

Baxter, Ted (MR # 014701940)

Results History

ORDER ECHOCARDIOGRAM (Order# 46551303)

2005-08-06 13:51

Entry Date

8/6/2005

Results

Scan on: 8/9/05 12:50 PM by: Parent, Lashell [104873] Documentation: document type: ECHO REPORT
cmts: PAGE 1 OF 3, 8/6/2005

Scan on: 8/9/05 12:50 PM by: Parent, Lashell [104873] Documentation: document type: ECHO REPORT
cmts: PAGE 2 OF 3, 8/6/2005

Scan on: 8/9/05 12:51 PM by: Parent, Lashell [104873] Documentation: document type: ECHO REPORT
cmts: PAGE 3 OF 3, 8/6/2005

Entry Date

8/6/2005

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cmts: PAGE 3 OF 3, 8/6/2005

Encounter [View Encounter](#)

2
7
0
0
9
5
1
3
1
5

Baxter, Ted (MR # 014701940)

2007
05
13
:15

Patient Information
Patient Name Baxter, Ted
Sex Male
DOB 11

Lab Information
Lab
EXTERNAL RESULTING
AGENCY

Results

CBC W DIFFERENTIAL (Order# 57060629)

Collection Information
Resulting Agency
EXTERNAL RESULTING
AGENCY

Results Scan on: 3/23/06 3:20 PM by Zarate, Carlos [116338] Documentation: document type- EXTERNAL DOCUMENTS cmts: Labs/Univ Michigan 2/18/06

Lab and Collection CBC W DIFFERENTIAL (Order#57060629) on 3/18/06 - Lab and Collection Information

Reviewed by List **Reviewed By**
TABER, JESSE on Thu Mar 23, 2006 6:23 PM

ENHconnect Status: This result is currently not released to ENH-connect through MyChart.

Order

CBC W DIFFERENTIAL [LAB58] (Order# 57060629)

Order Information
Order Date 3/18/2006
Ordering User Susan Murray Beerhorst
Department Neuro Evs

Order Providers
Authorizing Provider Jesse Taber
Encounter Provider Jesse Taber

Associated Diagnoses SCANNING AMB DOCUMENTS [SCANNING]

Detailed Information
Priority and Order Details **Collection Information**

Encounter [View Encounter](#)

Scan(s) document type- EXTERNAL DOCUMENTS cmts: Labs/Univ Michigan 2/18/06 Scan on: 3/23/06 3:20 PM by ZARATE, CARLOS [116338] Filename: S-prd-4113698.TIF

Baxter, Ted (MR # 014701940)

NEED TO CALL

Patient Information	Patient Name Baxter, Ted	Sex Male	DOB 11
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Results

CT HEAD W/O CONTRAST (Order# 57060630)

Result Information	Status Final result (3/16/2006)	Provider Status Reviewed
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Collection Information	Resulting Agency EXTERNAL RESULTING AGENCY
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Lab Information	Lab EXTERNAL RESULTING AGENCY
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Results	Scan on: 3/23/06 3:21 PM by: Zarate, Carlos [116238] Documentation: document type- EXTERNAL DOCUMENTS.cmts: Radiology.rptUniv. Michigan 2/18/06
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Lab and Collection	CT HEAD W/O CONTRAST (Order #57060630) on 3/16/06 - Lab and Collection Information
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Reviewed by List	Reviewed By TABER, JESSE on Thu Mar 23, 2006 6:23 PM
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ENHconnect Status:	This result is currently not released to ENHconnect through MyChart.
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Order

CT HEAD W/O CONTRAST [A0269019] (Order# 57060630)

Order Information	Order Date 3/16/2006	Ordering User Susan Murray Beerhorst	Department Neuro Evs
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Order Providers	Authorizing Provider Jesse Taber	Encounter Provider Jesse Taber
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Associated Diagnoses	SCANNING AMB DOCUMENTS [SCANNING]
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Scheduling Instructions	For Ct Scan & MRI Appointment Scheduling Call 1-888-ENH-6400
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Comments

Send additional copies to (name and fax):

Detailed Information

[Priority and Order Details](#)

[Collection Information](#)

Encounter

[View Encounter](#)

Scan(s)

document type: EXTERNAL DOCUMENTS cmts: Radiology rpt/Univ. Michigan 2/18/06 Scan on: 3/23/06 3:21 PM by: ZARATE, CARLOS [116338] File name: S-prd-41-3699.TIF

2
7002
60
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1
3
1
5

Personally Prepped By: Chris R.

This Document Was Received With:

- Original Death Certificate
- Raised Seal Present On:

- Certified Document:

- No Raised Seals
- No Certified Documents
- EMSI Best Copy available
(Please Index)
- Original Policy
- Prepaid Envelope For:
- Referenced Enclosure Was Not Found:

Returned Post Office Mail:

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Notes:

Adjustments

- COLA
- FICA
- General Cal Worksheet
- Other
(Activities/Financial Check/Bill)
- Overpayment Worksheet
- Partial Cal Worksheet
- Pension
- Personal Check
- Rehab Earnings
- Salary Adjustment
- SLF Check
- SLF Check Undeliverable
- Social Security
- SS Award
- SS Calc Worksheet
- SS Reimbursement
- WCB

General Docs

- Authorizations
- Change of Address
- Complaints
- Correspondence
- EFT Forms
- E-Mail
- FML
- Job Description
- Notice of Return to Work
- Notice of Death
- Other Adjustments
- Other
- Police / Accident Report
- Proof of Age
- Surveillance
- Surveillance Bill
- Unassigned Doc Type
(Personal Profiles)

General Worksheet

- Telephone Template

Legal Docs 2

- Appeal
- Court Order
- Demand
- Full and Final Release
- Other
- POA / Guardianship
- Subrogation

Medical Docs 1

- APS Behavioral Health Condition 1
- APS Supplementary Clinical Notes
- FCE
- IME
- Internal Medical Opinion
- Internal Psychiatric Opinion
- List of Providers
- Medical Bills
- Other Medical
- Surveillance

New Claim Docs

- Attending Physician Statement
- Complete Claim Package
- Employee Statement
- Enrollment Card
- Employer Statement
- Notice of Claim
- Other New Claim Documents
- Partial Claim Package
- Sun Advisor
- Telephonic
- Transitional Claim Form
- Unassigned Doc Type

Rehab Docs

- Rehab Bills
- External Vendor Corresp
- FCE Report
- Other
- Rehab Correspondence
- TSA / LMS

Updated: September 24, 2007



CLAIMS BUREAU USA, INC.

P.O. Box 1100, BURLINGTON, MA 01803

(800) 651-0460 • WWW.CLAIMSBUREAU.COM • FAX (800) 651-0496

DATE	9/24/2007
INVOICE#	32112
AGENT	KB

INVOICE
Sun Life Financial Robert Goodall One Sun Life Executive Park Wellesley Hills, MA 02481

FILE NO	230605-00981-00
ASSURED	Ted W. Baxter
SUBJECT	Ted W. Baxter 084-
D/A	4/22/05
SERVICE DATES	

QUANTITY	DESCRIPTION	RATE	TOTAL
6	HOURS - INVESTIGATION	65.00	390.00
2	PHARMACY CANVASS	55.00	110.00

IRS# 300220189

Total	\$500.00
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Personally Prepped By: Chris R.

This Document Was Received With:

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- Certified Document:

- No Raised Seals
- No Certified Documents
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- Pension
- Personal Check
- Rehab Earnings
- Salary Adjustment
- SLF Check
- SLF Check Undeliverable
- Social Security
- SS Award
- SS Calc Worksheet
- SS Reimbursement
- WCB

General Docs

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- Unassigned Doc Type

Rehab Docs

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Updated: September 24, 2007

SUN BAXTER 000866



CLAIMS BUREAU USA INC.

P.O. Box 1100 BURLINGTON, MA 01803
800-651-0460

September 24, 2007

ATTENTION:

Sun Life Financial
Robert Goodall

FILE NO.:

230605-00981-00

CLAIMANT:

Ted W. Baxter

INSURED:

Ted W. Baxter

D/D:

4/22/05

ASSIGNMENT

The above captioned matter was assigned to this office to conduct a pharmacy canvass from January 2004 to May 2005 on the claimant, who was reported to reside at 55 E. Eric Street, Chicago, IL 60043.

DETAILS

INITIAL INQUIRIES

The claimant Ted W. Baxter, has been identified with 55 E. Eric Street, Apartment 2305, Chicago, IL 60611-2250 since 2005. He was previously identified with 186 Abingdon Avenue, Kenilworth, IL 60043-1202 (September 2004-May 2006); 10 Mettowee Farms Court, Upper Saddle River, NJ 07458-2125 (July 2001-January 2006; 145A Overlook Court, No. 13, Woodbridge, NJ 07095-1450 (October 1987-2006); 131 S. Dearborn Street, Floor 32, Chicago, IL 60603-5517 (August 2004-February 2005); and with eight other Kentucky, New York and Utah addresses dating from January 1983.

