

COOK COUNTY  
**JURY VERDICT REPORTER**

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Volume YY

**MEDICAL MALPRACTICE--ELDERLY REHAB PATIENT IMPALED BY SHOWER CHAIR**

(YY 14/1) *Estate of Johnnie Packnett, deceased v Schwab Rehab Hospital Care Network* 04L-8029 Tried Nov. 8-20, 2006 (12S)

Verdict: \$7,500,100 (\$3,500,000 survival pain & suffering; \$1,000,000 loss of normal life; \$100 medical expenses; \$3,000,000 wrongful death apportioned as \$1,000,000 loss of society to widower and \$1,000,000 to each of two children).

Judge: Patricia Banks (IL Cook-Law)

Pltf Attys: James D. Montgomery, Jr. and Melvin L. Brooks of *Cochran, Cherry* Demand: \$3,250,000 withdrawn Asked: \$16,000,000

Deft Atty: Shawn P. Clifford of *Hinshaw & Culbertson* (Partially Self-Insured) Offer: \$2,000,000

Pltf Medl: Dr. Luis Couret (Internist), Dr. Laurel L. Romer (Internist) and Dr. John P. Kress (Pulmonologist)

Pltf Expert: Dr. John Prendergast, 1350 Locust St., #G102, Pittsburgh, PA (412-232-8499) (Geriatrics)

Johnnie Packnett, F-77, was admitted to Schwab Rehab Hospital for rehabilitation of a fractured femur. Her right leg was in a cast and she was constrained to a wheelchair. On April 10, 1999, three weeks after her admission, a Schwab nurse took her for a shower and placed her into a shower chair (wheelchair designed for showering). However, the nurse failed to properly secure the seat of the chair and during the shower it slid from underneath Mrs. Packnett, causing her to become impaled by the chair's metal tubing. Emergency care personnel tried to extract the chair for an hour until successful, causing Mrs. Packnett to endure extraordinary pain. She sustained peritoneal tears, two rectovaginal fistulas and abdominal injuries, resulting in abdominal surgery and a colostomy; the injuries caused her bowels to empty into her abdominal cavity, resulting in infections, sepsis, septic shock, and eventual multiple organ failure. Mrs. Packnett was also intubated and placed on life support for seven months at Mount Sinai, University of Chicago and Vencor Hospitals. She died on Nov. 7, 1999, when life supports were removed on the advice of her physician (\$1,018,425 medl., survived by husband and two adult daughters). Schwab admitted negligence, but argued that Mrs. Packnett's injuries resulting from its negligence were resolved fifteen days after the occurrence. Defense contended her further injuries, hospitalizations and death were a result of her pre-existing diabetes, congestive heart failure, coronary artery disease and hypertension; defense also asserted she had contracted pneumonia prior to the shower chair incident. Defense maintained Mrs. Packnett's pre-existing co-morbidities along with her morbid obesity (240 lbs) and her prior history of heart attack and stroke combined to significantly reduce her life expectancy. During deliberations, the jury asked whether or not the \$1,018,425 in hospital bills was payable to Schwab Hospital. Schwab is self-insured up to \$3 million with an excess carrier providing coverage up to \$15 million.

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