

# Chicago Daily Law Bulletin®

Volume 159, No. 109

## Husband's wrongful-death suit resolved with \$2.5M settlement

BY JENN BALLARD  
Law Bulletin staff writer

A radiologist and her medical group have agreed to pay \$2.5 million to settle a lawsuit filed by the estate of a woman who died from a bowel obstruction.

In May 2008, Brenda DeBois-Polk, 58, was admitted to Sisters of St. Francis Health Services Inc. in Olympia Fields, which is now known as Franciscan St. James Health, due to severe abdominal pain.

The following allegations come from the lawsuit:

DeBois-Polk received a CT scan of her abdomen and pelvis, which did not show a bowel obstruction.

After another episode of stomach pain 10 days later, hospital employees performed another CT scan that showed a bowel obstruction.

Dr. Gabrielle Bosley-Berry, a radiologist working at the hospital, misinterpreted the CT scan and did not compare the

findings of both documents.

She reported that DeBois-Polk did not show signs of a bowel obstruction and diagnosed her pain as psychological.

DeBois-Polk's pain increased, and a week later, a general surgeon performed an exploratory abdominal surgery. He discovered necrotic tissue and a bowel obstruction.

The damage from the obstruction caused her death on June 17, 2008.

DeBois-Polk's husband, Julius Polk, filed a wrongful-death suit in Cook County Circuit Court in 2009 against Bosley-Berry, Associated St. James Radiologists S.C. and the hospital.

The hospital was later dropped from the suit because DeBois-Polk signed consent forms, which showed that Bosley-Berry worked as an independent agent and not for the hospital.

Mark E. McNabola, a partner at McNabola Law Group, represented DeBois-Polk's estate.



Mark E. McNabola

"A bowel obstruction is almost always a surgical emergency, so by the time of June 1, almost an entire week later (since the second CT scan), she was writhing in pain and no one had a physiological diagnosis," he said.

"It's hollow justice, because there hasn't been any incrimination of the defendant, the radiol-

ogist, who claimed my client's obstruction was a figment of her imagination."

McNabola said the radiologist should have measured the organs, which would have shown there was an obstruction.

"The obstruction would have made them quite large," McNabola said. "Whatever fluids are trying to get through there aren't going through, so the fluids will expand."

He said the radiologist also should have used both CT scan results to "have a baseline study and then compare them for changes."

Michael T. Trucco, a partner at Stamos & Trucco LLP, represented Bosley-Berry and Associated St. James Radiologists S.C. He declined to comment.

Circuit Judge Thomas L. Hogan approved the settlement on May 23.

The case is *Julius Polk, etc. v. Gabrielle Bosley-Berry, et al.*, No. 09 L 9282.