

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

FILED-13

2013 JUN 11 PM 3:17

JOSEPH F. DIMARIA and DONNA DIMARIA)
)
Plaintiffs,)

v.)

PRESENCE HEALTH NETWORK a corporation;)
PRESENCE RESURRECTION MEDICAL)
CENTER, a corporation;)
DANIEL L. DAHLINGHAUS, M.D.;)
NORTHWEST GENERAL SURGEONS, LTD.,)
a corporation;)
BRANKA PAVLOVIC, M.D.;)
JENNIFER O'TOOLE, CRNA;)
UNIDENTIFIED NURSE A;)
UNIDENTIFIED NURSE B; and)
UNIDENTIFIED NURSE C.)

Defendants.)

CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
LAW DIVISION

CLERK
DOROTHY BROWN

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PRESENCE RESURRECTION MEDICAL CENTER'S ANSWER
TO PLAINTIFF'S COMPLAINT AT LAW

NOW COMES THE Defendant, PRESENCE RESURRECTION MEDICAL CENTER,
by and through its attorneys, BARKER & CASTRO, LLC, and, as its answer to Plaintiff's
Complaint at Law, hereby states as follows:

COUNT I - MEDICAL NEGLIGENCE

1. The allegations contained in Paragraph 1 of Count I are not directed at this
Defendant. Therefore, this Defendant makes no answer thereto, and denies that it is obligated to
do so. To the extent that these allegations may be construed against this Defendant, the
allegations are denied.

2. The allegations contained in Paragraph 2 of Count I are not directed at this
Defendant. Therefore, this Defendant makes no answer thereto, and denies that it is obligated to

do so. To the extent that these allegations may be construed against this Defendant, the allegations are denied.

3. This Defendant admits that it was a duly licensed and accredited hospital existing under the laws of the State of Illinois at all times relevant herein.

4. This Defendant denies the allegations contained in Paragraph 4 of Count I.

5. This Defendant admits only that it is a not-for-profit corporation that provided certain health care services to admitted patients at all times relevant herein.

6. This Defendant admits only that on the date alleged, the Plaintiff, JOSEPH F. DIMARIA, underwent a surgical procedure for the insertion of a Groshong port-catheter, performed by DR. DAHLINGHAUS, but all remaining allegations are denied as stated.

7. This Defendant admits the allegations contained in Paragraph 7 of Count I.

8. This Defendant denies the allegations contained in Paragraph 8 of Count I.

9. This Defendant denies the allegations contained in Paragraph 9 of Count I.

10. This Defendant denies the allegations contained in Paragraph 10 of Count I.

11. This Defendant denies the allegations contained in Paragraph 11 of Count I.

12. This Defendant denies the allegations contained in Paragraph 12 of Count I.

13. This Defendant denies the allegations contained in Paragraph 13 of Count I.

14. This Defendant denies the allegations contained in Paragraph 14 of Count I.

15. This Defendant denies the allegations contained in Paragraph 15 of Count I.

16. This Defendant denies the allegations contained in Paragraph 16 of Count I.

17. This Defendant denies the allegations contained in Paragraph 17 of Count I as stated.

18. The allegations contained in Paragraph 18 of Count I are not directed at this Defendant. Therefore, this Defendant makes no answer thereto, and denies that it is obligated to do so. To the extent that these allegations may be construed against this Defendant, the allegations are denied.

19. The allegations contained in Paragraph 19 of Count I are not directed at this Defendant. Therefore, this Defendant makes no answer thereto, and denies that it is obligated to do so. To the extent that these allegations may be construed against this Defendant, the allegations are denied.

20. This Defendant admits the allegations contained in Paragraph 20 of Count I.

21. This Defendant denies the allegations contained in Paragraph 21 of Count I.

22. This Defendant admits the allegations contained in Paragraph 22 of Count I only to the extent that they are consistent with the medical record and denies the remaining allegations.

