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SUMMONS

2121 - Served  
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ALIAS SUMMONS

CCG-14

#02329 11/21/2006 DRB/kjs

2005N-0236

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

TED BAXTER and KELLY BAXTER,

Plaintiffs,  
v.

EVANSTON NORTHWESTERN HEALTHCARE CORPORATION,  
d/b/a EVANSTON HOSPITAL;  
THE MCGAW MEDICAL CENTER OF NORTHWESTERN UNIVERSITY;  
ENH MEDICAL GROUP, INC.; DANIEL HOMER, M.D.; JENNIFER STERN, M.D. and SIVARAJA KUPPUSWAMI, M.D.;

Defendants,

JILL LEHRMANN, M.D. and  
IAN KATZNELSON, M.D.;

Respondents in Discovery.

No.

PLEASE SERVE:

SEE ATTACHED SERVICE LIST

SUMMONS

To each defendant:

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance in the office of the clerk of this court (located in the Richard J. Daley Center, Room \* 801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT, A COPY OF WHICH IS HERETO ATTACHED.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS, \_\_\_\_\_, 20\_\_\_\_

DOROTHY BROWN

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Date of service: \_\_\_\_\_, 20\_\_\_\_

Name: David R. Barry, Jr./Corboy & Demetrio, P.C.  
Attorney for: Plaintiff(s)  
Address: 33 North Dearborn Street, 20th Floor  
City: Chicago, Illinois 60602  
Telephone: (312) 346-3191  
Atty. No.: 02329

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

\*Law Division Room 801  
Chancery-Divorce Division Room 802  
County Division Room 801  
Probate Division Room 1202

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**SERVICE LIST:**

Evanston Northwestern Healthcare Corporation  
R/A Jeffrey H. Hillerbrand  
1301 Central Street  
Evanston, IL 60201

The McGaw Medical Center of Northwestern University  
c/o Registered Agent: Robert P. Christopher  
645 North Michigan Avenue  
Suite 1058  
Chicago, IL 60611

Daniel Homer, M.D.  
Evanston Hospital  
Division of Neurology  
2650 Ridge Avenue  
Evanston, IL 60201

Sivaraja Kumaran Kuppaswami, M.D.  
Evanston Hospital  
2650 Ridge Avenue  
Evanston, IL 60201

Jill Frances Lehmann, M.D.  
The McGaw Medical Center of Northwestern University  
c/o Registered Agent: Robert P. Christopher  
645 North Michigan Avenue  
Suite 1058  
Chicago, IL 60611

Jennifer Stern, M.D.  
Evanston Hospital  
2650 North Ridge  
Evanston, IL 60201

ENH Medical Group, Inc.  
R/A Jeffrey H. Hillerbrand  
1301 Central Street  
Evanston, IL 60201

Ian S. Katznelson, M.D.  
ENH Medical Group Inc.  
1000 Central Street  
Suite 800  
Evanston, IL 60201

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

TED BAXTER and KELLY BAXTER,

Plaintiffs,

v.

EVANSTON NORTHWESTERN  
HEALTHCARE CORPORATION,  
d/b/a EVANSTON HOSPITAL;  
THE MCGAW MEDICAL CENTER OF  
NORTHWESTERN UNIVERSITY;  
ENH MEDICAL GROUP, INC.; DANIEL  
HOMER, M.D.; JENNIFER STERN, M.D.  
and SIVARAJA KUPPUSWAMI, M.D.;

Defendants,

JILL LEHRMANN, M.D. and  
IAN KATZNELSON, M.D.;

Respondents in Discovery.

No.

Plaintiffs Demand A Jury Trial  
Physician Certificate Attached  
Attorney Affidavit Attached

COMPLAINT AT LAW

COUNT I

Plaintiffs, TED BAXTER and KELLY BAXTER, through their attorneys, CORBOY & DEMETRIO, P.C., complaining of the defendants, EVANSTON NORTHWESTERN HEALTHCARE CORPORATION, d/b/a EVANSTON HOSPITAL (hereinafter "HEALTHCARE"), THE MCGAW MEDICAL CENTER OF NORTHWESTERN UNIVERSITY (hereinafter "MCGAW"), ENH MEDICAL GROUP, INC. (hereinafter "ENH"), DANIEL HOMER, M.D. (hereinafter "HOMER"), JENNIFER STERN, M.D. (hereinafter "STERN") and SIVARAJA KUPPUSWAMI, M.D. (hereinafter "KUPPUSWAMI") and in support of their complaint state as follows:

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1. On April 21, 2005, defendant, HEALTHCARE, was an Illinois corporation that operated, managed, maintained and controlled Evanston Hospital, a duly licensed healthcare institution providing services as a hospital for patients.

2. On April 21, 2005, defendant, MCGAW, was an Illinois corporation serving as a consortium of general hospitals in Northwestern University employing various residents at Evanston Hospital, including but not limited to JENNIFER STERN, M.D.

3. On April 21, 2005, defendant, ENH, was an Illinois corporation employing various physicians at Evanston Hospital including, but not limited to DANIEL HOMER, M.D. and SIVARAJA KUPPUSWAMI, M.D.

4. On April 21, 2005, defendant, HOMER, was a physician licensed to practice medicine in the state of Illinois and was engaged in the practice of medicine specializing in neurology.

5. On April 21, 2005, defendant, STERN, was a resident physician at Evanston Hospital employed by defendant, MCGAW.

6. On April 21, 2005, defendant, KUPPUSWAMI, was a physician licensed to practice medicine in the state of Illinois, practicing at Evanston Hospital in the specialty of diagnostic radiology and employed by defendant, ENH.

7. On April 21, 2005 and thereafter, the resident physicians, nurses and staff who were involved in the care and treatment of plaintiff, TED BAXTER, were duly authorized agents, actual and apparent, of defendant, HEALTHCARE, and Evanston Hospital.

8. In the alternative, on April 21, 2005 and thereafter, the residents who attended plaintiff, TED BAXTER, were employees and agents, actual and apparent, of defendant, MCGAW.

9. On April 21, 2005 and thereafter, the resident physicians, nurses and staff who attended to plaintiff, TED BAXTER, were acting within the scope of their agency and employment.

10. On April 21, 2005, plaintiff, TED BAXTER, presented by ambulance to the emergency department at Evanston Hospital.

11. Plaintiff, TED BAXTER, was thereafter examined, monitored or treated by defendants, HOMER, STERN and KUPPUSWAMI, as well as by various other agents and employees of defendants, ENH, MCGAW and HEALTHCARE.

12. On April 21, 2005, while in the emergency department, plaintiff, TED BAXTER, was evaluated by Jill Lehrmann, M.D. and a non-contrast CT scan of the brain was ordered at 9:32 p.m. and interpreted at 9:49 p.m.

13. The CT scan taken at 9:32 p.m. was interpreted by the radiology resident on call who was an employee and agent of defendant, MCGAW.

14. The CT scan taken at 9:32 p.m. and interpreted at 9:49 p.m. was interpreted by defendant, KUPPUSWAMI.

15. The CT scan taken at 9:32 p.m. and interpreted at 9:49 p.m. was reported as normal.

16. The CT scan taken at 9:32 p.m. and reported at 9:49 p.m. was, in fact, abnormal and showed a hyperdensity in the left middle cerebral artery consistent with a thrombus within the vessel.

17. On April 21, 2005, an MRI was ordered for plaintiff, TED BAXTER, at 10:03 p.m. and performed at 10:15 p.m.

18. The MRI ordered at 10:03 p.m. and performed at 10:15 p.m. was interpreted by the radiology resident on call as showing no evidence of stroke.

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19. The MRI ordered at 10:03 p.m. and performed at 10:15 p.m. was interpreted by defendant, KUPPUSWAMI, as showing no evidence of stroke.

20. The MRI ordered at 10:03 p.m. and performed at 10:15 p.m., in fact, showed focal regions of restricted diffusion in the left caudate and insular region compatible with acute infarction.

21. On April 21, 2005 and thereafter, defendant, STERN, evaluated the plaintiff, TED BAXTER.

22. On April 21, 2005, defendant, STERN, misinterpreted the CT and MRI scans aforementioned as showing no evidence of acute stroke.

23. On April 21, 2005 and thereafter, defendant, STERN, advised that the patient should not receive tPA.

24. On April 21, 2005, defendant, HOMER, had the capability of viewing the CT and MRI scans if he had chosen to do so.

25. On April 21, 2005, defendant, HOMER, failed to view the CT and MRI scans of plaintiff, TED BAXTER.

26. In the alternative, on April 21, 2005, defendant, HOMER, misinterpreted the CT and MRI scans aforementioned as showing no evidence of acute stroke.

27. On April 21, 2005 and thereafter, defendant, HOMER, advised that the patient should not receive tPA.

28. On April 21, 2005, Jill Lehrmann, M.D. and the other physicians and staff in the emergency department were capable of administering tPA to the patient.

29. On April 21, 2005, Jill Lehrmann, M.D. and the other physicians and staff in the emergency department were preparing to administer tPA to the patient until told not to do so by defendant, STERN.

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30. On April 21, 2005, Jill Lehrmann, M.D. and the other physicians and staff in the emergency department were preparing to administer tPA to the patient until they were advised by the radiology service, through the resident on call and defendant, KUPPUSWAMI, that the CT and MRI scans showed no evidence of acute stroke.

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31. On April 21, 2005, the plaintiff, TED BAXTER, was, in fact, an appropriate candidate to receive tPA.

32. On April 21, 2005 and thereafter, a patient like plaintiff, TED BAXTER, would have been more likely to have minimal to no disability from his stroke if tPA had been administered.

33. On April 21, 2005 and thereafter, defendants, HEALTHCARE, MCGAW and ENH, acting through their employees, staff, physicians and agents, apparent and actual, had a duty to exercise that degree of care that other healthcare organizations would exercise in the same or similar circumstances.

34. On April 21, 2005 and thereafter, defendants, HOMER, STERN and KUPPUSWAMI, had a duty to exercise that degree of skill and care of reasonably well-qualified physicians acting under the same or similar circumstances in their treatment of plaintiff, TED BAXTER.

