNG, M.D., S.C., STEVEN SCHAEFFER, CRNA, Individually and as the Agent and

Employee of EMCARE OF ILLINOIS, S.C., and JOHN MITCHELL, M.D., Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., and each of them, in a sum in excess of the jurisdictional limit of FIFTY THOUSAND AND 00/100 (\$50,000.00) Dollars, plus costs and for such other and further relief as this Court deems just.

COUNT II – MEDICAL NEGLIGENCE (SURVIVAL COUNT)

1-32. Plaintiff reasserts and realleges paragraphs one (1) through thirty-two (32) of Count I as if fully set forth herein as paragraphs one (1) through thirty-two (32) of this Court II.

33. As a proximate result of one or more of the aforesaid negligent acts and/or omissions on the part of the defendants, RIVERSIDE MEDICAL CENTER, JOHN P. HUNG, M.D., Individually and as the Agent and Employee of JOHN P. HUNG, M.D., S.C., STEVEN SCHAEFFER, CRNA, Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., JOHN MITCHELL, M.D., Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., and each of them, the Plaintiff's decedent, MARY J. EVANS, suffered conscious pain and suffering and pecuniary loss, and had she survived, she would have been entitled to bring this action on her own behalf and this action has thus survived her death, which occurred on May 11, 2013.

34. The Plaintiff, SUSAN KAY NICHOLS, is the duly appointed Executor of the Estate of MARY J. EVANS, Deceased, by virtue of an Order entered by the Circuit Court of Kankakee County, Illinois and she brings this action pursuant to the authority of said Order and pursuant to the Survival Act.

35. Attached hereto and made a part hereof is an affidavit submitted pursuant to Section 2-622(1) of the Illinois Code of Civil Procedure.

WHEREFORE, the Plaintiff, SUSAN KAY NICKLES, Executor of the Estate of MARY J. EVANS, Deceased, demands judgment against the Defendants, RIVERSIDE MEDICAL CENTER, JOHN P. HUNG, M.D., Individually and as the Agent and Employee of JOHN P. HUNG, M.D., S.C., STEVEN SCHAEFFER, CRNA, Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., JOHN MITCHELL, M.D., Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., and each of them, in a sum in excess of the jurisdictional limit of FIFTY THOUSAND AND 00/100 (\$50,000.00) Dollars, plus costs and for such other and further relief as this Court deems just.

COUNT III – RES IPSA LOQUITUR (WRONGFUL DEATH)

1-31. The Plaintiff repeats and realleges Paragraphs one (1) through thirty-one (31) of Count I as paragraphs one (1) through thirty-one (31) of this Count III as if fully set forth herein.

32. The type of injuries suffered by the decedent, MARY J. EVANS, under the circumstances as aforesaid are of the type which do not ordinarily occur in the absence of negligence during the course of the surgical procedure.

33. By virtue of the foregoing, the doctrine of *Res Ipsa Loquitur* is applicable to this cause of action.

34. That as a proximate result of one or more of the aforesaid negligent acts and/or omissions on the part of the Defendants, MARY J. EVANS suffered injuries and damages of a permanent nature including but not limited to severe burns to her face, shoulder and right hand and sequelae from those burns and ultimately she died on May 11, 2013.

35. On May 11, 2013, the Plaintiff's decedent, MARY J. EVANS, left surviving her as her only heir and next of kin, her daughter, SUSAN KAY NICKLES, who suffered a loss of MARY J. EVANS' society and companionship as a proximate result of her death.

36. The Plaintiff, SUSAN KAY NICKLES, is the duly appointed Executor of the Estate of MARY J. EVANS, deceased, by virtue of an Order entered in the Circuit Court of Kankakee County, Illinois and she brings this action pursuant to the authority of said appointment.

37. Attached hereto and made a part hereof is an affidavit submitted pursuant to Section 2-622(1) of the Illinois Code of Civil Procedure.

38. The Plaintiff, SUSAN KAY NICKLES, Executor of the Estate of MARY J. EVANS, Deceased, brings this Action pursuant to the Wrongful Death Act, Ch. 740 ILCS Section 180 et seq.

