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Highest infant death verdict given in DuPage

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A jury has awarded a record-high DuPage County verdict in an infant wrongful death case, giving \$1.5 million to parents who sued a hospital for allegedly taking too long to diagnose their child's twisted bowel.

The amount is a little more than double the \$650,000 that Central DuPage Hospital offered to settle the case, the parents' lawyer said.

"It is a hollow victory, as the hospital had the option to settle this case before trial, but instead forced the family to relive the nightmare through a trial," said the family's attorney, Mark E. McNabola of Cogan & McNabola P.C.

"The lack of humanity shown by the hospital toward the Diaz family, throughout, is outrageous," McNabola said.

Isaac Diaz was 5 days old when his

mother took him to the emergency room at Central DuPage Hospital in April 2005.

Jurors heard that the infant had seen a pediatrician earlier that afternoon, and he started vomiting later in the day. The baby also had blood in his diaper.

The parents' lawsuit alleged that hospital staff failed to diagnose the infant's twisted bowel in a timely manner.

As a result, it took too long for him to receive intravenous fluids, antibiotics and to be transferred to a unit with a pediatric surgeon, the suit alleged.

The family waited four hours in the emergency room before a surgeon was called, and the surgeon responded that he wasn't on call, McNabola said.

A hospital nurse then called Children's Memorial Hospital in Chicago, and the boy died there the next day.

McNabola was joined on the case by Jon

C. Papin of the same firm.

The \$1.5 million verdict is only against Central DuPage Hospital. The hospital and a doctor were represented by David C. Hall of Hall, Prangle & Schoonveld LLC.

Hall couldn't be reached for comment Tuesday morning.

The parents also sued the pediatrician and her medical group.

Those defendants agreed to settle the case for \$250,000 after the jury started deliberating, McNabola said. They were represented by Madeleine Weldon-Linne of Weldon-Linne & Vogt.

Eighteenth Judicial Circuit Judge Dorothy F. French presided over the trial.

The verdict was issued Friday, and the record was confirmed by John L. Kirkton of the Jury Verdict Reporter.

The case is *Mary Diaz and Emilio Diaz, etc. v. Michael Panfil, M.D., et al.*, No. 06 L 448.