35. On April 21, 2005 and thereafter, defendants, HEALTHCARE, MCGAW and ENH, by their duly authorized agents and employees including, but not limited to, HOMER, STERN and KUPPUSWAMI, and each of them, were careless and negligent in one or more of the following respects:

- a. Failing to timely diagnose his left Middle Cerebral Artery stroke;
- b. Failing to accurately assess the patient;
- c. Offering advice that the patient should not receive tPA;
- d. Failing to recognize evidence of acute ischemic stroke on the CT and MRI scans while the patient was in the emergency department;;

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- e. Failing to have a system in place to ensure that a qualified physician interpreted the films while the patient was in the emergency department;
- f. Failing to give the patient the tPA when he met inclusion criteria for administration of the medication;
- g. Were otherwise careless and negligent.

36. As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of the defendants, plaintiff, TED BAXTER, sustained injuries of a personal and pecuniary nature.

Attached to this complaint at law is the affidavit of one of the plaintiffs' attorneys as well as the written physician's report required by 735ILCS5-2/622 of the Illinois Code of Civil Procedure.

WHEREFORE, plaintiff, TED BAXTER, demands judgment against the defendants, HEALTHCARE, MCGAW, ENH, HOMER, STERN and KUPPUSWAMI, and each of them in an amount in excess of the jurisdictional minimum.

**COUNT II - LOSS OF CONSORTIUM**

Plaintiff, KELLY BAXTER, through her attorneys, CORBOY & DEMETRIO, P.C., complaining of the defendants, EVANSTON NORTHWESTERN HEALTHCARE CORPORATION, d/b/a EVANSTON HOSPITAL (hereinafter "HEALTHCARE"), THE MCGAW MEDICAL CENTER OF NORTHWESTERN UNIVERSITY (hereinafter "MCGAW"), ENH MEDICAL GROUP, INC. (hereinafter "ENH"), DANIEL HOMER, M.D. (hereinafter "HOMER"), JENNIFER STERN, M.D. (hereinafter "STERN") and SIVARAJA KUPPUSWAMI, M.D. (hereinafter "KUPPUSWAMI") and in support of her complaint states as follows:

1. On April 21, 2005, defendant, HEALTHCARE, was an Illinois corporation that operated,



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managed, maintained and controlled Evanston Hospital, a duly licensed healthcare institution providing services as a hospital for patients.

2. On April 21, 2005, defendant, MCGAW, was an Illinois corporation serving as a consortium of general hospitals in Northwestern University employing various residents at Evanston Hospital, including but not limited to JENNIFER STERN, M.D.

3. On April 21, 2005, defendant, ENH, was an Illinois corporation employing various physicians at Evanston Hospital including, but not limited to DANIEL HOMER, M.D. and SIVARAJA KUPPUSWAMI, M.D.

4. On April 21, 2005, defendant, HOMER, was a physician licensed to practice medicine in the state of Illinois and was engaged in the practice of medicine specializing in neurology.

5. On April 21, 2005, defendant, STERN, was a resident physician at Evanston Hospital employed by defendant, MCGAW.

6. On April 21, 2005, defendant, KUPPUSWAMI, was a physician licensed to practice medicine in the state of Illinois, practicing at Evanston Hospital in the specialty of diagnostic radiology and employed by defendant, ENH.

7. On April 21, 2005 and thereafter, the resident physicians, nurses and staff who were involved in the care and treatment of plaintiff, TED BAXTER, were duly authorized agents, actual and apparent, of defendant, HEALTHCARE, and Evanston Hospital.

8. In the alternative, on April 21, 2005 and thereafter, the residents who attended plaintiff, TED BAXTER, were employees and agents, actual and apparent, of defendant, MCGAW.

9. On April 21, 2005 and thereafter, the resident physicians, nurses and staff who attended to plaintiff, TED BAXTER, were acting within the scope of their agency and employment.

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10. On April 21, 2005, plaintiff, TED BAXTER, presented by ambulance to the emergency department at Evanston Hospital.

11. Plaintiff, TED BAXTER, was thereafter examined, monitored or treated by defendants, HOMER, STERN and KUPPUSWAMI, as well as by various other agents and employees of defendants, ENH, MCGAW and HEALTHCARE.

12. On April 21, 2005, while in the emergency department, plaintiff, TED BAXTER, was evaluated by Jill Lehmann, M.D. and a non-contrast CT scan of the brain was ordered at 9:32 p.m and interpreted at 9:49 p.m.

13. The CT scan taken at 9:32 p.m. was interpreted by the radiology resident on call who was an employee and agent of defendant, MCGAW.

14. The CT scan taken at 9:32 p.m. and interpreted at 9:49 p.m. was interpreted by defendant, KUPPUSWAMI.

15. The CT scan taken at 9:32 p.m. and interpreted at 9:49 p.m. was reported as normal.

16. The CT scan taken at 9:32 p.m. and reported at 9:49 p.m. was, in fact, abnormal and showed a hyperdensity in the left middle cerebral artery consistent with a thrombus within the vessel.

17. On April 21, 2005, an MRI was ordered for plaintiff, TED BAXTER, at 10:03 p.m. and performed at 10:15 p.m.

18. The MRI ordered at 10:03 p.m. and performed at 10:15 p.m. was interpreted by the radiology resident on call as showing no evidence of stroke.

19. The MRI ordered at 10:03 p.m. and performed at 10:15 p.m. was interpreted by defendant, KUPPUSWAMI, as showing no evidence of stroke.

20. The MRI ordered at 10:03 p.m. and performed at 10:15 p.m., in fact, showed focal regions of restricted diffusion in the left caudate and insular region compatible with acute infarction.
21. On April 21, 2005 and thereafter, defendant, STERN, evaluated the plaintiff, TED BAXTER.
22. On April 21, 2005, defendant, STERN, misinterpreted the CT and MRI scans aforementioned as showing no evidence of acute stroke.
23. On April 21, 2005 and thereafter, defendant, STERN, advised that the patient should not receive tPA.
24. On April 21, 2005, defendant, HOMER, had the capability of viewing the CT and MRI scans if he had chosen to do so.
25. On April 21, 2005, defendant, HOMER, failed to view the CT and MRI scans of plaintiff, TED BAXTER.
26. In the alternative, on April 21, 2005, defendant, HOMER, misinterpreted the CT and MRI scans aforementioned as showing no evidence of acute stroke.
27. On April 21, 2005 and thereafter, defendant, HOMER, advised that the patient should not receive tPA.
28. On April 21, 2005, Jill Lehrmann, M.D. and the other physicians and staff in the emergency department were capable of administering tPA to the patient.
29. On April 21, 2005, Jill Lehrmann, M.D. and the other physicians and staff in the emergency department were preparing to administer tPA to the patient until told not to do so by defendant, STERN.

30. On April 21, 2005, Jill Lehrmann, M.D. and the other physicians and staff in the emergency department were preparing to administer tPA to the patient until they were advised by the radiology service, through the resident on call and defendant, KUPPUSWAMI, that the CT and MRI scans showed no evidence of acute stroke.

31. On April 21, 2005, the plaintiff, TED BAXTER, was, in fact, an appropriate candidate to receive tPA.

32. On April 21, 2005 and thereafter, a patient like plaintiff, TED BAXTER, would have been more likely to have minimal to no disability from his stroke if tPA had been administered.

33. On April 21, 2005 and thereafter, defendants, HEALTHCARE, MCGAW and ENH, acting through their employees, staff, physicians and agents, apparent and actual, had a duty to exercise that degree of care that other healthcare organizations would exercise in the same or similar circumstances.

34. On April 21, 2005 and thereafter, defendants, HOMER, STERN and KUPPUSWAMI, had a duty to exercise that degree of skill and care of reasonably well-qualified physicians acting under the same or similar circumstances in their treatment of plaintiff, TED BAXTER.

35. On April 21, 2005 and thereafter, defendants, HEALTHCARE, MCGAW and ENH, by their duly authorized agents and employees including, but not limited to, HOMER, STERN and KUPPUSWAMI, and each of them, were careless and negligent in one or more of the following respects:

- a. Failing to timely diagnose his left Middle Cerebral Artery stroke;
- b. Failing to accurately assess the patient;
- c. Offering advice that the patient should not receive tPA;
- d. Failing to recognize evidence of acute ischemic stroke on the CT and MRI scans while the patient was in the emergency department;

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- e. Failing to have a system in place to ensure that a qualified physician interpreted the films while the patient was in the emergency department;
- f. Failing to give the patient the TPA when he met inclusion criteria for administration of the medication;
- g. Were otherwise careless and negligent.

36. As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of the defendants, plaintiff, KELLY BAXTER, suffered the loss of consortium of her husband, TED BAXTER.

Attached to this complaint at law is the affidavit of one of the plaintiffs' attorneys as well as the written physician's report required by 735ILCS5-2/622 of the Illinois Code of Civil Procedure.

WHEREFORE, plaintiff, KELLY BAXTER, demands judgment against the defendants, HEALTHCARE, MCGAW, ENH, HOMER, STERN and KUPPUSWAMI, and each of them in an amount in excess of the jurisdictional minimum.

**COUNT III - RESPONDENTS IN DISCOVERY**

It is believed that Jill Lehrmann, M.D. and Ian Katznelson, M.D. have information necessary to determine who, if anyone, should be named as additional defendants in this case.

  
David R. Barry, Jr.

David R. Barry, Jr.  
CORBOY & DEMETRIO, P.C.  
Attorney for Plaintiffs  
33 North Dearborn Street, 21st Floor  
Chicago, Illinois 60602  
(312) 346-3191  
Firm I.D. No. 02329

Mr. Baxter presented with a left hemisphere stroke syndrome and history consistent with possible paradoxical embolism. Emergency department providers were in position to give tPA quickly. It is well recognized that patients who receive tPA early benefit from it the most. Additionally, given his presentation, Mr. Baxter was likely to benefit from tPA. Administration of tPA would have increased his chances for a full recovery. His stroke continued to evolve throughout the night and he became nearly completely hemiplegic on his right side and his aphasia became worse. As a result of the failure to administer tPA, Mr. Baxter's chances for a significantly better recovery were lost.