23. This Defendant admits the allegations contained in Paragraph 23 of Count I.

24. This Defendant denies the allegations contained in Paragraph 24 of Count I.

25. This Defendant denies the allegations contained in Paragraph 25 of Count I.

26. This Defendant denies the allegations contained in Paragraph 26 of Count I.

27. This Defendant denies the allegations contained in Paragraph 27 of Count I.

28. This Defendant denies the allegations contained in Paragraph 28 of Count I.

29. This Defendant denies the allegations contained in Paragraph 29 of Count I.

30. This Defendant denies the allegations contained in Paragraph 30 of Count I.

31. This Defendant denies the allegations contained in Paragraph 31 of Count I.

32. This Defendant denies the allegations contained in Paragraph 32 of Count I.

33. This Defendant denies the allegations contained in Paragraph 33 of Count I.

34. This Defendant admits the allegations contained in Paragraph 34 of Count I.

35. This Defendant denies the allegations contained in Paragraph 35 of Count I.

36. This Defendant denies the allegations contained in Paragraph 36 of Count I.

37. This Defendant denies the allegations contained in Paragraph 37 of Count I.

38. This Defendant denies the allegations contained in Paragraph 38 of Count I.

39. This Defendant denies the allegations contained in Paragraph 39 of Count I.

40. This Defendant denies the allegations contained in Paragraph 40 of Count I.

41. This Defendant denies the allegations contained in Paragraph 41 of Count I.

42. This Defendant denies the allegations contained in Paragraph 42 of Count I.

43. This Defendant denies the allegations contained in Paragraph 43 of Count I.

44. This Defendant denies the allegations contained in Paragraph 44 of Count I.

45. The allegations contained in Paragraph 45 of Count I are not directed at this Defendant. Therefore, this Defendant makes no answer thereto, and denies that it is obligated to do so. To the extent that these allegations may be construed against this Defendant, the allegations are denied.

46. This Defendant admits the allegations contained in Paragraph 46 of Count I.

47. This Defendant denies the allegations contained in Paragraph 47 of Count I.

48. This Defendant denies the allegations contained in Paragraph 48 of Count I as stated.

49. This Defendant admits the allegations contained in Paragraph 49 of Count I.

50. This Defendant denies the allegations contained in Paragraph 50 of Count I.

51. This Defendant denies the allegations contained in Paragraph 51 of Count I as stated.

52. This Defendant admits the allegations contained in Paragraph 52 of Count I only to the extent that they are consistent with the medical record and denies the remaining allegations.

53. This Defendant admits the allegations contained in Paragraph 53 of Count I only to the extent that they are consistent with the medical record and denies the remaining allegations.

54. This Defendant admits the allegations contained in Paragraph 54 of Count I only to the extent that they are consistent with the medical record and denies the remaining allegations.

55. This Defendant admits the allegations contained in Paragraph 55 of Count I only to the extent that they are consistent with the medical record and denies the remaining allegations.

56. This Defendant denies the allegations contained in Paragraph 56 of Count I as stated.

57. This Defendant admits only to that duty recognized under Illinois law, and denies the allegations of fact and conclusions of law to the extent that they are inconsistent with or exceed the foregoing.

58. This Defendant denies each and every allegations of fact and conclusions of law contained in Paragraph 58 of Count I, subparagraphs (a) through (h) inclusive.

59. The allegations contained in Paragraph 59 of Count I are not directed at this Defendant. Therefore, this Defendant makes no answer thereto, and denies that it is obligated to

do so. To the extent that these allegations may be construed against this Defendant, the allegations are denied.

60. The allegations contained in Paragraph 60 of Count I are not directed at this Defendant. Therefore, this Defendant makes no answer thereto, and denies that it is obligated to do so. To the extent that these allegations may be construed against this Defendant, the allegations are denied.

61. The allegations contained in Paragraph 61 of Count I are not directed at this Defendant. Therefore, this Defendant makes no answer thereto, and denies that it is obligated to do so. To the extent that these allegations may be construed against this Defendant, the allegations are denied.

62. The allegations contained in Paragraph 62 of Count I are not directed at this Defendant. Therefore, this Defendant makes no answer thereto, and denies that it is obligated to do so. To the extent that these allegations may be construed against this Defendant, the allegations are denied.

63. The allegations contained in Paragraph 63 of Count I are not directed at this Defendant. Therefore, this Defendant makes no answer thereto, and denies that it is obligated to do so. To the extent that these allegations may be construed against this Defendant, the allegations are denied.

64. The allegations contained in Paragraph 64 of Count I are not directed at this Defendant. Therefore, this Defendant makes no answer thereto, and denies that it is obligated to do so. To the extent that these allegations may be construed against this Defendant, the allegations are denied.

65. This Defendant admits only to that duty recognized under Illinois law, and denies the allegations of fact and conclusions of law to the extent that they are inconsistent with or exceed the foregoing.

66. This Defendant denies each and every allegations of fact and conclusions of law contained in Paragraph 66 of Count I, subparagraphs (a) through (h) inclusive.

67. This Defendant denies the allegations of fact and conclusions of law contained in Paragraph 67 of Count I.

68. This Defendant admits only that an attorney's affidavit and health professional's report pursuant to section 2-622 of the Illinois Code of Civil Procedure are attached to Plaintiff's Complaint at Law, but denies the allegations of negligence contained therein and denies that these documents form part of the Complaint.