PHARMACY CANVASS

The pharmacy canvass concentrated on those addresses identified with the claimant between January 2004 and May 2005.

CVS PHARMACY
121 W. KINZIE STREET
CHICAGO, IL
312-970-2881

The Chicago pharmacy could not review its database back to 2004. I faxed the claimant's authorization to the privacy office at 401-652-1593 on Tuesday, September 11. The results of my inquiry will be reported to Robert Goodall on receipt.

WALGREENS PHARMACY
63 GREEN BAY ROAD
WINNETKA, IL
847-835-8417

The Winnetka pharmacy could not review records older than 18 months. I faxed the claimant's authorization to the privacy office at 217-554-8955 on Tuesday, September 11. The results of my inquiry will be reported to Robert Goodall on receipt.

I contacted a total of 128 pharmacies requesting the claimant's prescription history. This included 27 pharmacies within a 5.8-mile radius of 168 Abingdon Avenue, Kenilworth, IL 60013; 39 pharmacies within a 7.9-mile radius of 10 Mettowee Farms Court, Upper Saddle River, NJ 07458; 33 pharmacies within a 6.6-mile radius of 145 A Overlook Court, No.13, Woodbridge, NJ 07095; and 29 pharmacies within a 3.1-mile radius of 131 S Dearborn Street, Floor 32, Chicago, IL. 60603. CVS, Target and Walgreens pharmacies were chain wide reviews. Individual calls were made to area Wal-Mart, Medicine Shoppe, Osco, Eckerd, Rite-Aid, Dominick's, Sam's Club, Stop 'N Shop, Pathmark and Target pharmacies.

None of the pharmacies contacted reporting filling prescriptions for the claimant.

I am submitting my report to your office for review. Please contact the Claims Bureau if you have any questions or feel additional efforts are warranted.

Very truly yours,

Karen Bagni

Karen Bagni
Special Agent
CLAIMS BUREAU USA

Personally Prepped By: Chris R.

This Document Was Received With:

- Original Death Certificate
- Raised Seal Present On:

- Certified Document:

- No Raised Seals
- No Certified Documents
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- Unassigned Doc Type

Rehab Docs

- Rehab Bills
- External Vendor Corresp
- FCE Report
- Other
- Rehab Correspondence
- TSA / LMS

Updated: September 24, 2007

From:

10/02/2007 14:44

#264 P.001/006

DALEY DEBOFSKY & BRYANT

FACSIMILE TRANSMITTAL SHEET

TO:

Robert Goodall

FROM:

Mark D. DeBofsky, Esq.

COMPANY:

SunLife

DATE:

OCTOBER 2, 2007

FAX NUMBER:

781-304-5537

TOTAL NO. OF PAGES INCLUDING COVER:

5

PHONE NUMBER:

RE: Ted Baxter

CC:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

CONFIDENTIAL

This communication may contain privileged and confidential information. It is intended only for the use of the recipient named above. If you are not the intended recipient of this communication, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by collect telephone call and return the original message to us at the address above via United States Postal Service.

55 WEST MONROE SUITE 2440
CHICAGO, ILLINOIS 60603
(312) 372-5200
FAX (312) 372-2778

SUN BAXTER 000870

LAW OFFICES

Daley, DeBofsky & Bryant

55 W Monroe St
Ste 2440
Chicago, Illinois 60603

VOICE (312) 372-5200
FAX (312) 372-2778
WEB ddbchicago.com

October 2, 2007

Frederick J. Daley Jr.
Mark D. DeBofsky
David A. Bryant
Marcie E. Goldbloom
James R. Comerford
Violet H. Borowski
Sandra M. Dye
Gregory A. Benker

Of Counsel
Heather F. Aloe

Robert Goodall
SunLife
P.O. Box 81830
Wellesley Hills, MA 02481
By Facsimile: 781.304.5537

RE: Ted Baxter

Dear Mr. Goodall:

With respect to our client, Ted Baxter, enclosed please find information regarding Mr. Baxter's current treating physicians as well as a list of his medications.

If you have any questions, please contact us. Thank you for your attention to this matter.

Very truly yours,



Mark D. DeBofsky
MDD/ms

Enclosure

cc: Dan Nubeck
Ted Baxter

Ted Baxter's doctors

Current doctor's are Dr. Taber and Dr. Sullivan

Dr. Jesse Taber
2650 Ridge Ave
Evanston IL 60201
847-570-2570

Dr. Terence Sullivan
200 S. Michigan Ave. #830
Chicago IL 60604
312-922-2500
He is Ted's current General Practitioner

Dr. Scott Cooper
777 Park Ave West
Highland Park, IL 60035
847-480-3751
ER Dr.

Dr. Jennifer Stern
2650 Ridge
Evanston, IL 60201
847-570-2000
ER Resident Neurologist

Dr. Ian Katznelson
444 N Northeast Hwy, Ste 200
Park Ridge IL 60068
847-825-2366

Dr. John Oh
1000 Central Street, Ste 725
Evanston, IL 60201
847-475-2500

Dr. Richard Harvey
345 E Superior St
Chicago IL 60611
Dr. at Rehab

Dr. Ted Feldman
Cardiologist that closed the hole in Ted's heart
9977 Wood Dr, 3rd Floor
Skokie, IL
847-570-2142

Dr. Andrew Hamilton
Director of Cardiac Imaging
Cardiology
1000 Central, Ste 800
Evanston, IL 60201,
847-570-2250

Dr. Allan Burke
Northwestern Neurology Associates
150 E. Huron #803
Chicago IL 60611
312-944-0063

He saw Ted when he was at RIC in-patient and we also went to see him after Ted was released for a follow up visit. We stopped going to him because he was so negative about Ted's prognosis and he made me cry. He is supposed to be a great Dr. but I couldn't handle the negativity. He told me at 3 months that Ted wouldn't improve much. This was about as good as he would get.

Dr. Anaadriana Zakarija
Hematologist
675 N. St. Clair St
Chicago, IL 60611
312-695-0900
11/7/05 Met with Dr. Zakarija to get talk to her about TWB starting Coumadin.
12/8/05 Follow up to first appointment

Evanston Northwestern Hospital
2650 Ridge Ave
Evanston IL 60201

Rehab Institute of Chicago
345 E. Superior St
Chicago IL 60611

Northwestern University
251 E. Huron St
Chicago, IL 60611
312-926-2000

Only had out patient surgery at Northwestern downtown while he was in-patient at the Rehab Institute. He had the green filter inserted.

Ted's medications:

Aspirin 325 mg daily
Lipitor 10 mg daily
Aricept 10 mg daily
Lamictal – 625 mg daily



CLAIMS BUREAU USA INC.

P.O. Box 1100 BURLINGTON, MA 01803
800-651-0460

October 3, 2007

ATTENTION:

Sun Life Financial
Robert Goodall

FILE NO.:

230605-00981-00

CLAIMANT:

Ted Baxter

INSURED:

Ted Baxter

D/D:

4/22/05

ASSIGNMENT

The above-captioned matter has been assigned to this office to conduct a face-to-face visit with the claimant, reported to reside at 55 E. Erie Street, Unit 2305, Chicago, IL 60043.

DETAILS

LAW DIVISION
COOK COUNTY CIRCUIT COURT
RICHARD J. DALEY CENTER
50 WEST WASHINGTON STREET, ROOM 801
CHICAGO, IL 60602
312-603-6930

The claimant's malpractice complaint was filed as Baxter, Ted vs. Evanston Northwestern Healthcare, case number 2006-L-012259, on 11/22/06. Kelly Baxter is the other plaintiff. The defendants are ENH Medical Group, Inc., Evanston Hospital, Evanston Northwestern Healthcare, Daniel Homer, MD, Ian Katznelson, MD, Sivaraja Kuppaswami, MD, Jill Lehrmann, MD, McGaw Medical Center North, and Jennifer Stern MD. The complaint was dismissed by stipulation or agreement on 3/28/07. A copy of the docket sheet is enclosed. A request to review the case file has been made and the copies will be forwarded to Robert Goodall on receipt.

David R. "Chip" Barry, Jr. of Corboy & Demetrio represented the claimant and his wife. The law office is at 33 N. Dearborn Street, Chicago, IL 60602, telephone number 312-346-3191. Its website is at www.corboydemetrio.com. A copy of his profile is enclosed.

INITIAL EFFORTS

I left a voicemail message with the claimant's attorney, Mark D. DeBofsky of Daley, DeBofsky and Bryant (312-372-5200), on Thursday, September 6, at approximately 2:00 p.m. He returned the call 45 minutes later and we set the appointment for the face-to-face for Wednesday, September 26, at 10:30 a.m. Attorney DeBofsky requested that the visit take place at his Chicago law offices. His email address is mdebosky@ddbchicago.com.