WHEREFORE, the Plaintiff, SUSAN KAY NICKLES, Executor of the Estate of MARY J. EVANS, Deceased, demands judgment against the Defendants, RIVERSIDE MEDICAL CENTER, JOHN P. HUNG, M.D., Individually and as the Agent and Employee of JOHN P. HUNG, M.D., S.C., STEVEN SCHAEFFER, CRNA, Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., and JOHN MITCHELL, M.D., Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., and each of them, in a sum in excess of the jurisdictional limit of FIFTY THOUSAND AND 00/100 (\$50,000.00) Dollars, plus costs and for such other and further relief as this Court deems just.

COUNT IV – RES IPSA LOQUITUR (SURVIVAL ACT)

1-31. The Plaintiff repeats and realleges Paragraphs one (1) through thirty-one (31) of Count I as paragraphs one (1) through thirty-one (31) of this Count IV as if fully set forth herein.

32. The type of injuries suffered by the decedent, MARY J. EVANS, under the circumstances as aforesaid are of the type which do not ordinarily occur in the absence of negligence during the course of the surgical procedure.

33. By virtue of the foregoing, the doctrine of *Res Ipsa Loquitur* is applicable to this cause of action.

34. As a proximate result of one or more of the aforesaid negligent acts and/or omissions on the part of the defendants, RIVERSIDE MEDICAL CENTER, JOHN P. HUNG, M.D., Individually and as the Agent and Employee of JOHN P. HUNG, M.D., S.C., STEVEN SCHAEFFER, CRNA, Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., and JOHN MITCHELL, M.D., Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., and each of them, the Plaintiff's decedent, MARY J. EVANS, suffered conscious pain and suffering and pecuniary loss, and had she survived, she would have been entitled to bring this action on her own behalf and this action has thus survived her death, which occurred on May 11, 2013.

35. On May 11, 2013, the Plaintiff's decedent, MARY J. EVANS, left surviving her as her only heir and next of kin, her daughter, SUSAN KAY NICKLES, who suffered a loss of MARY J. EVANS' society and companionship as a proximate result of her death.

36. The Plaintiff, SUSAN KAY NICHOLS, is the duly appointed Executor of the Estate of MARY J. EVANS, Deceased, by virtue of an Order entered by the Circuit Court of Kankakee County, Illinois and she brings this action pursuant to the authority of said Order and pursuant to the Survival Act.

37. Attached hereto and made a part hereof is an affidavit submitted pursuant to Section 2-622(1) of the Illinois Code of Civil Procedure.

WHEREFORE, the Plaintiff, SUSAN KAY NICKLES, Executor of the Estate of MARY J. EVANS, Deceased, demands judgment against the Defendants, RIVERSIDE MEDICAL CENTER, JOHN P. HUNG, M.D., Individually and as the Agent and Employee of JOHN P. HUNG, M.D., S.C., STEVEN SCHAEFFER, CRNA, Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., and JOHN MITCHELL, M.D., Individually and as the Agent and Employee of EMCARE OF ILLINOIS, S.C., and each of them, in a sum in excess of the jurisdictional limit of FIFTY THOUSAND AND 00/100 (\$50,000.00) Dollars, plus costs and for such other and further relief as this Court deems just.



Attorney for the Plaintiff

Adria East Mossing, Esq.
James P. Navarre, Esq.
MOSSING & NAVARRE, LLC
30 North LaSalle Street – Suite 1524
Chicago, Illinois 60602
(312)262-6700
(312)262-6710 (fax)
ARDC # 6199308

IN THE CIRCUIT COURT OF THE 21st JUDICIAL CIRCUIT
KANKAKEE COUNTY, ILLINOIS

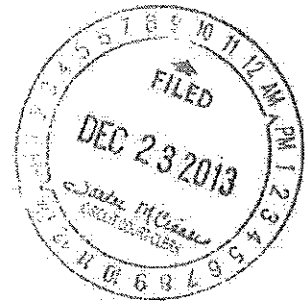
SUSAN KAY NICKLES, as Executor of the
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Plaintiff,

v.

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and Employee of JOHN P. HUNG, M.D.,
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Individually and as the Agent and Employee
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Defendants.