WHEREFORE, Defendant, PRESENCE RESURRECTION MEDICAL CENTER, denies that Plaintiff is entitled to judgment in any amount whatsoever and requests judgment in its favor and against Plaintiff, including all costs of this action, and for such other relief as this Court deems just.

COUNT II – LOSS OF CONSORTIUM / MEDICAL NEGLIGENCE

1-67. This Defendant adopts and incorporates by reference its answers to Paragraphs 1 through 67 of Count I as its answers to Paragraph 1 through 67 of Count II as though fully set forth herein.

68. This Defendant has insufficient knowledge to either admit or deny whether DONNA DIMARIA was the wedded wife of JOSEPH F. DIMARIA on the date alleged. This Defendant denies all remaining allegations of fact and conclusions of law contained in Paragraph 68 of Count II.

69. This Defendant admits only that an attorney's affidavit and health professional's report pursuant to section 2-622 of the Illinois Code of Civil Procedure are attached to Plaintiff's Complaint at Law, but denies the allegations of negligence contained therein and denies that these documents form part of the Complaint.

WHEREFORE, Defendant, PRESENCE RESURRECTION MEDICAL CENTER, denies that Plaintiff is entitled to judgment in any amount whatsoever and requests judgment in its favor and against Plaintiff, including all costs of this action, and for such other relief as this Court deems just.

COUNT III – RES IPSA LOQUITUR

1-66. This Defendant adopts and incorporates by reference its answers to Paragraphs 1 through 66 of Count I as its answers to Paragraph 1 through 66 of Count III as though fully set forth herein.

67. This Defendant denies the allegations contained in Paragraph 67 of Count III.

68. This Defendant denies the allegations contained in Paragraph 68 of Count III.

69. This Defendant denies the allegations contained in Paragraph 69 of Count III.

70. This Defendant denies the allegations of fact and conclusions of law contained in Paragraph 70 of Count III.

71. This Defendant admits only that an attorney's affidavit and health professional's report pursuant to section 2-622 of the Illinois Code of Civil Procedure are attached to Plaintiff's Complaint at Law, but denies the allegations of negligence contained therein and denies that these documents form part of the Complaint.

WHEREFORE, Defendant, PRESENCE RESURRECTION MEDICAL CENTER, denies that Plaintiff is entitled to judgment in any amount whatsoever and requests judgment in

its favor and against Plaintiff, including all costs of this action, and for such other relief as this Court deems just.

COUNT IV – LOSS OF CONSORTIUM / RES IPSA LOQUITUR

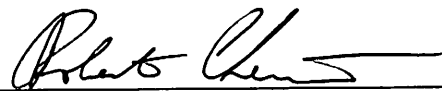
1-70. This Defendant adopts and incorporates by reference its answers to Paragraphs 1 through 70 of Count I as its answers to Paragraph 1 through 70 of Count IV as though fully set forth herein.

71. This Defendant has insufficient knowledge to either admit or deny whether DONNA DIMARIA was the wedded wife of JOSEPH F. DIMARIA on the date alleged. This Defendant denies all remaining allegations of fact and conclusions of law contained in Paragraph 71 of Count II.

72. This Defendant admits only that an attorney's affidavit and health professional's report pursuant to section 2-622 of the Illinois Code of Civil Procedure are attached to Plaintiff's Complaint at Law, but denies the allegations of negligence contained therein and denies that these documents form part of the Complaint.

WHEREFORE, Defendant, PRESENCE RESURRECTION MEDICAL CENTER, denies that Plaintiff is entitled to judgment in any amount whatsoever and requests judgment in its favor and against Plaintiff, including all costs of this action, and for such other relief as this Court deems just.

Respectfully submitted,

By: 

One of the Attorneys for Defendant
Presence Resurrection Medical Center

BARKER & CASTRO, LLC

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Chad M. Castro

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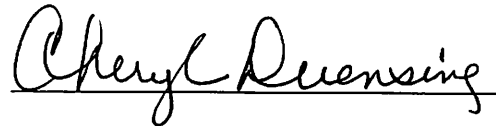
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CERTIFICATE OF SERVICE

The undersigned, a non-attorney, on oath hereby certifies under penalties as provided by law pursuant to Ill.Rev.Stat., Chapter 110, ¶1-109, that I served a true and correct copy of the foregoing DEFENDANT PRESENCE RESURRECTION MEDICAL CENTER'S ANSWER TO PLAINTIFF'S COMPLAINT upon:

Clifford Law Offices, P.C.
120 N. LaSalle Street
Suite 3100
Chicago, IL 60602

named individuals by mailing a copy thereof in a properly addressed and sealed envelope and depositing the same in the U.S. Mail located at 115 South LaSalle Street, Chicago, Illinois 60603, before 5:00 p.m. on June 11, 2013.


Cheryl Ruensing