Dr. Katz Nelson evaluated Mr. Baxter on the morning of April 22, 2005 and reviewed the films. Both he and the attending radiologist recognized that the patient's clinical syndrome, CT scan and the MRI scan done the night before were consistent with the diagnosis of an acute ischemic stroke.

In my opinion, based upon a reasonable degree of medical certainty and review of the aforementioned records, that Dr. Jennifer Stern, Dr. Daniel Homer, the radiology resident on call (it is not clear if Dr. Kuppuswami was the radiology resident on call or if he was the resident's Attending) and Evanston Hospital staff who determined that Mr. Ted Baxter on April 21, 2005 and the early morning hours of April 22, 2005 should not receive tPA, deviated from accepted standards of care by:

1. Failing to timely diagnosis his left Middle Cerebral Artery stroke;
2. Failing to accurately assess the patient;
3. Offering advise that the patient should not receive tPA;
4. Failing to recognize evidence of acute ischemic stroke on the CT and MRI scans while the patient was in the emergency department;
5. Failing to have a system in place to ensure that a qualified physician interpreted the films while the patient was in the emergency department;
6. Failing to give the patient the tPA when he met inclusion criteria for administration of the medication.

One or more of the aforementioned acts and/or omissions was a proximate cause of injury to Ted Baxter and significantly decreased his chances for a better recovery. He remains profoundly disabled today.

To the extent that any of the aforementioned physicians or staff were actual or apparent agents of Evanston Hospital, Evanston Northwestern Healthcare Corporation, The McGaw Medical Center of Northwestern University or ENH Medical Group, Inc., then the negligent acts of those physicians and the staff would likewise be attributable to those entities or whatever entities employed them. My opinions are subject to modification pending review of additional material.

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

**TED BAXTER and KELLY BAXTER,**

**FILED B - 14**

Plaintiffs,

**2007 FEB 13 AM 10:03**

v.

DOROTHY BROOME  
CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, IL  
1. 12259

EVANSTON NORTHWESTERN HEALTHCARE CORPORATION, d/b/a EVANSTON HOSPITAL;  
THE MCGAW MEDICAL CENTER OF NORTHWESTERN UNIVERSITY;  
ENH MEDICAL GROUP, INC.;  
DANIEL HOMER, M.D.; JENNIFER STERN, M.D.  
and SIVARAJA KUPPUSWAMI, M.D.,

Defendants,

JILL LEHRMANN, M.D. and IAN KATZNELSON, M.D.,

Respondents in Discovery.

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**NOTICE OF DEPOSITION**

TO: Michael R. Slovis, Cunningham Mayer & Vetrine, P.C., 111 West Washington Street, Suite 937, Chicago, Illinois 60602.

**YOU ARE HEREBY NOTIFIED** that pursuant to the provisions of Section 2-1003 of the Code of Civil Procedure and Rule 202 of the Rules of the Supreme Court, the depositions of the following will be taken for the purpose of discovery before a Notary Public in and for the County of Cook, State of Illinois, at **33 North Dearborn Street, 20<sup>th</sup> Floor, Chicago, Illinois**, upon interrogatories to be propounded to the said witnesses orally.

| <u>DEPONENT</u>      | <u>DATE</u>       | <u>TIME</u> |
|----------------------|-------------------|-------------|
| Jill Lehrmann, M.D.  | February 27, 2007 | 10:00 a.m.  |
| Ian Katznelson, M.D. | February 27, 2007 | 2:00 p.m.   |

*Corboy & Demetrio*  
CORBOY & DEMETRIO  
33 North Dearborn Street, 21st Floor  
Chicago, Illinois 60602  
(312) 346-3191  
Firm I.D. No. 02329  
Attorneys for Plaintiff(s)

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF C O O K )

The undersigned, being first duly sworn on oath, deposes and says that she served a copy of this notice and all other necessary documents, on the attorney(s) of record by enclosing a true and correct copy thereof in a duly addressed, postage prepaid envelope, and depositing same in the U.S. Mail chute at 33 North Dearborn Street, Chicago, Illinois before the hour of 5:00 p.m. on the 13<sup>th</sup> day of February, 2007.

*Kathi Schultz*

[x] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

TED BAXTER and KELLY BAXTER )

Plaintiffs, )

v. )

EVANSTON NORTHWESTERN HEALTHCARE CORPORATION )  
d/b/a EVANSTON HOSPITAL; THE MCGAW MEDICAL CENTER )  
OF NORTHWESTERN UNIVERSITY; ENH MEDICAL GROUP, INC.; )  
DANIEL HOMER, M.D.; JENNIFER STERN, M.D, and )  
SIVARAJA KUPPUSWAMI, M.D. )

Defendants )

JILL LEHRMANN, M.D. and IAN KATZNELSON, M.D. )

Respondents in Discovery )

No. 06 L 12258-X

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**DEFENDANT'S 213(f) INTERROGATORIES**

The Defendants, EVANSTON NORTHWESTERN HEALTHCARE CORPORATION  
d/b/a EVANSTON HOSPITAL; ENH MEDICAL GROUP, INC.; DANIEL HOMER, M.D.;  
JENNIFER STERN, M.D, and SIVARAJA KUPPUSWAMI, M.D., by and through one of their  
attorneys, and pursuant to Rule 213(f), hereby requests plaintiff to answer the following  
interrogatories within twenty-eight (28) days:

1 Pursuant to Supreme Court Rule 213(f)(1), please furnish the identity, addresses  
and occupation of each and every lay witness who will testify at trial, together with the subject  
matter of their testimony.

2 Pursuant to 213(f)(2), please furnish the identity, addresses, occupation or  
profession of each independent witness who will testify at trial, together with the subject matter of  
their testimony.

3. As to each independent expert witness named in Answer to Interrogatory No. 2, state with specificity those opinions that said independent expert witness holds, and those opinions the plaintiff expects to elicit.

4. As to each independent expert witness whose identity has been disclosed in Answer to Interrogatory No. 2, set forth in detail the qualifications and/or areas of expertise of each such witness, including but not limited to, educational background, practical experience in the area in which opinions will be rendered, any articles or papers written, and any and all seminars or post graduate training received, experience, if any as a teacher or lecturer and professional appointment with an association (if applicable, complete curriculum vitae of the independent expert witness may be attached in lieu of setting forth the witnesses' qualifications).

5. As to each of the opinions set forth in the Answer to Interrogatory No. 3, state each and every basis of the opinions and conclusions which the independent expert witness is expected to offer.

6. As to each independent expert witness identified in the Answer to Interrogatory Number 2, state the date on which the substance of the conclusions and opinions were known to the disclosing party or their attorney.

7. As to each independent expert witness named in Answer to Interrogatory No. 2, identify all documents, reports, texts, treatises, articles, computer generated information, medical or hospital records, radiologic films, models, rules, standards, regulations, codes, specifications, manuals or any other materials or data of any kind that the independent expert witness has reviewed, and any parties that the independent expert witness has examined, and of those items identify which items were relied on in the formation of his/her opinions.

8. State whether or not the work of each such independent expert witness in this case has been completed and, if not, the nature of the work remaining to be done, what materials or documents are still being searched or awaiting receipt and the date on which such further work is expected to be completed.

9. Pursuant to Supreme Court Rule 213(f)(3), please furnish the identity, addresses, occupation or profession of each controlled expert witness who will testify at trial.

10. As to each controlled expert witness disclosed in Answer to Interrogatory No. 9, state with specificity the subject matter upon which the controlled expert witness is expected to testify.

11. As to each controlled expert witness identified in Answer to Interrogatory No. 9, state each and every conclusion and opinion that the controlled expert witness is expected to offer.

12. As to each of the opinions and conclusions set forth in the Answer to Interrogatory No. 11, state each and every basis for each conclusion and opinion which the controlled witness is expected to offer.

13. As to each controlled expert witness whose identity has been disclosed in Answer to Interrogatory No. 9, set forth in detail the qualifications and/or areas of expertise of each such witness, including but not limited to, educational background, practical experience in the area in which opinions will be rendered, any articles or papers written, and any and all professional appointments or professional organization memberships (If applicable, a current curriculum vitae of the controlled expert witness may be attached in lieu of setting forth the witnesses' qualifications).

14. As to each controlled expert witness identified in the Answer to Interrogatory Number 9, state the date on which the substance of the conclusions and opinions were known to the disclosing party or their attorney.

15. As to each controlled expert witness named in Answer to Interrogatory No. 9, identify all documents, reports, texts, treatises, articles, computer generated information, medical or hospital records, radiologic films, models, rules, standards, regulations, codes, specifications, manuals or any other materials or data of any kind that the independent expert witness has reviewed, and any parties that the controlled expert witness has examined, and of those items identify which items were relied on in the formation of his/her opinions.

16. State whether or not the work of each such controlled expert witness in this case has been completed and, if not, the nature of the work remaining to be done, what materials or documents are still being searched or awaiting receipt and the date on which such further work is expected to be completed.