WEDNESDAY, SEPTEMBER 26, 2007
DALEY, DEBOFSKY & BRYANT
55 WEST MONROE STREET, SUITE 2440
CHICAGO, IL 60603

I arrived at 10:45 a.m. to find a high rise office building in downtown Chicago. The law offices are on the 24th floor. I entered and identified myself to the receptionist. Attorney DeBofsky appeared moments later and escorted me to a conference room outfitted with a large table and chairs. On the opposite side of the table I observed a white male who identified himself as Ted Baxter. He rose from the office chair and leaned over the table to offer a firm handshake when I introduced myself. The claimant stands 5' 9" and weighs 175 pounds with blue eyes and dark hair. He was wearing eyeglasses. The claimant was attired in blue jeans and dress shoes with a white collared shirt and a dark colored sport jacket. He showed no outward signs of discomfort or guarded motion and had a light tan. The claimant took his seat. A white female sitting next to the claimant stood from her chair and shook my hand. She identified herself as the claimant's wife, Kelly S. Baxter, date of birth of 1/8/69. I did not observe a wheelchair, cane, crutches or other device in the conference room.

I took a seat at the long table directly across from the claimant. Attorney DeBofsky sat at the head of the table just to my right. A large manila folder filled with documents and a yellow legal pad was positioned on the table near the attorney. I explained the reason for my visit. The claimant, Ted W. Baxter, produced his Illinois driver's license, no. B23681963327. He confirmed that he resides at 55 E. Eric Street, Unit 2305, Chicago, IL 60611, telephone number 312-654-9949.

BACKGROUND

The claimant resides with his wife Kelly in a condominium complex. They have no children and reside alone.

The claimant graduated from the Valley Stream South High School in Long Island, NY in 1981. He attended Hofstra University and graduated in three years with a bachelor's degree in public

accounting. He began working for Price Waterhouse in New York as a financial consultant. His employer enrolled the claimant at the University of Pennsylvania to receive his master's degree in business administration. He received the degree in 1994 while continuing to work full time in the interim.

In 1995 Price Waterhouse moved the claimant to Tokyo, where he worked until 1999. He switched jobs in 1999 and began working in investment banking for Credit Suisse First Boston. Credit Suisse Group is a leading global financial service provider with operations that span every continent. The claimant worked in Hong Kong for Credit Suisse until 2001. In 2001 the claimant remained working at Credit Suisse but was transferred to New York, where he remained until 2004.

In 2004 the claimant took a job with Citadel Investment Group as a global controller. The Citadel Investment Group is a 13.4 billion dollar hedge fund which is based in Chicago and was founded by billionaire trader Kenneth Griffin. Citadel has one of the largest hedge funds in the world and employs over one thousand individuals globally. Its flagship operation is at the Citadel Center in downtown Chicago. Citadel also has offices in New York, Tokyo, Hong Kong, San Francisco and London.

TYPICAL WORK DAY

The claimant would arrive at work at 8:00 a.m. As the global controller, the claimant directed the worldwide financial reporting, accounting, transaction, and processing activities of the organization; he prepared financial analyses of the operations that included internal and financial statements and support schedules used for management guidance. The claimant was also responsible for Citadel's financial accounting policies and accounting practices and the maintenance of its fiscal records for all purposes, including statutory tax and other compliance requirements; and the preparation of financial reports.

The claimant oversaw 15-17 people in the accounting and product control departments. Much of his morning consisted of meetings. From approximately 9-10:00 a.m. every morning he would have a one-on-one meeting with Citadel CFO Gerald Beeson. From 10:00 a.m. to approximately 1:00 p.m. he would discuss business with the traders. From 1-5:00 p.m. the claimant returned to the accounting department to oversee operations there.

The claimant also attended meetings involving risk management. He worked closely with the vendors, partners and other divisions and corporate headquarters in a continuing effort to improve the accounting and finance functions companywide.

The claimant ended his work day at 7:00 p.m. He would spend the next hour reviewing his emails, which frequently numbered over one hundred.

The claimant also logged many hours of international travel. He would travel frequently to London and other parts of Europe, where he supervised groups of three to four people in small accounting departments there.

The claimant also made presentations to CFO Ken Griffin and his staff at the Citadel once every six weeks. He would review all aspects of his operations and provide progress reports. The claimant also recruited staff members for his operation and usually hired one or two persons each month.

The claimant was responsible for preparing the balance sheet, income sheet and capital sheet during the last week of every month.

MEDICAL

The claimant was traveling from London to Chicago for business on 4/21/05. He was working for Citadel Investments Group and was traveling on American Airlines. A driver transported him to his home from O'Hare Airport. He arrived at his residence at 12:00 p.m. He was relaxing in his living room watching television until he and his wife went out to eat sushi in the early evening hours. They returned after dinner and the claimant resumed watching television. He was about 20 minutes into *The Princess* program when he blacked out. He remained conscious but could not speak. All he could remember was the paramedics there and that his blood pressure was dropping. The claimant was transported to the Evanston Hospital at 2650 Ridge Avenue in Evanston, IL, telephone number 847-570-2000. This was the claimant's final recollection of that evening. Kelly Baxter related the details that follow.

The claimant was evaluated at the hospital and given an MRI and a CT scan of his head. He was admitted for observation. Dr. Cooper was the emergency room physician; he performed several neurological exams on the claimant the following morning. The doctors informed Mrs. Baxter that her husband had had a stroke. Mrs. Baxter said the claimant was not alert or responsive that second day. Dr. Katznelson, a neurologist, Dr. Hamilton, a cardiologist, and Dr. Taber examined the claimant and told her that he had had a massive stroke and there was not much more they could do. They would wait to see how much swelling was occurring in his brain. The doctors waited for five days and the swelling did not worsen.

The claimant remained at Evanston Hospital for several days, where he was monitored until he was stable enough to be transferred to the Rehab Institute of Chicago. The claimant remained at Evanston until the following Friday, when he was transferred to the Rehab Institute. He remained there for five weeks under the care of Dr. Harvey. He received physical, occupational and speech therapy because the claimant could not walk, had no use of the right side of his body and was not able speak. Through the five weeks of therapy, the claimant regained the use of his right leg and was able to walk in a limited fashion. He did not have full use of his right arm and his speech improved but remained significantly impaired.

The claimant began an out-patient routine in which he attended speech therapy Monday, Tuesday and Thursday for one hour each day. The claimant currently attends a book club at the Rehab Center of Chicago for people who suffer from aphasia, a disorder in which individuals are unable to make word associations. The claimant attends the book club approximately 90 minutes each day with other individuals suffering from aphasia.

TREATING PHYSICIANS

Attorney DeBofsky agreed to fax a copy of the claimant's treating physicians. The Claims Bureau received that fax on Tuesday, October 2. It is enclosed with my report.

PRESCRIPTION MEDICATIONS

Attorney DeBofsky also faxed a list of the claimant's prescription medications. They are aspirin 325 mg. daily, Lipitor 10 mg. daily, Aricept 10 mg. daily, and Lamictal 625 mg. daily.

TYPICAL DAY AT PRESENT

The claimant awakens between 9 and 10:00 a.m. each day. He showers on his own and makes breakfast. He watches television until noon before making himself lunch. He reads after lunch to improve his speech and word associations. He is reading a book about Walter Cronkite. The claimant reads for approximately one hour and walks down the street to a coffee shop at Northwestern Hospital and the Rehab Center of Chicago. Mrs. Baxter is taking classes two days a week on Tuesdays and Thursdays from 8:00 a.m. to 1:30 p.m. After the claimant's visit to the coffee shop, he attends his book club for aphasia at the Rehab Institute of Chicago from 2:00 p.m. to 3:30 p.m. Two or three persons from the book club will return to the coffee shop with the claimant to continue to read or talk; the claimant sometimes returns home directly from the book club.

The claimant takes a one-hour nap before dinnertime at 6 or 6:30 p.m. His wife usually cooks dinner or they go out to eat. The claimant watches television after dinner. He is a huge sports fan, particularly the San Diego Chargers, Los Angeles Lakers and the Chicago Cubs. The claimant watches many televised sporting events.

On a typical night the claimant is in bed at 10-11:00 p.m. and has no problem sleeping at night. The biggest difference between his pre- and post-stroke days was the extreme amount of work he did at Citadel. Now, he is not very busy. The claimant used to love to golf and work out in the gym; but cannot do it as much now.

The claimant was fond of having an alcoholic beverage with his friends now and again but his condition prevents him from doing so any longer. He loved to talk business with other companies and cannot do it any more. There is no more after work activities. The claimant lost most of his pre-stroke friends but has made new ones at the book club.

Attorney DeBofsky interjected and asked, "Ted, do you drive any more?" The claimant said that he no longer drives. He is not allowed to drive because he is having seizures. The claimant has not driven a vehicle since he had his stroke. The claimant laughed and said, "I don't need to drive any more because I live downtown and I am by everything." Mrs. Baxter explained that they moved to the condominium because it is close to the hospital.

The claimant would like to visit the gym in his condominium complex and use the bicycle. He still lifts some weights; but does more non-weight exercises such as pushups and sit-ups.

The claimant loves to read books now, especially fiction. He is reading *Power of One* by Bruce Courtney. He visits Starbuck's, Border's and other book stores to relax and continue working on improving his speech and word association.