File No. 132170

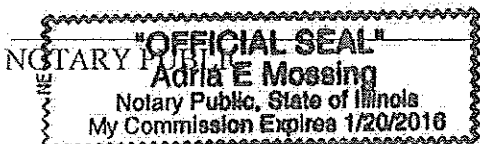
JURY DEMAND

AFFIDAVIT

I, James P. Navarre, the affiant on oath, states;

The total of money damages sought in this matter does exceed \$50,000.

SUBSCRIBED AND SWORN TO
Before me this 19 day of December, 2013.



IN THE CIRCUIT COURT OF THE 21st JUDICIAL CIRCUIT
KANKAKEE COUNTY, ILLINOIS

SUSAN KAY NICKLES, as Executor of the
Estate of MARY J. EVANS, Deceased

Plaintiff,

v.

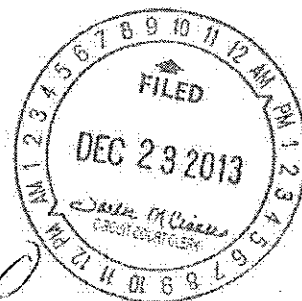
RIVERSIDE MEDICAL CENTER, JOHN P.
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MITCHELL, M.D., Individually and as the
Agent and Employee of EMCARE OF
ILLINOIS, S.C., and each of them,

Defendants.

File No.

132170

JURY DEMAND




AFFIDAVIT

1. Your affiant has consulted with and reviewed the facts of the case with health professionals who the affiant reasonably believes are knowledgeable in the relevant issues involved in this particular action, practice within the last six years in the same area of health care or medicine that is at issue in this particular action and are qualified by experience in the subject of this case.
2. Your affiant concludes, based on consulting with the above-described individuals, that there is a reasonable and meritorious cause for the filing of this action.
3. The reviewing health professionals have determined in written reports, attached hereto as Group Exhibit A, after a review of the medical records described in said reports that there is a reasonable and meritorious cause for the filing of such action.

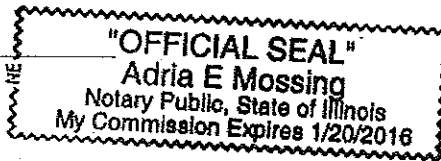
4. The reviewing health professionals are licensed in Illinois, including one who is licensed to practice medicine in all of its branches and is board certified in anesthesiology, one who is licensed to practice medicine in all of its branches and is board certified in otolaryngology and one who is a licensed registered nurse.

FURTHER YOUR AFFIANT SAITH NOT.


James P. Navarre

SUBSCRIBED and SWORN
this 19 day of December 2013.

NOTARY PUBLIC



Adria East Mossing, Esq.
James P. Navarre, Esq
MOSSING & NAVARRE, LLC
30 North LaSalle Street – Suite 1524
Chicago, IL 60602
(312) 262-6700
ARDC # 6199308

Medical Report

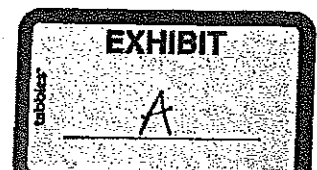
I am a licensed medical doctor in the State of Illinois and I am board certified in Anesthesiology as such, I am familiar with the standard of care of an Anesthesiologist and anesthesia care team model with CRNA who administer anesthesia to patients for purposes of surgery in and around the head and neck. I am also familiar with the standard of care as it pertains to the requisite communication between the surgeon and the Anesthesiologist/CRNA during head and neck surgery to recognize the risk of operating room fires and to prevent their occurrence.