Respectfully Submitted By,

By: Michael R. Slovis  
One of the Attorneys for Certain Defendants

Michael R. Slovis  
Marni R. Slavick  
CUNNINGHAM, MEYER & VEDRINE, P.C.  
111 West Washington Street - Suite 937  
Chicago, Illinois 60602  
(312) 578-0049  
Attny No. 39107

**RIDER TO 213 INTERROGATORIES**

*IN ADDITION TO PROVIDING ANSWERS TO DEFENDANT'S 213(f) INTERROGATORIES, PLEASE PROVIDE THE FOLLOWING DOCUMENTS PURSUANT TO ILLINOIS SUPREME COURT RULES 213 AND 214:*

1. Any and all correspondence between your office and any 213 witnesses;
2. Any and all correspondence of any kind that your 213 witnesses have regarding their review of this case or their opinions in this case;
3. Any and all bills and/or invoices that your 213 witnesses have submitted with respect to their review of this case;
4. Any and all records that your 213 witnesses maintain with respect to their services as an expert in medical/legal matters, including, but not limited to:
  - (a) Any materials reflecting cases that they have reviewed as an opinion witness and/or the case name, jurisdiction, and/or attorneys involved;
  - (b) Any materials reflecting any income that they have derived as an expert over the last 10 years;
  - (c) Any materials reflecting depositions or trial testimony that they have given as an opinion witness;
  - (d) Any and all notes, memoranda, reports and/or summaries that they have prepared during the course of their review of this matter, including, but not limited to, notations that they have made on the face of any materials or correspondence they have reviewed, or memoranda or notations that they have made regarding conversations that they have had with your office, investigators or other consultants regarding this matter or the opinions they have formed in this matter;
  - (e) Originals of any materials they have reviewed (including but not limited to, depositions, medical records, summaries, reports, or correspondence) upon which they have made any notation of any kind, including but not limited to, marginal notes, highlighting, underlining or tabbing.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

TED BAXTER and KELLY BAXTER )

Plaintiffs, )

v. )

No. 06 L 12259 X )

EVANSTON NORTHWESTERN HEALTHCARE CORPORATION )  
d/b/a EVANSTON HOSPITAL; THE MCGAW MEDICAL CENTER )  
OF NORTHWESTERN UNIVERSITY; ENH MEDICAL GROUP, INC.; )  
DANIEL HOMER, M.D.; JENNIFER STERN, M.D, and )  
SIVARAJA KUPPUSWAMI, M.D. )

Defendants )



JILL LEHRMANN, M.D. and IAN KATZNELSON, M.D. )

Respondents in Discovery )

2007 JUN 29 11:31 AM

2007 JUN 29 11:33 AM  
COURT CLERK

**NOTICE PURSUANT TO SUPREME COURT RULE 214**

You are hereby notified that pursuant to Supreme Court Rule 214 you are requested to produce on a date and at a time not later than twenty-eight (28) days from the date hereof at the offices of Cunningham Meyer & Vedrine, P.C, Attorneys for the Defendants, EVANSTON NORTHWESTERN HEALTHCARE CORPORATION d/b/a EVANSTON HOSPITAL; ENH MEDICAL GROUP, INC.; DANIEL HOMER, M.D.; JENNIFER STERN, M.D, and SIVARAJA KUPPUSWAMI, M.D., for inspection and copying the following (together with any transcripts, reports, memoranda, or recordings purporting to reflect but not to evaluate the same):

1. Where a party has given a statement to some person or entity other than his attorney or insurer, said statement shall be produced by the person or entity to whom it was given or transferred.
2. The statement of any other witness, except parties to this action.
3. All photographs, slides or motion pictures taken subsequent to the alleged occurrence of the plaintiff(s), the vehicles or other physical objects involved or of the scene of the alleged occurrence.
4. All data as to the physical or mental condition of the plaintiffs prior and subsequent to the alleged occurrence, including, inter alia, injuries sustained in other accidents.

For the purpose of this notice, the word "party" shall include the named party and members of the plaintiff's immediate family.

Respectfully Submitted By,

By:   
One of the Attorneys for Certain Defendant

Michael R. Slovis  
Marni R. Slavick  
CUNNINGHAM, MEYER & VEDRINE, P.C.  
111 West Washington Street - Suite 937  
Chicago, Illinois 60602  
(312) 578-0049  
Attny No. 39107

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

TED BAXTER and KELLY BAXTER )

Plaintiffs, )

v. )

EVANSTON NORTHWESTERN HEALTHCARE CORPORATION )  
d/b/a EVANSTON HOSPITAL; THE MCGAW MEDICAL CENTER )  
OF NORTHWESTERN UNIVERSITY; ENH MEDICAL GROUP, INC.; )  
DANIEL HOMER, M.D.; JENNIFER STERN, M.D, and )  
SIVARAJA KUPPUSWAMI, M.D. )

Defendants )

JILL LEHRMANN, M.D. and IAN KATZNELSON, M.D. )

Respondents in Discovery )

No. 06 E 12259 )

DO NOT  
RECORD  
CLERK

2007 JAN 29 PM 3:32

**NOTICE OF FILING**

To: Corboy & Demetrio, David R. Barry, Jr., 33 North Dearborn Street, 21<sup>st</sup> Floor  
Chicago, Illinois 60602

PLEASE TAKE NOTICE THAT ON **January 29, 2007**, we filed with the Clerk of the Circuit Court, Cook County, in the Richard J. Daley Center, Chicago, Illinois, Defendants' and Respondents in Discovery Appearance, 213(f) Interrogatories, Notice to Produce and Interrogatories directed to plaintiff, a copy of which is attached hereto.

Name: Cunningham, Meyer & Vadrinc, P.C.  
Address: 111 W. Washington Street - 937  
Telephone: (312) 578-0049

Attorney for: Certain Defendants/RID's  
City/State: Chicago, Illinois 60602  
Atty No.: 39107

**PROOF OF SERVICE**

The undersigned, a non-attorney, certify that I served this notice by mailing a copy to the above attorneys at their respective addresses and depositing the same in the U.S. Mail at 111 West Washington Street, Chicago, Illinois, before the hour of 5:00 p.m. on January 29, 2007, with proper postage prepaid.

(x) Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

  
Debra Smith

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

TED BAXTER and KELLY BAXTER )

Plaintiffs, )

v. )

EVANSTON NORTHWESTERN HEALTHCARE CORPORATION )  
d/b/a EVANSTON HOSPITAL; THE MCGAW MEDICAL CENTER )  
OF NORTHWESTERN UNIVERSITY; ENH MEDICAL GROUP, INC.; )  
DANIEL HOMER, M.D.; JENNIFER STERN, M.D, and )  
SIVARAJA KUPPUSWAMI, M.D. )

Defendants )

JILL LEHRMANN, M.D. and IAN KATZNELSON, M.D. )

Respondents in Discovery )

No. 06 E 1259 X

DIANE L. FREEMAN  
CLERK

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INTERROGATORIES



Defendants, EVANSTON NORTHWESTERN HEALTHCARE CORPORATION d/b/a  
EVANSTON HOSPITAL; ENH MEDICAL GROUP, INC.; DANIEL HOMER, M.D.;  
JENNIFER STERN, M.D, and SIVARAJA KUPPUSWAMI, M.D., by one of their attorneys,  
propounds the following interrogatories to be answered under oath by the plaintiffs within twenty-  
eight (28) days pursuant to the applicable Rules of the Supreme Court of Illinois and the Illinois  
Code of Civil Procedure:

1. State the plaintiff's present residence address, date of birth and social security number.
2. With respect to loss of income, if any, claimed to have been sustained as a result of the occurrence set forth in the Complaint provide the following:
  - (a) state where plaintiff was employed on the date of the occurrence;



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- (b) state the name and address of plaintiff's employer or employers at that time;
  - (c) describe in what capacity plaintiff was employed;
  - (d) state plaintiff's rate of pay immediately before said occurrence complained of; and
  - (e) state the total amount of loss of income, if any, claimed to have been sustained as a result of the occurrence complained of, together with the manner or method of computing the same.

3. Other than the employer(s) set forth in the answer to the preceding interrogatory, provide the following information with respect to plaintiff's employment history during the ten (10) year period immediately preceding the occurrence complained of in any employment thereafter.

- (a) state the name and address of each employer during that period of time; and
- (b) describe the capacity in which plaintiff was employed by each employer set forth in the answer to 3(a).

4. State the first date following the occurrence complained of when on which plaintiff was employed, stating the name and address of plaintiff's employer, the period of employment and compensation.

5. List in detail any other expenses or monies claimed to have been lost due to the occurrence set forth in the Complaint.

6. Had plaintiff consulted professionally, been examined by, or been treated by any doctors on or since the occurrence set out in the complaint. If so, state as to each:

- (a) their names and addresses;
- (b) their medical specialties, if any;
- (c) the condition for which each was consulted or for which plaintiff was examined or treated by them;
- (d) whether they were only consulted, whether they examined plaintiff, or whether they rendered any care to plaintiff; and
- (e) if there was treatment or examination, describe in layman's terms the nature of the examination and treatment and the dates on which each was done.

7. Has plaintiff been admitted to any hospital, medical clinic, or other medical institution since the occurrence set out in the complaint, either as an in-patient or as an out-patient? If so, state as to each:

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- (a) their names and addresses;
- (b) the condition for which plaintiff was admitted;
- (c) the dates you were there;
- (d) whether admitted as an in-patient or as an out-patient; and
- (e) if there was treatment or examination, describe in layman's terms the nature of the examination and treatment and the dates on which each was done.

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8. Did plaintiff consult professionally or was plaintiff examined or treated by any doctors or medical practitioners during the ten (10) year period immediately prior to the occurrence set forth in the complaint. If so, state as to each:

- (a) their names and addresses;
- (b) their medical specialties, if any;
- (c) the condition which each was consulted by plaintiff or for which plaintiff was were examined or treated by them;
- (d) whether they were only consulted, whether they examined plaintiff, or whether they rendered any care to plaintiff; and
- (e) if there was treatment or examination, describe in layman's terms the nature of the examination and treatment and the dates on which each was done.

9. Was plaintiff admitted to any hospital, medical clinic, or other medical institution during the ten (10) year period immediately prior to the occurrence set forth in the complaint, either as an in-patient or as an out-patient? If so, state as to each:

- (a) their names and addresses;
- (b) the condition for which plaintiff was admitted or seen as an outpatient;
- (c) the dates plaintiff was there;
- (d) whether admitted as an in-patient or as an out-patient; and
- (e) if there was treatment or examination, describe in layman's terms the nature of the examination and treatment and the dates on which each was done.

