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Hospital agrees to settle birth-injury lawsuit for \$6.5M

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A Park Ridge hospital has agreed to pay \$6.5 million to settle a lawsuit filed by a mother whose baby suffered a brain injury during birth, according to the plaintiff's lawyer.

Cook County Associate Judge [Elizabeth M. Budzinski](#) approved the settlement last week in which Advocate Lutheran General Hospital will pay both the mother, Denice Cisneros, and her daughter.

The lawsuit alleged that hospital staff failed to perform a cesarean section in a timely manner in September 2000.

The hospital staff was accused of not noticing the presentation of the baby's head and failing to diagnose cephalic pelvic disproportion — a condition that occurs when the baby's head is too large for the mother's pelvis.

The suit also stated that a physician and nurse misread fetal monitoring strips and gave Cisneros a drug to strengthen the contractions even though her contractions were fine.

Despite the stronger contractions, the baby didn't descend, and, the suit alleged, an obstetrician failed to immediately order an emergency cesarean section.

The suit alleged that the umbilical cord compressed between the baby's cheekbone and the mother's pelvis, and it wasn't until the baby's heartbeat dropped for more than 15 minutes that a cesarean was ordered.

Then, the lawsuit alleged, the staff administered the wrong type of anesthesia. Cisneros wasn't properly anesthetized by the time the surgery started, so she had to be physically held down in order for the abdominal incision to be made.

Due to a lack of brain oxygen for more than 15 minutes, the baby has cerebral palsy and mental retardation. The child, now 10 years old, has trouble walking and suffers from motor delays and moderate cognitive deficits.

The settlement gives \$300,000 to Cisneros and \$6.2 million to her child.

The family was represented by [John J. Perconti](#) and [Patricia L. Gifford](#) of Levin & Perconti.

Perconti said the staff should have realized that the child's head was too large, and a should have ordered a cesarean sooner.

"We think it's an unfortunate mix of an inexperienced family practitioner practicing obstetrics, and an inexperienced labor and delivery nurse which caused a relatively common labor abnormality to go unrecognized, untreated and undiagnosed until it was too late," Perconti said.

The defendants were represented by [Michael J. Morrissey](#) and [Stacey A. Cischke](#) of Cassidy, Schade LLP; and [Steven C. Steinback](#) and [Scott E. Irvin](#) of Barker & Castro LLC.

Irvin referred a phone call to Steinback, and none of the other attorneys could be reached for comment.

[Donald P. O'Connell](#) mediated the case, which is *Denice Cisneros, etc. v. Advocate Health and Hospitals Corporation, et al.*, No. 05 L 0488.

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