I have reviewed the medical records of Mary Evans relative to her care and treatment at Riverside Medical Center on July 9, 2012. I have also reviewed Mary Evans' records from her admissions at Loyola Medical Center, Miller Health Care Center and her other Riverside Medical Center admissions. Based on my education, training and experience and my review of the records referenced above, it is my opinion to a reasonable degree of medical certainty that there is a reasonable and meritorious cause for the filing of suit against Riverside Medical Center, Steve Schaeffer CRNA, John Mitchell, M.D. and Emcare of Illinois, S.C. for the following reasons:

Mary Evans underwent surgery on July 9, 2012 at Riverside Medical Center for a growth on her forehead. The surgery was performed by John P. Hung, M.D. The anesthetic plan was to use local anesthetic (by surgeon) and sedation by the anesthesia care team (Dr. John Mitchell and Mr. Steve Schaeffer, CRNA). The surgeon, John P. Hung, M.D., controlled active bleeding by repeat electro-cauterizations. Towards the end of the procedure an "electric fire burn was triggered" per the operative report. According to the operative report, the surgical drape was removed and the fire was extinguished. Dr. Hung documented second degree burns of the patient's mid face, both eyelids and nose and the corner of her lips. He examined the oral cavity and documented "some smoke inside the tongue." Anesthesiologist, John Mitchell, M.D., was paged to the operative suite and he intubated the patient. The nurses also reported that Mary Evans' entire face was burned along with her right hand, the back of her shoulders and into her hair.

Mary Evans was emergently transported via ambulance to Loyola Medical Center's burn unit. At Loyola Medical Center's burn unit, Mary Evans was noted to have a Grade I inhalation injury. She also suffered partial thickness burns to her face and right hand which she incurred when she attempted to put out the fire on her face. Mary Evans was discharged from Loyola Medical Center on July 20, 2012 to Miller Health Care Center for further treatment. Mary Evans subsequently underwent multiple procedures following her discharge from Loyola Medical Center to address the sequelae of her burns. Mary Evans ultimately died on May 11, 2013.

It is my opinion that Riverside Medical Center, as an institution and by and through its actual and/or apparent agents and employees including but not limited to Steve Schaeffer,



CRNA, and John Mitchell, M.D., Individually and as the agents and employees of Emcare of Illinois, S.C., deviated from the standard of care in one or more of the following respects:

- I. Riverside Medical Center, as the actual and/or apparent agent and employee of John Mitchell, M.D. and John Mitchell, M.D., Individually and as the agent and employee of Emcare of Illinois, S.C. deviated from the standard of care by failing to document and possibly perform the pre-anesthetic evaluation of this patient; failing to be present in the operative suite during critical aspects of the procedure; failing to supervise Steve Schaeffer, CRNA relative to fire risk assessments and the proper administration of *Oxidizers* (oxygen) in a patient undergoing surgery in and about the head and neck and minimizing the oxygen enriched space around the source of electrocautery; failing to properly supervise the CRNA regarding communication with the surgeon concerning fire risk assessment and the management of the administration of oxygen via a face mask in and around the head and face when electrocautery is in use; and failing to properly and timely treat Mary Evans.
- II. Riverside Medical Center, by and through its actual and/or apparent agents and employees including but not limited to Steve Schaeffer, CRNA and Steve Schaeffer, CRNA, Individually and as the agent and employee of Emcare of Illinois, S.C., deviated from the standard of care by failing to provide appropriate instructions to the CRNA regarding the prevention of fires in the operating room, failing to properly and timely take steps to perform a fire risk assessment on this patient; failing to recognize that this patient was at risk for an operating room fire given the type of surgery involved and failing to take appropriate steps to prevent the surgical fire under these circumstances; failing to properly and timely communicate with the nursing personnel, technologists and the surgeon in the operative suite regarding the need for a fire risk assessment and necessary steps to prevent an operating room fire under these circumstances and failing to properly and timely communicate with the surgeon, operating room nurses and technologists regarding the timing and use of electrocautery in light of the use of oxygen in and around the patient's head; failing to stop/titrate the oxygen flow rate while the cautery was in use; failing to take appropriate steps to prevent an operating room fire; and failing to properly and timely treat Mary Evans.
- III. Riverside Medical Center, as an Institution, deviated from the standard of care in failing to implement policies and procedures relative to fire prevention in the operating room; failed to insure that the operating room personnel were properly trained in the prevention of operating room fires; failed to properly and timely train the operating room personnel concerning fire risk assessment in patients undergoing head and neck surgery and failing to insure that appropriate actions were implemented to prevent a surgical fire.