2007

10. State whether plaintiff was ever injured in any manner either before or after the occurrence described in the Complaint. If so, describe each such injury and state the date and the place where it occurred, as well as how it occurred. If so, state the names and present or last known addresses of all persons involved in the occurrence or present at the time of or immediately after or before the occurrence, and the identity and address of all physicians, specialists, clinics, hospitals, sanitariums, or similar institutions where the plaintiff was examined or treated as a result of any such injury.

11. State whether plaintiff has ever made a claim of any kind for any injury claimed to have been sustained either before or after the occurrence alleged in the Complaint. If so, describe each such claim stating the names and addresses of the party against whom each claim was made, and the name of the plaintiff's attorney, if any.

12. State whether plaintiff has ever filed a suit or action at law for any injury that the plaintiff claims to have been sustained either before or after the occurrence complained of herein. If so, state the name and address of each party sued, the court in which it was filed, and the court number thereof.

13. Does it have or is plaintiff aware of any statements obtained from any witness regarding the occurrence described in the Complaint? If so, give the name and address of each such witness, the date of said statement, state whether such statement was written or oral, and the name and address of the person or entity having possession of the statement.

14. State the name and address of all persons known to the plaintiff or plaintiff's attorney with relevant knowledge of the occurrence of which the plaintiff complains.

15. State the names, addresses and identities of all persons known to the plaintiff and/or plaintiff's attorneys who witnessed the occurrence of which the plaintiff complains.

16. State the names, addresses and identities of all physicians, surgeons, technicians, professional nurses or experts in any scientific field who have been consulted for expert opinion by the plaintiff, plaintiff's attorneys or agents regarding the occurrence complained of, or the alleged injuries and as to each listed, state the following:

- (a) name and address;
- (b) the area of expertise;
- (c) does his opinion relate to liability opinion or injury opinion;
- (d) identification of all statements, reports, letters or documents furnished by him; and

(c) does plaintiff expect to call the expert as witness at trial?

17. Were any photographs taken of the injuries described in the Complaint? If so, state the date or dates on which said photographs were taken, the subject thereof and who now has custody of them.

18. State the following regarding each conversation at which the defendants were present:

- (a) the name and address of each person present;
- (b) what was said by each person? If the exact words are not remembered, state the gist of what was said;
- (c) the place and time of the conversation;
- (d) how the conversation happened to take place; and


19. Have any funds been expended by Medicare on plaintiff's behalf in connection with any of the injuries alleged in the Complaint? If the answer is in the affirmative, please identify such amounts.

20. State the name, author, publisher and date of publishing of all texts, articles, journals or medical literature of which plaintiff is advised in any way indicates that the defendant's were negligent in their treatment of plaintiff.

21. Please list all special damages claimed as a result of the allegations raised in plaintiffs' Complaint.

22. In accordance with Section 2-604 of the Illinois Code of Civil Procedure, please state the amount of damages which will be sought in this matter at the time of trial.

Respectfully Submitted By,

By:   
One of the Attorneys for Certain Defendants

Michael R. Slovis  
Mami R. Slavick  
CUNNINGHAM, MEYER & VEDRINE, P.C.  
111 West Washington Street - Suite 937  
Chicago, Illinois 60602  
(312) 578-0049  
Atty No. 39107

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**



RECORDED - 311-101

TED BAXTER and KELLY BAXTER )

Plaintiffs, )

v. )

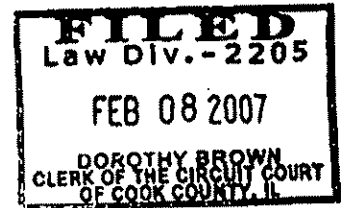
No. 06 L 12259 X

EVANSTON NORTHWESTERN HEALTHCARE CORPORATION )  
d/b/a EVANSTON HOSPITAL; THE MCGAW MEDICAL CENTER )  
OF NORTHWESTERN UNIVERSITY; ENH MEDICAL GROUP, INC.; )  
DANIEL HOMER, M.D.; JENNIFER STERN, M.D, and )  
SIVARAJA KUPPUSWAMI, M.D. )

Defendants )

JILL LEHRMANN, M.D. and IAN KATZNELSON, M.D. )

Respondents in Discovery )



**NOTICE OF ROUTINE MOTION**

To: Corboy & Demetrio, David R. Barry, Jr., 33 North Dearborn Street, 21<sup>st</sup> Floor  
Chicago, Illinois 60602

On **February 8, 2007, at 8:45 a.m.** or as soon thereafter as counsel may be heard, I shall appear before the **Honorable Judge Cepero**, or any judge sitting in his stead, in the courtroom usually occupied by her, **Room 2205**, Richard J. Daley Center, Chicago, Illinois, and shall then and there present Defendants' Motion for Qualified Protective Order, a copy of which is attached hereto.

Name: Cunningham, Meyer & Vedrine, P.C.  
Address: 111 W. Washington Street - 937  
Telephone: (312) 578-0049

Attorney for: Certain Defendants  
City/State: Chicago, Illinois 60602  
Atty No.: 39107

**PROOF OF SERVICE**

The undersigned, a non-attorney, certify that I served this notice by mailing a copy to the above attorneys at their respective addresses and depositing the same in the U.S. Mail at 111 West Washington Street, Chicago, Illinois, before the hour of 5:00 p.m. on January 31, 2007, with proper postage prepaid.

- (x) Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

Debra Smith

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

TED BAXTER and KELLY BAXTER )

Plaintiffs, )

v. )

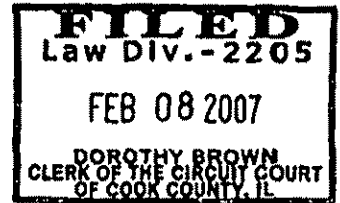
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EVANSTON NORTHWESTERN HEALTHCARE CORPORATION )  
d/b/a EVANSTON HOSPITAL; THE MCGAW MEDICAL CENTER )  
OF NORTHWESTERN UNIVERSITY; ENH MEDICAL GROUP, INC.; )  
DANIEL HOMER, M.D.; JENNIFER STERN, M.D, and )  
SIVARAJA KUPPUSWAMI, M.D. )

Defendants )

JILL LEHRMANN, M.D. and IAN KATZNELSON, M.D. )

Respondents in Discovery )



**MOTION FOR QUALIFIED PROTECTIVE ORDER**

NOW COME defendants, EVANSTON NORTHWESTERN HEALTHCARE CORPORATION d/b/a EVANSTON HOSPITAL; ENH MEDICAL GROUP, INC.; DANIEL HOMER, M.D.; JENNIFER STERN, M.D, and SIVARAJA KUPPUSWAMI, M.D., by and through their attorneys, CUNNINGHAM, MEYER & VEDRINE, P.C., pursuant to 42 U.S.C.§1320(d) and 45 CFR Parts 160 and 164 (HIPPA), and requests that this Court enter a Qualified Protective Order, stating as follows:

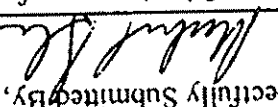
1. Plaintiffs have filed a case alleging professional negligence in the provision of health care to TED BAXTER.
2. The defendants, treating physicians, hospitals, and other health care providers disclosed by plaintiff in this case, are all "covered entities" as defined by 45 CFR 160.103. HIPPA

prohibits covered entities from disclosing protected health information in judicial proceedings other than by authorization or qualified protective order. 45 CFR § 164.512(c).

3. These covered entities are all in possession of "protected health information" ("PHI") as defined by 45 CFR 160.103 and 160.501, in the form of medical records (imaging, test results, insurance documents, notes, orders, labs, correspondence, pathology, prescription records, etc.) pertaining to TED BAXTER.

4. Both the prosecution and defense of this case will require that all parties, their attorneys, their attorneys' agents, consultants and various witnesses and other personnel receive and review copies of the PHI pertaining to TED BAXTER, which is in the treating providers' possession.

WHEREFORE, defendants, EVANSTON NORTHWESTERN HEALTHCARE CORPORATION d/b/a EVANSTON HOSPITAL; ENH MEDICAL GROUP, INC.; DANIEL HOMER, M.D.; JENNIFER STERN, M.D. and SIVARAJA KUPPUSWAMI, M.D., respectfully request that this Court enter the proposed order permitting the use and disclosure of PHI created or received by any covered entity who has provided health care to TED BAXTER for any purpose connected with the pending litigation.

Respectfully Submitted, By, 

One of the Attorneys for Certain Defendants

Michael R. Slovis  
Mami R. Slavick  
CUNNINGHAM, MEYER & VEDRINE, P.C.  
111 West Washington Street - Suite 937  
Chicago, Illinois 60602  
(312) 578-0049



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

TED BAXTER and KELLY BAXTER,  
Plaintiffs,

v.

EVANSTON NORTHWESTERN HEALTHCARE  
CORPORATION,  
d/b/a EVANSTON HOSPITAL;  
THE MCGAW MEDICAL CENTER OF  
NORTHWESTERN UNIVERSITY;  
ENH MEDICAL GROUP, INC.; DANIEL HOMER,  
M.D.; JENNIFER STERN, M.D. and SIVARAJA  
KUPPUSWAMI, M.D.;

Defendants,

JILL LEHRMANN, M.D. and  
IAN KATZNELSON, M.D.;

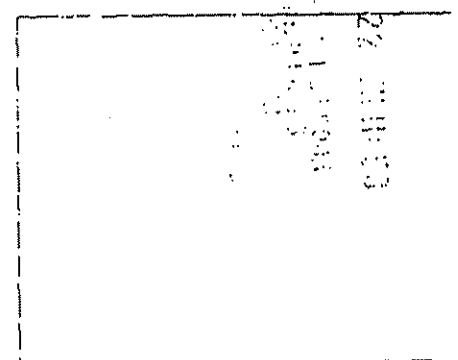
Respondents in Discovery.

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CIVIL ACTION COVER SHEET

A Civil Action Cover Sheet shall be filed with the complaint in all civil actions. The information contained herein is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate general category and then check the sub-category thereunder, if applicable, which best characterizes your action.