The claimant has attempted to golf. The claimant cannot use his driver through five iron but can use his six iron through pitching wedge.

Attorney DeBofsky exited the room for approximately 30 seconds before returning to advise that we needed to wrap up the interview as quickly as possible because he had another important client waiting.

FINANCIAL BACKGROUND

The claimant's 2005 Social Security Disability Income was \$2,133 per month. He now receives \$2,233 and is taking the full offset. The claimant and his attorney both reported that he is not receiving any other type of income now.

I asked the claimant if he had received any income from any other source within the last few months and the claimant stated that he had not. I explained to the claimant and his attorney that I had reviewed public records that mentioned a malpractice settlement as the result of his treatment at Evanston Hospital. I asked for the specifics of the settlement. The claimant looked at his attorney before reporting that he had received a settlement from Evanston Hospital. The claimant and Attorney DeBofsky did not speak again until I asked more questions.

I asked the claimant the amount of the settlement. Attorney DeBofsky reported that it was 19.5 million dollars. The claimant received 13 million dollars after his medical bills and attorney fees were satisfied. DeBofsky did not represent the claimant in that matter. The claimant had retained Corboy & Demetrio at the time of the settlement. The claimant said he received the 13 million dollars in May 2007 but was unsure of the exact date.

Attorney DeBofsky asked "Are you all set?" as he began to rise from his chair. I asked the claimant and his wife if they had completed the paperwork Sun Life had sent them. The claimant said they had completed the paperwork and sent it to Attorney DeBofsky. Attorney DeBofsky plans to send those documents to Sun Life in the coming week.

CONCLUSION

The interview was brought to a conclusion by Attorney DeBofsky without prior notice. The claimant had risen from his chair twice during the interview. This occurred at the beginning and the conclusion. Each time he offered a firm handshake with his right hand. Otherwise, the claimant remained seated upright at the conference table during the almost two-hour interview.

The claimant was not utilizing any type of walking aid and showed no signs of guarded motion. He did not exhibit any facial deformity. His right hand and arm presented no outward signs of disability. The claimant occasionally gestured with his right arm as he spoke and moved the fingers of his right hand without apparent difficulty.

The claimant spoke through much of the interview; but on numerous occasions he struggled with word association and sentence structure. He spoke in complete sentences many times but did struggle to pronounce a word within a sentence. When he did so, the claimant would repeat the incomplete word as many as five or six times as if sounding it out before eventually pronouncing the word completely and correctly. The claimant appeared to be frustrated as he tried to sound out certain words but he did not become angry. He would look toward his wife during these moments but she did not offer assistance or complete the sentence for the claimant as he worked through it.

The claimant did not appear confused but did pause before answering several of my questions. It appeared the claimant understood the question but was taking time to formulate the sentence before answering.

I was unable to view the claimant walk because he was already seated in the office when I arrived and remained there as I departed. I remained outside the building for 15 minutes at the conclusion of the meeting but did not observe the claimant leaving the high rise.

SUMMARY

I conducted a face-to-face meeting with the claimant, Ted W. Baxter, at the law offices of Mark D. DeBofsky in Chicago, IL on Wednesday, September 26. The claimant resides with his wife Kelly Baxter at 55 E. Erie Street, Unit 2305, Chicago, IL 60611, telephone number 312-654-9949. The claimant reports that he had no children.

The claimant does not present any outward signs of physical deformity or guarded motion and did not use a wheelchair or other device during the interview. He offered a firm handshake with his right hand at the beginning and conclusion of the interview. The claimant spoke throughout most of the interview except when his wife explained the events during the evening of his stroke. The claimant reports that he has aphasia. He often spoke in complete sentences while at other times struggled to pronounce a word, repeating it five or six times before pronouncing it completely and correctly. The claimant appeared frustrated at times but did not become angry.

The first indication of the claimant's stroke came when he blacked out while watching television after a return flight from London. The claimant did not report during the interview that he suffered a headache or other symptoms during the flight from London. The claimant does not have a family history of strokes.

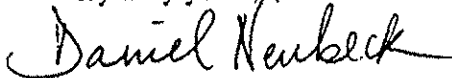
Attorney DeBefosky concluded the interview without prior notice. The claimant did not report the 19.5 million dollar settlement until I asked. His attorney provided the details. The claimant received 13 million dollars in May 2007 after satisfying his attorney fees and medical bills. The claimant is also collecting \$2,233 in monthly SSDI benefits. He reports no other income.

A request to review the case file on Baxter, Ted vs. Evanston Northwestern Healthcare, case number 2006-L-012259, has been made with the Cook County Law Division. Copies of the case file will be forwarded to Robert Goodall on receipt.

I am forwarding my report to your office for review. Please contact the Claims Bureau if you have any questions or feel additional efforts are warranted.

If you have any questions or feel that further efforts are warranted, please contact our office.

Very truly yours,



Daniel Neubeck
Special Agent
CLAIMS BUREAU USA

From:

10/02/2007 14:46

#265 P.001/006

DALEY DEBOFSKY & BRYANT

FACSIMILE TRANSMITTAL SHEET

TO:

Dan Nubeck

FROM:

Mark D. DeBofsky, Esq.

COMPANY:

SunLife

DATE:

OCTOBER 2, 2007

FAX NUMBER:

PHONE NUMBER:

TOTAL NO. OF PAGES INCLUDING COVER:

800-651-0496

RE: Ted Baxter

CC:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

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CHICAGO, ILLINOIS 60603
(312) 372-5200
FAX (312) 372-2778

From:

10/02/2007 14:46

#265 P.002/006

LAW OFFICES

Daley, DeBofsky & Bryant

October 2, 2007

Robert Goodall
SunLife
P.O. Box 81830
Wellesley Hills, MA 02481
By Facsimile: 781.304.5537

RE: Ted Baxter

Dear Mr. Goodall:

With respect to our client, Ted Baxter, enclosed please find information regarding Mr. Baxter's current treating physicians as well as a list of his medications.

If you have any questions, please contact us. Thank you for your attention to this matter.

Very truly yours,



Mark D. DeBofsky
MDD/ms

Enclosure

cc: Dan Nubeck
Ted Baxter

55 W Monroe St
Ste 2440
Chicago, Illinois 60603

VOICE (312) 372-5200
FAX (312) 372-2778
WEB ddbchicago.com

Frederick J. Daley Jr.
Mark D. DeBofsky
David A. Bryant
Marcie E. Goldbloom
James R. Comerford
Violet H. Borowski
Sandra M. Dye
Gregory A. Benker

Of Counsel
Heather F. Aloe

From:

10/02/2007 14:47

#265 P 003/006

Ted Baxter's doctors

Current doctor's are Dr. Taber and Dr. Sullivan

Dr. Jesse Taber
2650 Ridge Ave
Evanston IL 60201
847-570-2570

Dr. Terence Sullivan
200 S. Michigan Ave. #830
Chicago IL 60604
312-922-2500
He is Ted's current General Practitioner

Dr. Scott Cooper
777 Park Ave West
Highland Park, IL 60035
847-480-3751
ER Dr.

Dr. Jennifer Stern
2650 Ridge
Evanston, IL 60201
847-570-2000
ER Resident Neurologist

Dr. Ian Katznelson
444 N Northeast Hwy, Ste 200
Park Ridge IL 60068
847-825-2366

Dr. John Oh
1000 Central Street, Ste 725
Evanston, IL 60201
847-475-2500

From:

10/02/2007 14:47

#265 P. 004/006

Dr. Richard Harvey
345 E Superior St
Chicago IL 60611
Dr. at Rehab

Dr. Ted Feldman
Cardiologist that closed the hole in Ted's heart
9977 Wood Dr, 3rd Floor
Skokie, IL
847-570-2142

Dr. Andrew Hamilton
Director of Cardiac Imaging
Cardiology
1000 Central, Ste 800
Evanston, IL 60201
847-570-2250

Dr. Allan Burke
Northwestern Neurology Associates
150 E. Huron #803
Chicago IL 60611
312-944-0063

He saw Ted when he was at RIC in-patient and we also went to see him after Ted was released for a follow up visit. We stopped going to him because he was so negative about Ted's prognosis and he made me cry. He is supposed to be a great Dr. but I couldn't handle the negativity. He told me at 3 months that Ted wouldn't improve much. This was about as good as he would get.

Dr. Anaadriana Zakarija
Hematologist
675 N. St. Clair St
Chicago, IL 60611
312-695-0900

11/7/05 Met with Dr. Zakarija to get talk to her about TWB starting Coumadin.

12/8/05 Follow up to first appointment

From:

10/02/2007 14:47

#285 P.005/006

Evanston Northwestern Hospital
2650 Ridge Ave
Evanston IL 60201

Rehab Institute of Chicago
345 E. Superior St
Chicago IL 60611

Northwestern University
251 E. Huron St
Chicago, IL 60611
312-926-2000

Only had out patient surgery at Northwestern downtown while he was in-patient at the Rehab Institute. He had the green filter inserted.