It is my opinion to a reasonable degree of medical certainty that these acts and/or omissions on the part of the parties identified above caused or contributed to cause injuries and damages of a permanent nature to Mary Evans, damages which included burns to Mary Evans' face, shoulder and hand, inhalation injuries, contractures and the sequela of the burns which required debridement, skin grafts and multiple surgeries and which ultimately caused or contributed to cause the death of Mary Evans. It is further my opinion that the type of injuries suffered by Mary Evans are of the type which do not ordinarily occur in the absence of negligence during the course of a surgical procedure.

I further reserve the right to supplement and/or modify these opinions as additional facts and/or materials become available to me.

I am a physician licensed in the State of Illinois and I am board certified in otolaryngology. As such, I am familiar with the standard of care of a reasonably well qualified ENT under the same or similar circumstances as presented in this case. Based on my review of the Riverside Medical Center records, it is my opinion to a reasonable degree of medical and surgical certainty that there is a reasonable and meritorious cause for the filing of suit against John P. Hung, M.D. and John P. Hung, M.D., S.C. for the following reasons:

Mary Evans was admitted to Riverside Medical Center on July 9, 2012 for removal of a lesion on her forehead. According to the operative report and the anesthesia record, electrocautery was to be used during the procedure. The patient was under local anesthesia. The surgeon, John P. Hung, M.D., dictated in his operative note that "active bleeding at the skin edge was controlled by repeat electrocauterizations." Towards the end of the procedure, Dr. Hung removed skin tags off the patient's forehead with electrocautery. Dr. Hung charted that "before the procedure was completely finished an electric fire burn triggered." The drape was removed and the fire was extinguished.

The patient, Mary Evans, suffered burns to her entire face, her right hand, the back of her shoulders and into her hair per the nurses' notes. The patient was intubated and she was ultimately transferred to Loyola Medical Center's burn unit for further care and treatment.

It is my opinion to a reasonable degree of medical and surgical certainty that John P. Hung, M.D. deviated from the standard of care relative to his care and treatment of Mary Evans. There is no evidence in the record that the surgeon and the other operating room personnel had an appreciation for the risk of an operating room fire under these circumstances. Dr. Hung further deviated from the standard of care by failing to communicate with the operating room personnel prior to the procedure regarding a fire risk assessment; failing to have appropriate training to recognize the risk of an operating room fire under these circumstances; and failing to properly and timely treat Mrs. Evans so as to decrease the risk of an operating room fire.

These deviations from the standard of care on the part of Dr. Hung caused or contributed to cause permanent injuries and damages to Mary Evans.

I reserve the right to supplement and/or modify these opinions as additional information becomes known to me.

I am a Registered Nurse licensed by the State of Illinois and I am familiar with the standard of care of the nursing personnel in an operating room as well as the necessary training and the applicable guidelines for operating room personnel relative to fire risk assessment and the care and treatment of surgical patients when electrocautery is or will be in use. I have reviewed Mary Evans' records relative to her admission to Riverside Medical Center on July 9, 2012. Based on my review of these records as well as my education, training and experience, it is my opinion to a reasonable degree of nursing and medical certainty that there is a reasonable and meritorious cause for the filing of suit against Riverside Medical Center for the following reasons:

Mary Evans was admitted to Riverside Medical Center on July 9, 2012 for excision of a lesion on her forehead. Electrocautery was used by the surgeon during the procedure. Towards the end of the surgical procedure, a fire erupted and Mary Evans was seriously burned. The fire was doused out by the operating room personnel and Mary Evans was ultimately transported to Loyola Medical Center's burn unit for further treatment.

Based on my education, training and experience and my review of Mary Evans' medical records, Riverside Medical Center, as an institution, deviated from the standard of care by failing to properly and timely implement policies and procedures regarding fire risk assessment for patients in the operating room and failing to properly and timely educate and train its operating room staff regarding fire risk assessment. Riverside Medical Center, by and through its nursing staff, also failed to properly and timely treat Mrs. Evans including but not limited to the failure to apply a water based gel to the patient's hair.

It is my opinion that these deviations from the standard of care on the part of Riverside Medical Center caused or contributed to cause permanent injuries and damages to Mary Evans.

I reserve the right to supplement and/or modify these opinions as additional information becomes available to me for review.