(FILE STAMP)

Jury Demand  Yes  No

PERSONAL INJURY/WRONGFUL DEATH

- 027 Motor Vehicle
- 040 Medical Malpractice
- 047 Asbestos
- 048 Dram Shop
- 049 Product Liability
- 051 Construction Injuries (including Structural Work Act, Road Construction Injuries Act and negligence)
- 052 Railroad/FELA
- 053 Pediatric Lead Exposure
- 061 Other Personal Injury/Wrongful Death
- 063 Intentional Tort
- 064 Miscellaneous Statutory Action (Please Specify Below\*\*)
- 065 Premises Liability
- 078 Fcn-phen/Redux Litigation
- 199 Silicone Implant

062 PROPERTY DAMAGE

066 LEGAL MALPRACTICE

TAX & MISCELLANEOUS REMEDIES

- 007 Confession of Judgment
- 008 Replevin
- 009 Tax
- 015 Condemnation
- 017 Detinue
- 029 Unemployment Compensation
- 036 Administrative Review Action
- 085 Petition to Register Foreign Judgment
- 099 All Other Extraordinary Remedies

COMMERCIAL LITIGATION

- 002 Breach of Contract
- 070 Professional Malpractice (other than legal or medical)
- 071 Fraud
- 072 Consumer Fraud
- 073 Breach of Warranty
- 074 Statutory Action (Please Specify Below\*\*)
- 075 Other Commercial Litigation (Please Specify Below\*\*)
- 076 Retaliatory Discharge

077 LIBEL/SLANDER

OTHER ACTIONS

- 079 Petition for Qualified Orders
- 084 Petition to Issue Subpoena
- 100 Petition for Discovery

By: \_\_\_\_\_

David R. Barry, Jr.

Attorney No. 02329  Pro Se 99500

2005

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

TED BAXTER and KELLY BAXTER,

Plaintiffs,

v.

EVANSTON NORTHWESTERN  
HEALTHCARE CORPORATION,  
d/b/a EVANSTON HOSPITAL;  
THE MCGAW MEDICAL CENTER OF  
NORTHWESTERN UNIVERSITY;  
ENH MEDICAL GROUP, INC.; DANIEL  
HOMER, M.D.; JENNIFER STERN, M.D.  
and SIVARAJA KUPPUSWAMI, M.D.;

Defendants,

JILL LEHRMANN, M.D. and  
IAN KATZNELSON, M.D.;

Respondents in Discovery.

No.

Plaintiffs Demand A Jury Trial  
Physician Certificate Attached  
Attorney Affidavit Attached

COMPLAINT AT LAW

COUNT I

Plaintiffs, TED BAXTER and KELLY BAXTER, through their attorneys, CORBOY & DEMETRIO, P.C., complaining of the defendants, EVANSTON NORTHWESTERN HEALTHCARE CORPORATION, d/b/a EVANSTON HOSPITAL (hereinafter "HEALTHCARE"), THE MCGAW MEDICAL CENTER OF NORTHWESTERN UNIVERSITY (hereinafter "MCGAW"), ENH MEDICAL GROUP, INC. (hereinafter "ENH"), DANIEL HOMER, M.D. (hereinafter "HOMER"), JENNIFER STERN, M.D. (hereinafter "STERN") and SIVARAJA KUPPUSWAMI, M.D. (hereinafter "KUPPUSWAMI") and in support of their complaint state as follows:

1. On April 21, 2005, defendant, HEALTHCARE, was an Illinois corporation that operated, managed, maintained and controlled Evanston Hospital, a duly licensed healthcare institution providing services as a hospital for patients.

2. On April 21, 2005, defendant, MCGAW, was an Illinois corporation serving as a consortium of general hospitals in Northwestern University employing various residents at Evanston Hospital, including but not limited to JENNIFER STERN, M.D.

3. On April 21, 2005, defendant, ENH, was an Illinois corporation employing various physicians at Evanston Hospital including, but not limited to DANIEL HOMER, M.D. and SIVARAJA KUPPUSWAMI, M.D.

4. On April 21, 2005, defendant, HOMER, was a physician licensed to practice medicine in the state of Illinois and was engaged in the practice of medicine specializing in neurology.

5. On April 21, 2005, defendant, STERN, was a resident physician at Evanston Hospital employed by defendant, MCGAW.

6. On April 21, 2005, defendant, KUPPUSWAMI, was a physician licensed to practice medicine in the state of Illinois, practicing at Evanston Hospital in the specialty of diagnostic radiology and employed by defendant, ENH.

7. On April 21, 2005 and thereafter, the resident physicians, nurses and staff who were involved in the care and treatment of plaintiff, TED BAXTER, were duly authorized agents, actual and apparent, of defendant, HEALTHCARE, and Evanston Hospital.

8. In the alternative, on April 21, 2005 and thereafter, the residents who attended plaintiff, TED BAXTER, were employees and agents, actual and apparent, of defendant, MCGAW.

9. On April 21, 2005 and thereafter, the resident physicians, nurses and staff who attended to plaintiff, TED BAXTER, were acting within the scope of their agency and employment.

10. On April 21, 2005, plaintiff, TED BAXTER, presented by ambulance to the emergency department at Evanston Hospital.

11. Plaintiff, TED BAXTER, was thereafter examined, monitored or treated by defendants, HOMER, STERN and KUPPUSWAMI, as well as by various other agents and employees of defendants, ENH, MCGAW and HEALTHCARE.

12. On April 21, 2005, while in the emergency department, plaintiff, TED BAXTER, was evaluated by Jill Lehrmann, M.D. and a non-contrast CT scan of the brain was ordered at 9:32 p.m. and interpreted at 9:49 p.m.

13. The CT scan taken at 9:32 p.m. was interpreted by the radiology resident on call who was an employee and agent of defendant, MCGAW.

14. The CT scan taken at 9:32 p.m. and interpreted at 9:49 p.m. was interpreted by defendant, KUPPUSWAMI.

15. The CT scan taken at 9:32 p.m. and interpreted at 9:49 p.m. was reported as normal.

16. The CT scan taken at 9:32 p.m. and reported at 9:49 p.m. was, in fact, abnormal and showed a hyperdensity in the left middle cerebral artery consistent with a thrombus within the vessel.

17. On April 21, 2005, an MRI was ordered for plaintiff, TED BAXTER, at 10:03 p.m. and performed at 10:15 p.m.

18. The MRI ordered at 10:03 p.m. and performed at 10:15 p.m. was interpreted by the radiology resident on call as showing no evidence of stroke.

19. The MRI ordered at 10:03 p.m. and performed at 10:15 p.m. was interpreted by defendant, KUPPUSWAMI, as showing no evidence of stroke.

20. The MRI ordered at 10:03 p.m. and performed at 10:15 p.m., in fact, showed focal regions of restricted diffusion in the left caudate and insular region compatible with acute infarction.

21. On April 21, 2005 and thereafter, defendant, STERN, evaluated the plaintiff, TED BAXTER.

22. On April 21, 2005, defendant, STERN, misinterpreted the CT and MRI scans aforementioned as showing no evidence of acute stroke.

23. On April 21, 2005 and thereafter, defendant, STERN, advised that the patient should not receive tPA.

24. On April 21, 2005, defendant, HOMER, had the capability of viewing the CT and MRI scans if he had chosen to do so.

25. On April 21, 2005, defendant, HOMER, failed to view the CT and MRI scans of plaintiff, TED BAXTER.

26. In the alternative, on April 21, 2005, defendant, HOMER, misinterpreted the CT and MRI scans aforementioned as showing no evidence of acute stroke.

27. On April 21, 2005 and thereafter, defendant, HOMER, advised that the patient should not receive tPA.

28. On April 21, 2005, Jill Lehrmann, M.D. and the other physicians and staff in the emergency department were capable of administering tPA to the patient.

29. On April 21, 2005, Jill Lehrmann, M.D. and the other physicians and staff in the emergency department were preparing to administer tPA to the patient until told not to do so by defendant, STERN.

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30. On April 21, 2005, Jill Lehrmann, M.D. and the other physicians and staff in the emergency department were preparing to administer tPA to the patient until they were advised by the radiology service, through the resident on call and defendant, KUPPUSWAMI, that the CT and MRI scans showed no evidence of acute stroke.

31. On April 21, 2005, the plaintiff, TED BAXTER, was, in fact, an appropriate candidate to receive tPA.

32. On April 21, 2005 and thereafter, a patient like plaintiff, TED BAXTER, would have been more likely to have minimal to no disability from his stroke if tPA had been administered.

33. On April 21, 2005 and thereafter, defendants, HEALTHCARE, MCGAW and ENH, acting through their employees, staff, physicians and agents, apparent and actual, had a duty to exercise that degree of care that other healthcare organizations would exercise in the same or similar circumstances.

34. On April 21, 2005 and thereafter, defendants, HOMER, STERN and KUPPUSWAMI, had a duty to exercise that degree of skill and care of reasonably well-qualified physicians acting under the same or similar circumstances in their treatment of plaintiff, TED BAXTER.

35. On April 21, 2005 and thereafter, defendants, HEALTHCARE, MCGAW and ENH, by their duly authorized agents and employees including, but not limited to, HOMER, STERN and KUPPUSWAMI, and each of them, were careless and negligent in one or more of the following respects:

- a. Failing to timely diagnose his left Middle Cerebral Artery stroke;
- b. Failing to accurately assess the patient;
- c. Offering advice that the patient should not receive tPA;
- d. Failing to recognize evidence of acute ischemic stroke on the CT and MRI scans while the patient was in the emergency department;;

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- e. Failing to have a system in place to ensure that a qualified physician interpreted the films while the patient was in the emergency department;
- f. Failing to give the patient the tPA when he met inclusion criteria for administration of the medication;
- g. Were otherwise careless and negligent.

36. As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of the defendants, plaintiff, TED BAXTER, sustained injuries of a personal and pecuniary nature.

Attached to this complaint at law is the affidavit of one of the plaintiffs' attorneys as well as the written physician's report required by 735ILCS5-2/622 of the Illinois Code of Civil Procedure.