From:

10/02/2007 14:47

#265 P.006/006

Ted's medications:

Aspirin 325 mg daily

Lipitor 10 mg daily

Aricept 10 mg daily

Lamictal - 625 mg daily

0110501101

200710015113

2007.10.05

11.13

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18

Mark D. DeBofsky



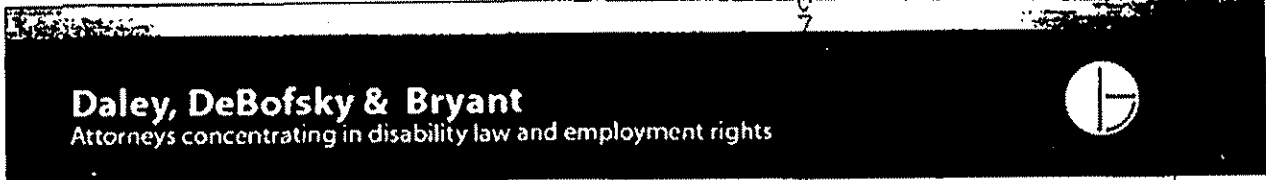
Mark D. DeBofsky received his bachelor's degree from the University of Michigan and his law degree in 1980 from the University of Illinois College of Law. He is admitted to practice in the State of Illinois and before various federal courts, including the United States Supreme Court. He is a member of the American Bar Association, Association of Trial Lawyers of America, and the National Organization of Social Security Claimants' Representatives, as well as other legal organizations.

email:
mdebofsky@ddbchicago.com

Mark is AV Peer Review Rated and has been ranked by other Illinois lawyers to be among the top 5% of all Illinois attorneys in the area of Social Security Disability law

In addition to his courtroom and office practice, Mark DeBofsky is a frequent author and lecturer on topics relating to employee benefits (ERISA) litigation, employment discrimination, and social security disability claims.

Next



Daley, DeBofsky & Bryant
 Attorneys concentrating in disability law and employment rights



He has also served for the last several years as adjunct professor of law, teaching a course in Employee Benefits Litigation in the L.L.M. Program in Employee Benefits Law offered by the John Marshall Law School

Mark DeBofsky has earned the trust of his firm's clients and his adversaries' respect by providing the highest quality of legal services and by maintaining the utmost level of ethics and integrity, qualities which emulate his father, the founder of the firm. His passion for justice is evident in his zealous representation of clients. Follow this link to review Mark's current curriculum vitae

When he is not practicing law, Mark can often be found bicycling. He is also a voracious reader with eclectic tastes encompassing literature, history, and politics.

Mark is married and the father of two daughters

To email Mark, please send a message to mdebofsky@ddbchicago.com

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Contact:

Chicago Office

55 W. Monroe St., Suite 2440
Chicago, Illinois 60603

email: info@ddbchicago.com
Phone: (312) 372-5200
Fax: (312) 372-2778

Hawaii Office

ASB Tower
1001 Bishop, Suite 2870
Honolulu, Hawaii 96813

email: carl@varadylaw.com
Phone: (808) 523-8447
Fax: (808) 523-8448

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**ARTICLES BY MARK DEBOFSKY**

These articles by **Mark DeBofsky** have appeared in the Chicago Daily Law Bulletin:

- Courts Seek Clarity on Subjective Diseases (June 18, 2004).
- Defining 'disability' means looking at duties (July 14, 2004);
- Pre-existing conditions, symptoms versus diagnosis (August 16, 2004);
- Disability claims will falter without specifics (September 8, 2004);
- Cherry-picking info has its pitfalls (October 4, 2004);
- Ruling undercuts ERISA promise of protection (October 20, 2004);
- Turning up the power of the lens raises the heat (November 5, 2004);
- Erring on ERISA by looking for common sense (November 17, 2004);
- Fifth Circuit stands alone on degree of disability (December 1, 2004);
- 4th Circuit joins chorus in questioning tactics (December 20, 2004);
- Judge takes aim at disability insurers, ERISA (January 3, 2005);
- Judge questions distinction set for types of illness (January 17, 2005);
- Ruling warns against failure to communicate (February 9, 2005);
- Chronic pain and disability claims (February 23, 2005);
- ERISA ruling sounds warning on nasty tactics (March 8, 2005);
- Social Security findings should play key role (March 22, 2005);
- Deferential, yes, but certainly not inconsequential (April 18, 2005);
- Changed Definition Halts Disability Benefits (May 2, 2005);
- Why Remanding ERISA cases verges on absurd (May 23, 2005);
- 1st Circuit Overlooks Crucial ERISA Distinction (June 20, 2005);
- Appeals court rejects ruling on 'tardy' review (June 27, 2005);
- Social Security case buttresses benefits claim (July 18, 2005);
- Standard of review in ERISA cases 'too deferential' (August 1, 2005);
- Law trying to get head around 'mental illness' (August 29, 2005);
- Judgment an incentive for careful claims review (September 19, 2005);
- Death apparently not enough to prove disability (October 18, 2005);
- Court applies common sense to ERISA (November 7, 2005);
- Claimant denied fair chance to continue benefits (November 21, 2005);
- Another Court Questions Impartiality of Doctor (December 5, 2005);
- Court Judgment Stays on the Books (December 27, 2005);
- Documents ruling cuts access to courts (January 9, 2006);
- Court finds employee was 'totally disabled' (January 23, 2006);
- Insurers not living up to ERISA duties (February 14, 2006);
- Courts differ over weighing pain credibility (February 27, 2006);
- Court too quick to allow in report (March 20, 2006);
- Court tackles 'church plan,' 'self-reporting' case (April 3, 2006);
- Case shows it's not 'all or none' for disability (May 1, 2006);
- Conflicted over conflicts of interest (May 15, 2006);
- Benefit payment decisions should not be left up to the Insurers (May 16, 2006);
- Attorney's fees not enough to deter bad denials (May 30, 2006);
- Decision begins to explain problems with ERISA litigation (June 12, 2006);
- Remand Didn't Help Where Plan Was At Fault (June 27, 2006);
- Court tries to end discretion debate (July 5, 2006);
- Ruling gives benefits, but not lawyer fees (July 24, 2006);
- Court misses the mark on disability (August 14, 2006);
- Where Social Security, insurance meet (August 28, 2006);
- Judge has neither love nor mercy for ERISA (September 20, 2006);
- Court issues important case on attorney fees (October 2, 2006);
- Court misunderstands definitions (October 16, 2006);
- Oversights led to offsets for veteran's benefits (November 13, 2006);
- Standard of review didn't prevent reversal (November 27, 2006);
- Opinion aberrational on work definition (December 18, 2006);
- Work ability more than just physical (January 15, 2007);
- Insurer can't keep manual from claimant (January 29, 2007);
- Insurer can't 'cherry pick' medical report (February 12, 2007);
- Right result, but confusing reasoning (March 5, 2007).

- Ruling on scope, standard of review disturbing (March 19, 2007);
- Is expediency more important than accuracy? (April 2, 2007);
- Big Step Toward Clearing Up ERISA Litigation (April 30, 2007);
- Insurance adjuster wins bid for disability benefits (June 4, 2007);
- No reason to deny jury trials for ERISA claims (June 18, 2007);
- Insured's silence not enough (July 2, 2007);
- Unfair ruling against reasoning behind ERISA (July 16, 2007);
- Ruling restores some balance to ERISA cases (August 13, 2007);

and Mark also wrote an article that was published in the John Marshall Law Review: The Paradox of the Misuse of Administrative Law in ERISA Benefit Claims

Also by Mark D. DeBofsky:

Disability Insurance Under the ERISA Law: Economic Security or Litigation Nightmare?

What Every Physician Needs to Know About Disability Insurance

ERISA, The ADA and Insurance---What is Your Client Entitled To?

Bringing an ERISA Claim: A Step-By-Step Guide

Legal Aspects of Disability -- paper presented at the Midwest Pain Society conference (September 9, 2005)

Mark DeBofsky contributed Chapter 10, "The Failure of ERISA's Promise" to Henry H. Perritt, Jr.'s Employment Law Update (Aspen Publishers 2006)

Mark DeBofsky testified before the Health and Welfare Communications Working Group on July 7, 2005 in Washington, D.C. For information on the scope of the Working Group, please click here. Also available is the schedule of witnesses that appeared, Mark's testimony, and the committee's summary/recommendations.

An article by Mark DeBofsky, The Disability Insurance Industry's Attack on California's Consumer Protection Initiative, recently appeared in the The Insurance Forum, Vol. 33, Nos. 2 & 3, 16 (February/March 2006).

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 mdebosky@ddbchicago.com

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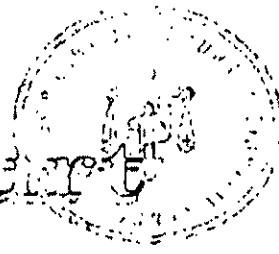
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Dorothy Brown
Clerk of the
Circuit Court
Cook County



Case Information Summary for Case Number
2006-L-012259

2006-11-22 11:13

2006-11-22 11:13

Filing Date: 11/22/2006
Division: Law Division
Ad Damnum: \$50001.00

Case Type: MEDICAL MAL-PRACTICE
District: First Municipal
Calendar: X

Party Information

Plaintiff(s)

BAXTER TED

Attorney(s)

CORBOY & DEMETRIO
33 N DEARBORN 21ST FL
CHICAGO IL., 60602
(312) 346-3191

BAXTER KELLY

Date of Service

Defendant(s)

ENH MEDICAL GROUP
INC

Attorney(s)

CUNNINGHAM, MEYER & VEDRINE
111 W WASHINGTON 937
CHICAGO IL., 60602
(312) 578-0049

EVANSTON HOSPITAL

EVANSTON
NORTHWESTERN HEA

CUNNINGHAM, MEYER & VEDRINE
111 W WASHINGTON 937
CHICAGO IL., 60602
(312) 578-0049

HOMER DANIEL MD

CUNNINGHAM, MEYER & VEDRINE
111 W WASHINGTON 937
CHICAGO IL, 60602
(312) 578-0049

KATZNELSON IAN MD

CUNNINGHAM, MEYER & VEDRINE
111 W WASHINGTON 937
CHICAGO IL, 60602
(312) 578-0049

KUPPUSWAMI SIVARAJA
MD

LEHRMANN JILL MD

MCGAW MEDICAL CTR
NORTH

STERN JENNIFER MD

CUNNINGHAM, MEYER & VEDRINE
111 W WASHINGTON 937
CHICAGO IL, 60602
(312) 578-0049

Case Activity

Activity Date: 11/22/2006

Participant: BAXTER TED

MEDICAL MAL-PRACTICE COMPLAINT FILED (JURY DEMAND)

Court Fee: 524.00

Attorney: CORBOY & DEMETRIO

Judgment Amount: 50001.00

Activity Date: 12/21/2006

Participant: EVANSTON NORTHWESTERN HE

SUMMONS SERVED - CORPORATION/COMPANY/BUSINESS

Court Date: 12/15/2006

Court Fee: 211.20

Activity Date: 12/21/2006

Participant: ENH MEDICAL GROUP INC

SUMMONS SERVED - CORPORATION/COMPANY/BUSINESS

Court Date: 12/15/2006

Activity Date: 12/21/2006

Participant: HOMER DANIEL MD

SUMMONS SERVED - CORPORATION/COMPANY/BUSINESS

Court Date: 12/15/2006

Activity Date: 12/21/2006

Participant: KATZNELSON IAN MD

SUMMONS SERVED - CORPORATION/COMPANY/BUSINESS

Court Date: 12/15/2006

Activity Date: 12/21/2006

Participant: KUPPUSWAMI SIVARAJA MD

SUMMONS SERVED - CORPORATION/COMPANY/BUSINESS

Court Date: 12/15/2006

Activity Date: 12/21/2006

Participant: STERN JENNIFER MD

SUMMONS SERVED - CORPORATION/COMPANY/BUSINESS

Court Date: 12/15/2006

Activity Date: 12/21/2006

Participant: LEHRMANN JILL MD

SUMMONS RETURNED - N.S. REASON: NO CONTACT

Activity Date: 12/21/2006

Participant: MCGAW MEDICAL CTR NORTH

SUMMONS RETURNED - N.S. REASON: NO CONTACT

Activity Date: 1/5/2007

Participant: BAXTER TED

CASE MANAGEMENT CALL NOTICE MAILED

Court Date: 3/28/2007

Court Time: 0930

Activity Date: 1/29/2007

Participant: EVANSTON NORTHWESTERN HEA

APPEARANCE FILED - FEE PAID -

Court Fee: 163.00

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 1/29/2007

Participant: ENH MEDICAL GROUP INC

APPEARANCE FILED - FEE PAID -

Court Fee: 163.00

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 1/29/2007

Participant: EVANSTON HOSPITAL

APPEARANCE FILED - FEE PAID -

Court Fee: 163.00

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 1/29/2007

Participant: HOMER DANIEL MD

APPEARANCE FILED - FEE PAID -

Court Fee: 163.00

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 1/29/2007

Participant: KUPPUSWAMI SIVARAJA MD

APPEARANCE FILED - FEE PAID -

Court Fee: 163.00

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 1/29/2007

Participant: STERN JENNIFER MD

APPEARANCE FILED - FEE PAID -

Court Fee: 163.00

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 1/29/2007

Participant: EVANSTON NORTHWESTERN

INTERROGATORIES FILED

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 1/29/2007

Participant: EVANSTON NORTHWESTERN

ANSWER TO INTERROGATORIES FILED

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 1/29/2007

Participant: EVANSTON NORTHWESTERN

NOTICE FILED

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 1/29/2007

Participant: EVANSTON NORTHWESTERN

NOTICE OF FILING FILED

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 1/29/2007

Participant: EVANSTON NORTHWESTERN
PROOF OF SERVICE FILED

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 2/8/2007

Participant: EVANSTON NORTHWESTERN
NOTICE OF MOTION FILED

Attorney: CUNNINGHAM, MEYER & VEDRINE

Court Date: 2/8/2007
Court Time: 0845

Activity Date: 2/8/2007

Participant: EVANSTON NORTHWESTERN
PROOF OF SERVICE FILED

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 2/8/2007

Participant: EVANSTON NORTHWESTERN
MOTION FILED

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 2/8/2007

Participant: EVANSTON NORTHWESTERN
PROTECTIVE ORDER - ALLOWED -

Judge: VARGA, JAMES M.
Microfilm: LD000142611

Activity Date: 2/8/2007

Participant: EVANSTON HOSPITAL
PROTECTIVE ORDER - ALLOWED -

Judge: VARGA, JAMES M.
Microfilm: LD000142611

Activity Date: 2/8/2007

Participant: ENH MEDICAL
PROTECTIVE ORDER - ALLOWED -

Judge: VARGA, JAMES M.
Microfilm: LD000142612

Activity Date: 2/8/2007

Participant: HOMER DANIEL
PROTECTIVE ORDER - ALLOWED -

Judge: VARGA, JAMES M.

Microfilm: LD000142612

Activity Date: 2/8/2007

Participant: STERN JENNIFER

PROTECTIVE ORDER - ALLOWED -

Judge: VARGA, JAMES M.

Microfilm: LD000142613

Activity Date: 2/8/2007

Participant: KUPPUSWAMI SIVARA

PROTECTIVE ORDER - ALLOWED -

Judge: VARGA, JAMES M.

Microfilm: LD000142613

Activity Date: 2/13/2007

Participant: BAXTER TED

CERTIFICATE FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/13/2007

Participant: BAXTER TED

CERTIFICATE OF MAILING FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/13/2007

Participant: BAXTER TED

NOTICE OF DEPOSITION FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/16/2007

Participant: BAXTER TED

CERTIFICATE OF MAILING FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/16/2007

Participant: BAXTER TED

INTERROGATORIES FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/16/2007

Participant: BAXTER TED

INTERROGATORIES FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/16/2007

Participant: BAXTER TED

NOTICE OF FILING FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/26/2007

Participant: BAXTER TED

CERTIFICATE FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/26/2007

Participant: BAXTER TED

CERTIFICATE OF MAILING FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/26/2007

Participant: BAXTER TED

EXHIBITS FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/26/2007

Participant: BAXTER KELLY

EXHIBITS FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/26/2007

Participant: BAXTER TED

ANSWER TO INTERROGATORIES FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/26/2007

Participant: BAXTER KELLY

ANSWER TO INTERROGATORIES FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 2/26/2007

Participant: BAXTER TED

NOTICE OF FILING FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 3/9/2007

Participant: EVANSTON NORTHWESTERN

CERTIFICATE FILED

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 3/9/2007

Participant: EVANSTON NORTHWESTERN

ANSWER TO COMPLAINT FILED

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 3/9/2007

Participant: EVANSTON NORTHWESTERN

NOTICE OF FILING FILED

Court Date: 3/9/2007

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 3/9/2007

Participant: EVANSTON NORTHWESTERN

PROOF OF SERVICE FILED

Attorney: CUNNINGHAM, MEYER & VEDRINE

Activity Date: 3/23/2007

Participant: BAXTER TED

NOTICE OF MOTION FILED

Court Date: 3/23/2007

Attorney: CORBOY & DEMETRIO

Court Time: 0845

Activity Date: 3/23/2007

Participant: BAXTER TED

PROOF OF SERVICE FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 3/23/2007