WHEREFORE, plaintiff, TED BAXTER, demands judgment against the defendants, HEALTHCARE, MCGAW, ENH, HOMER, STERN and KUPPUSWAMI, and each of them in an amount in excess of the jurisdictional minimum.

### COUNT II - LOSS OF CONSORTIUM

Plaintiff, KELLY BAXTER, through her attorneys, CORBOY & DEMETRIO, P.C., complaining of the defendants, EVANSTON NORTHWESTERN HEALTHCARE CORPORATION, d/b/a EVANSTON HOSPITAL (hereinafter "HEALTHCARE"), THE MCGAW MEDICAL CENTER OF NORTHWESTERN UNIVERSITY (hereinafter "MCGAW"), ENH MEDICAL GROUP, INC. (hereinafter "ENH"), DANIEL HOMER, M.D. (hereinafter "HOMER"), JENNIFER STERN, M.D. (hereinafter "STERN") and SIVARAJA KUPPUSWAMI, M.D. (hereinafter "KUPPUSWAMI") and in support of her complaint states as follows:

1. On April 21, 2005, defendant, HEALTHCARE, was an Illinois corporation that operated,



managed, maintained and controlled Evanston Hospital, a duly licensed healthcare institution providing services as a hospital for patients.

2. On April 21, 2005, defendant, MCGAW, was an Illinois corporation serving as a consortium of general hospitals in Northwestern University employing various residents at Evanston Hospital, including but not limited to JENNIFER STERN, M.D.

3. On April 21, 2005, defendant, ENH, was an Illinois corporation employing various physicians at Evanston Hospital including, but not limited to DANIEL HOMER, M.D. and SJVARAJA KUPPUSWAMI, M.D.

4. On April 21, 2005, defendant, HOMER, was a physician licensed to practice medicine in the state of Illinois and was engaged in the practice of medicine specializing in neurology.

5. On April 21, 2005, defendant, STERN, was a resident physician at Evanston Hospital employed by defendant, MCGAW.

6. On April 21, 2005, defendant, KUPPUSWAMI, was a physician licensed to practice medicine in the state of Illinois, practicing at Evanston Hospital in the specialty of diagnostic radiology and employed by defendant, ENH.

7. On April 21, 2005 and thereafter, the resident physicians, nurses and staff who were involved in the care and treatment of plaintiff, TED BAXTER, were duly authorized agents, actual and apparent, of defendant, HEALTHCARE, and Evanston Hospital.

8. In the alternative, on April 21, 2005 and thereafter, the residents who attended plaintiff, TED BAXTER, were employees and agents, actual and apparent, of defendant, MCGAW.

9. On April 21, 2005 and thereafter, the resident physicians, nurses and staff who attended to plaintiff, TED BAXTER, were acting within the scope of their agency and employment.

10. On April 21, 2005, plaintiff, TED BAXTER, presented by ambulance to the emergency department at Evanston Hospital.

11. Plaintiff, TED BAXTER, was thereafter examined, monitored or treated by defendants, HOMER, STERN and KUPPUSWAMI, as well as by various other agents and employees of defendants, ENH, MCGAW and HEALTHCARE.

12. On April 21, 2005, while in the emergency department, plaintiff, TED BAXTER, was evaluated by Jill Lehrmann, M.D. and a non-contrast CT scan of the brain was ordered at 9:32 p.m and interpreted at 9:49 p.m.

13. The CT scan taken at 9:32 p.m. was interpreted by the radiology resident on call who was an employee and agent of defendant, MCGAW.

14. The CT scan taken at 9:32 p.m. and interpreted at 9:49 p.m. was interpreted by defendant, KUPPUSWAMI.

15. The CT scan taken at 9:32 p.m. and interpreted at 9:49 p.m. was reported as normal.

16. The CT scan taken at 9:32 p.m. and reported at 9:49 p.m. was, in fact, abnormal and showed a hyperdensity in the left middle cerebral artery consistent with a thrombus within the vessel.

17. On April 21, 2005, an MRI was ordered for plaintiff, TED BAXTER, at 10:03 p.m. and performed at 10:15 p.m.

18. The MRI ordered at 10:03 p.m. and performed at 10:15 p.m. was interpreted by the radiology resident on call as showing no evidence of stroke.

19. The MRI ordered at 10:03 p.m. and performed at 10:15 p.m. was interpreted by defendant, KUPPUSWAMI, as showing no evidence of stroke.

20. The MRI ordered at 10:03 p.m. and performed at 10:15 p.m., in fact, showed focal regions of restricted diffusion in the left caudate and insular region compatible with acute infarction.

21. On April 21, 2005 and thereafter, defendant, STERN, evaluated the plaintiff, TED BAXTER.

22. On April 21, 2005, defendant, STERN, misinterpreted the CT and MRI scans aforementioned as showing no evidence of acute stroke.

23. On April 21, 2005 and thereafter, defendant, STERN, advised that the patient should not receive tPA.

24. On April 21, 2005, defendant, HOMER, had the capability of viewing the CT and MRI scans if he had chosen to do so.

25. On April 21, 2005, defendant, HOMER, failed to view the CT and MRI scans of plaintiff, TED BAXTER.

26. In the alternative, on April 21, 2005, defendant, HOMER, misinterpreted the CT and MRI scans aforementioned as showing no evidence of acute stroke.

27. On April 21, 2005 and thereafter, defendant, HOMER, advised that the patient should not receive tPA.

28. On April 21, 2005, Jill Lehrmann, M.D. and the other physicians and staff in the emergency department were capable of administering tPA to the patient.

29. On April 21, 2005, Jill Lehrmann, M.D. and the other physicians and staff in the emergency department were preparing to administer tPA to the patient until told not to do so by defendant, STERN.

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30. On April 21, 2005, Jill Lehrmann, M.D. and the other physicians and staff in the emergency department were preparing to administer tPA to the patient until they were advised by the radiology service, through the resident on call and defendant, KUPPUSWAMI, that the CT and MRI scans showed no evidence of acute stroke.

31. On April 21, 2005, the plaintiff, TED BAXTER, was, in fact, an appropriate candidate to receive tPA.

32. On April 21, 2005 and thereafter, a patient like plaintiff, TED BAXTER, would have been more likely to have minimal to no disability from his stroke if tPA had been administered.

33. On April 21, 2005 and thereafter, defendants, HEALTHCARE, MCGAW and ENH, acting through their employees, staff, physicians and agents, apparent and actual, had a duty to exercise that degree of care that other healthcare organizations would exercise in the same or similar circumstances.

34. On April 21, 2005 and thereafter, defendants, HOMER, STERN and KUPPUSWAMI, had a duty to exercise that degree of skill and care of reasonably well-qualified physicians acting under the same or similar circumstances in their treatment of plaintiff, TED BAXTER.

35. On April 21, 2005 and thereafter, defendants, HEALTHCARE, MCGAW and ENH, by their duly authorized agents and employees including, but not limited to, HOMER, STERN and KUPPUSWAMI, and each of them, were careless and negligent in one or more of the following respects:

- a. Failing to timely diagnose his left Middle Cerebral Artery stroke;
- b. Failing to accurately assess the patient;
- c. Offering advice that the patient should not receive tPA;
- d. Failing to recognize evidence of acute ischemic stroke on the CT and MRI scans while the patient was in the emergency department;

- e. Failing to have a system in place to ensure that a qualified physician interpreted the films while the patient was in the emergency department;
- f. Failing to give the patient the tPA when he met inclusion criteria for administration of the medication;
- g. Were otherwise careless and negligent.

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36. As a direct and proximate result of one or more of the aforesaid negligent acts or omissions of the defendants, plaintiff, KELLY BAXTER, suffered the loss of consortium of her husband, TED BAXTER.

Attached to this complaint at law is the affidavit of one of the plaintiffs' attorneys as well as the written physician's report required by 735ILCS5-2/622 of the Illinois Code of Civil Procedure.

WHEREFORE, plaintiff, KELLY BAXTER, demands judgment against the defendants, HEALTHCARE, MCGAW, ENH, HOMER, STERN and KUPPUSWAMI, and each of them in an amount in excess of the jurisdictional minimum.

**COUNT III - RESPONDENTS IN DISCOVERY**

It is believed that Jill Lehmann, M.D. and Ian Katznelson, M.D. have information necessary to determine who, if anyone, should be named as additional defendants in this case.

  
David R. Barry, Jr.

David R. Barry, Jr.  
CORBOY & DEMETRIO, P.C.  
Attorney for Plaintiffs  
33 North Dearborn Street, 21st Floor  
Chicago, Illinois 60602  
(312) 346-3191  
Firm I.D. No. 02329

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

TED BAXTER and KELLY BAXTER,

Plaintiffs,

v.

EVANSTON NORTHWESTERN  
HEALTHCARE CORPORATION,  
d/b/a EVANSTON HOSPITAL;  
THE MCGAW MEDICAL CENTER OF  
NORTHWESTERN UNIVERSITY;  
ENH MEDICAL GROUP, INC.; DANIEL  
HOMER, M.D.; JENNIFER STERN, M.D.  
and SIVARAJA KUPPUSWAMI, M.D.;

Defendants,

JILL LEHRMANN, M.D. and  
IAN KATZ NELSON, M.D.;

Respondents in Discovery.

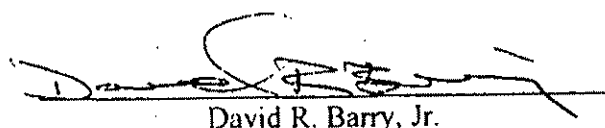
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1118 EAST  
22ND STREET  
CHICAGO, IL 60616

JURY DEMAND

The undersigned hereby demands trial by jury.



David R. Barry, Jr.

David R. Barry, Jr.  
Corboy & Demetrio, P.C.  
Attorney for Plaintiff(s)  
33 North Dearborn Street, 21st Floor  
Chicago, Illinois 60602  
(312) 346-3191  
Firm I.D. No. 02329

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

TFD BAXTER and KELLY BAXTER,

Plaintiffs,

v.