Participant: BAXTER TED

MOTION FILED

Attorney: CORBOY & DEMETRIO

Activity Date: 3/23/2007

Participant: MCGAW MEDICAL

VOLUNTARY DISMISSAL SPECIFIC DEFENDANT W/LEAVE TO REFILE-ALLOWED

Judge: CEPERO, ROBERT LOPEZ

Microfilm: LD000271326

Activity Date: 3/23/2007

Participant: HOMER DANIEL

VOLUNTARY DISMISSAL SPECIFIC DEFENDANT W/LEAVE TO REFILE-ALLOWED

Judge: CEPERO, ROBERT LOPEZ

Microfilm: LD000271326

Activity Date: 3/23/2007

Participant: STERN JENNIFER

VOLUNTARY DISMISSAL SPECIFIC DEFENDANT W/LEAVE TO REFILE-
ALLOWED

Judge: CEPERO, ROBERT LOPEZ
Microfilm: LD000271326

Activity Date: 3/23/2007

Participant: KUPPUSWAMI SIVAR

VOLUNTARY DISMISSAL SPECIFIC DEFENDANT W/LEAVE TO REFILE-
ALLOWED

Judge: CEPERO, ROBERT LOPEZ
Microfilm: LD000271326

Activity Date: 3/23/2007

Participant: LEHRMANN JILL

VOLUNTARY DISMISSAL SPECIFIC DEFENDANT W/LEAVE TO REFILE-
ALLOWED

Judge: CEPERO, ROBERT LOPEZ
Microfilm: LD000271326

Activity Date: 3/23/2007

Participant: KATZNELSON IAN

VOLUNTARY DISMISSAL SPECIFIC DEFENDANT W/LEAVE TO REFILE-
ALLOWED

Judge: CEPERO, ROBERT LOPEZ
Microfilm: LD000271326

Activity Date: 3/28/2007

Participant: BAXTER TED

DISMISS BY STIPULATION OR AGREEMENT

Judge: STARKS, CHERYL A.
Microfilm: LD000293617

Activity Date: 3/28/2007

Participant: BAXTER TED

COURT RETAINS JURISDICTION OVER THIS MATTER

Judge: STARKS, CHERYL A.
Microfilm: LD000293617

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CORBOY & DEMETRIO

attorneys

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David R. "Chip" Barry, Jr.

► Overview ► Complete Biography



David R. "Chip" Barry, Jr. joined Corboy & Demetrio as a partner in April, 2002, where he practices in the firm's medical negligence department. From the time he graduated in 1981, he focused his practice on medical negligence and specialized in catastrophic medical negligence litigation. Chip brings with him to Corboy & Demetrio his experience as a defense trial lawyer, where he earned the respect of the judiciary and the trial bar

for the successful results he obtained for his clients.



Chip frequently lectures for the Illinois Institute of Continuing Legal Education on discovery tactics and trial practice. He has taught medical-legal seminars across the country, including the University of Illinois and the University of Chicago. He was president of the Trial Lawyers Club of Chicago (1993-94) and is a fellow of the Illinois Society of Trial Lawyers, where he currently serves as a director. He is a member of the Chicago Bar Association, Illinois State Bar Association, Illinois Trial Lawyers Association, and the Association of Trial Lawyers of America.

Mr. Barry was selected by his peers for membership in the Leading Lawyers Network, an organization composed of the top 5% of lawyers in the state.

DRB@CorboyDemetrio.com

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33 N. Dearborn Street • Chicago, IL 60602 • ph: 312.346.3191 • fax: 312.346.5562

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CORBOY & DEMETRIO

attorneys



-- Attorney List --

Practice Areas
Attorneys
Law Clerks
◀ Back

David R. "Chip" Barry, Jr.

► Overview ► Complete Biography



education

- Northwestern School of Law, Chicago, Illinois, J.D. - 1981
- St. Norbert College, DePere, Wisconsin, B.A. *magna cum laude* - 1978



admitted

- Illinois - 1990
- U.S. District Court, Northern District of Illinois - 1990
- U.S. District Court, Central District of Illinois - 1990

professional affiliations

- Association of Trial Lawyers of America (ATLA)
- Illinois State Bar Association (ISBA)
- Illinois Trial Lawyers Association (ITLA)
- Chicago Bar Association (CBA)
- American Bar Association
- Illinois Society of Trial Lawyers
- Trial Lawyers Club of Chicago
- Federal Trial Bar

lecturer

Illinois Civil Practice - Illinois Institute of Continuing Legal Education - July, 1988

Discovery Tools and Tactics for the Personal Injury Lawyer - Illinois Institute of Continuing Legal Education - January, 1990

Depositions - Illinois Trial Lawyers Association - May, 1992

Mock Malpractice Trial for Medical Students - University of Illinois - April, 1993

How to Depose a Medical Expert - Illinois Institute of Continuing Legal Education - December, 1998

author

"Proving and Disproving Damages in Personal Injury Cases" - Illinois

Institute of Continuing Legal Education - December 1998

honors

Member, Leading Lawyers Network (Top 5% of Lawyers) 2004-present

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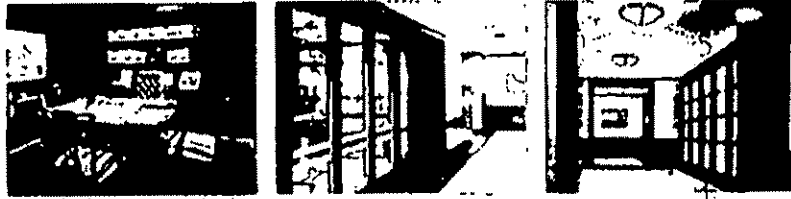
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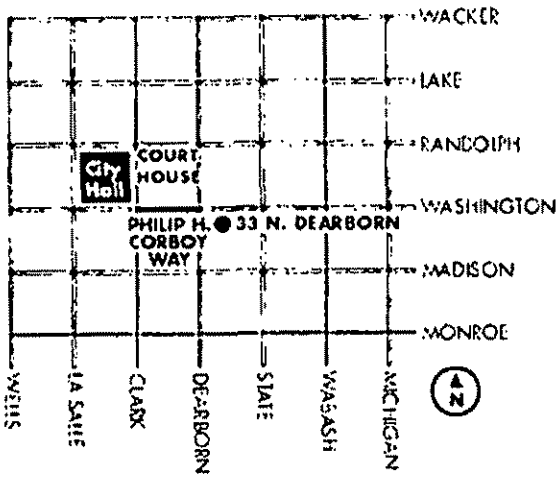
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Chicago, IL 60602
ph: 312.346.3191
fax: 312.346.5562
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firm history

Corboy & Demetrio, founded by nationally acclaimed personal injury trial lawyer Philip H. Corboy, is one of the country's premier plaintiffs' personal injury and civil trial practice firms. Our Chicago-based practice represents individuals and their families in personal injury and wrongful death cases resulting from aviation tragedies, railroad and motor vehicle collisions, medical negligence, product liability, premises liability, and construction mishaps. Our lawyers are trial and appellate advocates for those who have been harmed – often grievously – by the negligence or legal fault of others. Our work includes business and commercial litigation. Since 1974, our firm has attained more than 500 verdicts and settlements of \$1 million or more for our clients.

A \$25.2 million settlement in a case filed on behalf of the family of a passenger killed in the 1994 crash of a US Air jet outside Pittsburgh, Pennsylvania, is the largest compensatory damages settlement for the death of one person in an aviation wrongful death action. The previous record was the firm's \$25 million settlement in a case stemming from the 1989 crash of a United Airlines jet in Sioux City, Iowa.

Since 1985, Philip H. Corboy, the firm's founder, has been named one of the country's 100 most influential lawyers in five of the six of *The National Law Journal* (NLJ) triennial "Profiles in Power" survey. He is one of only 13 lawyers nationwide to hold that distinction. Mr. Corboy also has been listed in *The Best Lawyers in America* since its inception in 1987. Thomas A. Demetrio, a nationally recognized trial lawyer, first joined Mr. Corboy in his personal injury trial practice in 1973 and in 1982 became his first partner. He has garnered honorable mentions in a number of NLJ "Profiles in Power" surveys and also has been listed in *The Best Lawyers in America* since its inception. In 1989, the NLJ named Tom Demetrio to a list of 50 lawyers under 50 who were likely to lead the profession in the future. The following year, NLJ recognized Demetrio as one of the country's top 10 trial lawyers. Partner Philip Harnett Corboy, Jr., serves as lead counsel in litigation on behalf of Cook County, Illinois, against the country's major tobacco companies. The lawsuit was filed on behalf of the County of Cook for reimbursement of monies paid out for treatment of tobacco-related illnesses.

Our lawyers lecture across the country on civil litigation issues and trial techniques. They have held federal, state, and local bar leadership positions and are involved in numerous civic projects. Both Mr. Corboy and Mr. Demetrio are past presidents of the 23,000-member Chicago Bar Association, and both also served as president of the Illinois Trial Lawyers Association. Partners Rene' A. Torrado, Jr. and Michael K. Demetrio also held the Chicago Bar Association's highest position, and Managing Partner Robert J. Bingle was President of the Illinois Trial Lawyers Association.

In other notable cases, Mr. Demetrio set a record in early 1997 when his \$21 million verdict in a personal injury case became the largest jury award ever upheld by the Illinois Supreme Court (*Richardson*). He acquired a total of \$40 million for an injured woman and her husband: \$34 million for the injured woman, and \$6 million for the loss of

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A comprehensive history of the firm
Written for the Chicago Bar Association's 125th Anniversary Celebration

CORBOY street
DEDICATION

View the video from the Philip H. Corboy Way street naming ceremony.
28.8 (faster download)
56k (better picture)

Note: You need to download RealPlayer™ in order to view the video. For instructions on downloading, click here.

consortium for her husband, both records at the time (Vasilion).

Our firm has also represented families of victims of commercial and general aviation crashes. Mr. Corboy served as plaintiffs' lead counsel in a consolidated case pending in Cook County involving the 1994 crash of a USAir jet outside of Pittsburgh in which all passengers and crew members were killed. In other litigation stemming from that crash, Mr. Corboy served on the plaintiffs' committee for cases that have been filed in federal district court in Pittsburgh.

Thomas A. Demetrio served lead plaintiffs' trial counsel in litigation stemming from the crash of an American Eagle airplane near Morrisville, North Carolina, in 1994. He also served as one of the lead plaintiffs' counsel in litigation resulting from the 1994 crash of an American Eagle plane near Roselawn, Indiana. Our firm represented families of victims in the 1996 crash of a Paris-bound TWA jet off the coast of Long Island, and in the crashes of an Aero-Peru flight near Lima, Peru, in 1996, and an American Airlines jet near Cali, Colombia, in 1995. Philip H. Corboy served as lead plaintiffs' counsel in the United Airlines Flight 232 litigation, originating from the crash of a DC-10 near Sioux City, Iowa in 1989. Corboy also represented plaintiffs in the 1979 American Airlines Flight 191 crash outside Chicago's O'Hare International Airport.

In addition to victims of air disasters, our firm also represents victims of railroad collisions. Michael K. Demetrio represents victims and their families in the 1999 Amtrak train crash outside of Bourbonnais, Illinois. The train, southbound from Chicago to New Orleans, collided with a flatbed tractor-trailer truck at a railroad crossing. Of the 216 aboard, 11 were confirmed dead, and more than 100 passengers were injured. The driver of the tractor-trailer truck was convicted of driving more than the maximum 10 hours in a 24-hour period and falsifying his logbook on the day of the collision.

Robert J. Bingle, the firm's Managing Partner, represented families of three of the children killed and seven of the injured students in the Fox River Grove bus-train collision. At about 7:15 a.m. on October 25, 1995, in Fox River Grove, Illinois, a Metra commuter train collided with a school bus carrying students to Cary Grove High School. The collision occurred at the intersection of U.S. Route 14 and Algonquin Road, adjacent to the commuter train tracks. The roadway between the train tracks and the intersection provided room enough for one or two automobiles. While the bus was attempting to make a right turn onto Algonquin Road, it was trapped on the train tracks while waiting for a chance to turn, leaving about three feet of the rear of the bus hanging over the tracks. Seven children were killed and at least 28 others were injured.

Our attorneys also represent individuals injured in highway crashes. Shawn S. Kasserman represents several plaintiffs in the October 1, 2003, I-90 toll plaza tragedy. The collision occurred at about 3:00 p.m. at the toll plaza near Hampshire, Illinois. A tractor-trailer slammed into a tour bus carrying women returning to Chicago from a garden show in Rockford, Illinois. The collision propelled the tour bus forward into the trailer of another semi-truck, which started a chain of crashes. Seven people were pronounced dead at the scene of the accident, and sixteen were hospitalized. One individual passed away in the hospital later that evening.

Corboy & Demetrio's Michael K. Demetrio represented the families of

Chicago Personal Injury Lawyer

Gary D. McCallister & Associates, LTD.



Editor: Gary McCallister, Attorney at Law
Firm: Gary D. McCallister & Associates, LTD.

Gary D. McCallister & Associates LTD. is relied upon to handle complex lawyer referred cases, such as medical malpractice and wrongful death, where responsiveness and professional expertise are required. Located in Chicago, Illinois, our firm's team approach to litigation provides the resources and personal attention which referring counsel and our client's desire.

January 20, 2005
By Staff Writer
Comments (0)
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We represent people and businesses that have suffered personal injuries, medical malpractice, wrongful death, or business related economic losses in the Chicago, Illinois area. We have represented clients and their interests in state and federal, trial and appellate, courts across America as well. Our preparation and attention to our clients' cases has resulted in the development of strong mutually beneficial relationships with our clients and their referring lawyers. We take great pride in the clients we represent and the results we achieve for them. Our approach to our cases and the people we represent has allowed us to develop a national network with some of the most accomplished trial lawyers in the United States. These relationships provide our medical malpractice and wrongful death firm access to sources of information and resources beneficial to our clients and their cases. We look forward to our Chicago, Illinois team having the opportunity to consult with you about your case.

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Chicago Personal Injury Lawyer

Evanston Northwestern Hospital Pays \$19.5 Million for Misdiagnosis



Editor: Gary McCallister, Attorney at Law
Firm: Gary D. McCallister & Associates, LTD.

Category: Medical Malpractice

Ted Baxter was the controller for Citadel hedge funds, but he is no longer able to do his job. Baxter suffered from a stroke in 2005, and because he was misdiagnosed in the emergency room at Evanston Northwestern Hospital, he was not given the medication that could have saved him from the debilitating affects of the stroke that he will have for the rest of his life.

When Baxter arrived at the hospital an MRI was taken but misread. Instead of giving Baxter tPA, which is used to break up clots during a stroke, he was given nothing. Baxter's condition continued to worsen throughout the night, but no medical treatment was given until the morning at which point Baxter was already paralyzed on his right side.

Evanston Northwestern Hospital owned up to its mistake in this case. It paid Ted Baxter and his wife a settlement that they rightfully deserved. Hospitals and doctors do make mistakes, and if a mistake has been made then the patient is entitled to recover from it.

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March 21, 2007
By Jamie G. Goldstein
Comments (0)
TrackBack (0)

Chicago Personal Injury Lawyer

Gary McCallister, Attorney at Law



Editor: Gary McCallister, Attorney at Law
Firm: Gary D. McCallister & Associates, LTD.

Born Chicago, Illinois, October 30, 1950; admitted to bar, 1975, Kansas: 1988. Colorado; 1994. Illinois and U.S. Supreme Court: U.S. Court of Appeals, Seventh, Ninth and Tenth Circuits; U.S. District Court, Northern and Central Districts of Illinois; U.S. District Court, District of Kansas; U.S. District Court, District of Colorado; U.S. District Court, Northern District of California.

January 20, 2005
By Staff Writer

Education: Kansas State University (B.S., 1972); Washburn University School of Law (J.D., 1975). Phi Delta Phi. Business Editor, Washburn Law Journal, 1974-1975. Author: "Ensuring Safety after the Sale" Trial, Vol 38, No. 2, Nov. 2002; Author: "Survey of Tort Damage Law," 14 Washburn Law Journal, Spring, 1975; "Insurance Medical Payment Struck By Provisions Physical Contact Requirement," 13 Washburn Law Journal, Winter 1994. Adjunct Assistant Professor, Trial Techniques, Washburn University School of Law, 1980-1985, 1990-1991. Faculty Member, Kansas College of Advocacy. Annual Trial Tactics and Techniques, 1984-1989. Member, Panel of Arbitrators, American Arbitration Association; Panel of Mediators, Kansas Federal District Court. Member: Chicago and Kansas Bar Associations; Illinois Trial Lawyers Association; Kansas Trial Lawyers Association (Member, Board of Governors, 1980 - , President, 1988, Legislative Vice President, 1983; Vice President, Continuing Legal Education, 1985-1986); Colorado Trial Lawyers Association; Trial Lawyers for Public Justice; The Association of Trial Lawyers of America. (Also Partner, Davis, Unrein, McCallister & Biggs & Head, LLP, Topeka, Kansas). Practice Areas: Complex Commercial Litigation; Antitrust; Business Tort; Personal Injury; Product Liability; Professional Liability, Pharmaceutical, Multi- District and Class Action Litigation.

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Hospital to pay stroke victim \$19 mil.

March 21, 2007

BY JIM RITTER Staff Reporter

Evanston Northwestern Healthcare has agreed to pay \$19.5 million to a hedge fund executive after allegedly botching his stroke treatment

Following his 2005 stroke, Ted Baxter was unable to return as global controller for Citadel hedge funds. Baxter has difficulty speaking and understanding words.

"He loved what he did," said his attorney, David Barry of Corboy and Demetrio.

It's the largest malpractice settlement in Cook County in a case that did not go to trial.

In a statement, Evanston Northwestern said, "We deeply regret the medical outcome that [Baxter] and his wife live with today. We feel strongly that the financial settlement ... appropriately reflects a fair and equitable amount."

Baxter, 41, came to Evanston Hospital's emergency room with stroke symptoms. A resident doctor misread an MRI exam that confirmed the stroke. Consequently, Baxter did not receive the clot-busting drug tPA, which can minimize debilitating effects when given within the first few hours, Barry said.

Throughout the night, Baxter's symptoms continued to get worse, and his wife repeatedly asked that he be examined again but was told to wait until morning. By the next day, Baxter was paralyzed on the right side.

He has learned to walk and use his arm again, thanks to therapy "and sheer force of will," Barry said.

jritter@suntimes.com