EVANSTON NORTHWESTERN  
HEALTHCARE CORPORATION,  
d/b/a EVANSTON HOSPITAL;  
THE MCGAW MEDICAL CENTER OF  
NORTHWESTERN UNIVERSITY;  
ENH MEDICAL GROUP, INC.; DANIEL  
HOMER, M.D.; JENNIFER STERN, M.D. and  
SIVARAJA KUPPUSWAMI, M.D.;

Defendants,

JILL LEHRMANN, M.D. and  
IAN KATZ NELSON, M.D.;

Respondents in Discovery.

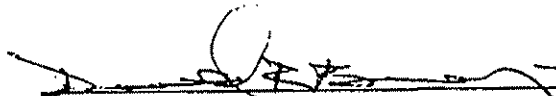
No.

11-21-06

AFFIDAVIT

I, DAVID R. BARRY, JR., state under oath:

- I am an attorney associated with Corboy & Demetrio, P.C. and am responsible for filing of the Complaint at Law in this matter.
- The total of money damages sought by plaintiff does exceed \$50,000.00, exclusive of interest and costs.

  
CORBOY & DEMETRIO, P.C.  
By: David R. Barry, Jr.

SUBSCRIBED and SWORN to before me  
this 21st day of November, 2006.

  
NOTARY PUBLIC



David R. Barry, Jr.  
CORBOY & DEMETRIO, P.C.  
Attorneys for Plaintiff  
33 North Dearborn Street, 20th Floor  
Chicago, Illinois 60602  
(312) 346-3191  
Firm I.D. No. 02329

2005-10-11

**Report Prepared Pursuant to Illinois Revised Statute 735ILCS5-2/622**

I am a physician licensed to practice medicine in all its branches, board certified and specializing in neurology and vascular neurology. I have reviewed medical records and other relevant data and films from Evanston Hospital for inpatient admissions of April 21 - April 29, 2005 and July 12 - July 13, 2005 as well as outpatient records of August 6, 2005 pertaining to Ted Baxter.

It is my professional opinion that there exists a reasonable and meritorious cause of action for the filing of a professional negligence lawsuit against Evanston Northwestern Healthcare Corporation, d/b/a Evanston Hospital and acting through its employees and agents, ENH Medical Group, Inc., operating through its physician employees, The McGaw Medical Center of Northwestern University operating, through its employees, staff, resident physicians and agents, as well as Daniel Homer, M.D., Jennifer Stern, M.D. and Sivaraja Kuppuswami, M.D. Additionally, Dr. Jill Lehrmann and Dr. Ian Katz Nelson and the emergency department physicians, nurses and staff who attended to Mr. Baxter on April 21, 2005 and thereafter, are believed to have additional information essential to determine who, if anyone, should be properly named as additional defendants in this action.

The reasons for my determinations are as follows:

On April 21, 2005, Ted Baxter, a 41 year-old white male with varicose veins but no other significant medical history, presented by ambulance to the emergency department at Evanston Hospital with expressive aphasia and right-sided weakness at 9:30 p.m. His wife reported that her husband had returned from London that afternoon and became confused while watching T.V. after dinner. His wife noticed him staring at the T.V. and when she questioned him, he was unable to respond verbally. He was also clamping his right hand and began drooling. She immediately summoned paramedics and he was brought to the emergency room at Evanston Hospital within 30 minutes.

The patient was evaluated in the emergency department by resident Jill Lehrmann, M.D. and others. A non-contrast CT scan of the brain was immediately ordered at 9:32 p.m. The CT was interpreted, incorrectly, at 9:49 p.m. by the radiology resident on call and/or Dr. Kuppuswami as normal when, in fact, it showed a hyperdensity in the left Middle Cerebral Artery consistent with a thrombus within the vessel. Additionally, an MRI/MRA was ordered at 10:03 p.m. and performed at 10:15 p.m. It was also misinterpreted by the radiology resident on call and/or Dr. Kuppuswami as showing no evidence of stroke.

Dr. Lehrmann and the emergency department personnel should have been preparing to administer tPA to Mr. Baxter as he was an ideal candidate for the medication. However, the neurology service, through Dr. Jennifer Stern and Dr. Daniel Homer, whom she consulted, evaluated the patient and misinterpreted the CT and MRI scans as showing no evidence of acute stroke. They advised that the patient should not receive tPA.



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Mr. Baxter presented with a left hemisphere stroke syndrome and history consistent with possible paradoxical embolism. Emergency department providers were in position to give tPA quickly. It is well recognized that patients who receive tPA early benefit from it the most. Additionally, given his presentation, Mr. Baxter was likely to benefit from tPA. Administration of tPA would have increased his chances for a full recovery. His stroke continued to evolve throughout the night and he became nearly completely hemiplegic on his right side and his aphasia became worse. As a result of the failure to administer tPA, Mr. Baxter's chances for a significantly better recovery were lost.

Dr. Katz Nelson evaluated Mr. Baxter on the morning of April 22, 2005 and reviewed the films. Both he and the attending radiologist recognized that the patient's clinical syndrome, CT scan and the MRI scan done the night before were consistent with the diagnosis of an acute ischemic stroke.

In my opinion, based upon a reasonable degree of medical certainty and review of the aforementioned records, that Dr. Jennifer Stern, Dr. Daniel Homer, the radiology resident on call (it is not clear if Dr. Kuppuswami was the radiology resident on call or if he was the resident's Attending) and Evanston Hospital staff who determined that Mr. Ted Baxter on April 21, 2005 and the early morning hours of April 22, 2005 should not receive tPA, deviated from accepted standards of care by:

1. Failing to timely diagnosis his left Middle Cerebral Artery stroke;
2. Failing to accurately assess the patient;
3. Offering advise that the patient should not receive tPA;
4. Failing to recognize evidence of acute ischemic stroke on the CT and MRI scans while the patient was in the emergency department;
5. Failing to have a system in place to ensure that a qualified physician interpreted the films while the patient was in the emergency department;
6. Failing to give the patient the tPA when he met inclusion criteria for administration of the medication.

One or more of the aforementioned acts and/or omissions was a proximate cause of injury to Ted Baxter and significantly decreased his chances for a better recovery. He remains profoundly disabled today.

To the extent that any of the aforementioned physicians or staff were actual or apparent agents of Evanston Hospital, Evanston Northwestern Healthcare Corporation, The McGaw Medical Center of Northwestern University or ENH Medical Group, Inc., then the negligent acts of those physicians and the staff would likewise be attributable to those entities or whatever entities employed them. My opinions are subject to modification pending review of additional material.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

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TED BAXTER and KELLY BAXTER )

Plaintiffs, )

v. )

) No. 06 L 12259 X

EVANSTON NORTHWESTERN HEALTHCARE CORPORATION )  
d/b/a EVANSTON HOSPITAL; THE MCGAW MEDICAL CENTER )  
OF NORTHWESTERN UNIVERSITY; ENH MEDICAL GROUP, INC.; )  
DANIEL HOMER, M.D.; JENNIFER STERN, M.D, and )  
SIVARAJA KUPPUSWAMI, M.D. )

Defendants )

JILL LEHRMANN, M.D. and IAN KATZNELSON, M.D. )

Respondents in Discovery )

**ORDER PURSUANT TO HIPAA**

THIS MATTER having come to be heard on the motion of defendants, EVANSTON NORTHWESTERN HEALTHCARE CORPORATION d/b/a EVANSTON HOSPITAL; ENH MEDICAL GROUP, INC.; DANIEL HOMER, M.D.; JENNIFER STERN, M.D, and SIVARAJA KUPPUSWAMI, M.D., for an entry of a Qualified Protective Order, due notice having been given, and the court being fully advised in the premises:

IT IS HEREBY ORDERED AS FOLLOWS:

1. The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and

transmit "protective health information" (also referred to herein as "PHI") pertaining to TED BAXTER to the extent and subject to the conditions outlined herein.

2. For the purpose of this Qualified Protective Order, "PHI" or "protective health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 160.501 without limiting their generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either (a) the past, present or future physical condition of an individual, (b) the provision of care to an individual, or (c) the payment for care provided to an individual, which identifies the individual or which reasonably could be expected to identify the individual.
3. All "covered entities" (as defined by 45 CFR 160.103) are hereby authorized to disclose PHI pertaining to TED BAXTER, to all attorneys now of record in this matter or who may become of record in the future of this litigation.
4. The parties and their attorneys shall be permitted to use the PHI of TED BAXTER in any manner that is reasonably connected with the above-captioned litigation. This includes, but is not limited to, disclosure to the parties, their attorneys of record, the attorneys' first (i.e., attorneys, support staff, agents, and consultants), the parties' insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process.
5. At the conclusion of the litigation (which shall be defined as the point at which final orders disposing of the entire case have been entered, or the time at which all trial and appellate proceedings have been exhausted), any person or entity in possession of PHI pertaining to TED BAXTER (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI in their possession.
6. This order shall not control or limit the use of protected health information pertaining to TED BAXTER that comes into the possession of any party or any party's attorney from a source other than a "covered entity", (as that term is defined in 45 CFR 160.103).
7. Nothing in this order authorizes defense counsel to obtain medical records or information through means other than the formal discovery requests, subpoenas, depositions, pursuant to a patient authorization or through attorney-client communications. Likewise, nothing in this order relieves any party from complying with the requirements of the Illinois Mental Health and Developmental Disabilities

Confidentiality Act, or state and federal law that protects certain drug and alcohol records (20 ILCS 301/30-5, 42 USC 290dd-3 and 290ee-3, and 42 CFR Part 2)

\_\_\_\_\_, 2007  
Judge

Michael R. Slovis  
Marni R. Slavick  
CUNNINGHAM, MEYER & VEDRINE, P.C.  
111 West Washington Street - Suite 937  
Chicago, Illinois 60602  
(312) 578-0049  
I.D. No. 39107

JUDGE JAMES W. GUNCA-1543  
FEB 08 2007  
DOUGLAS COUNTY COURT

DRB/kjs

2006S-0356

2/15/07

#02329

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

TED BAXTER and KELLY BAXTER, )

Plaintiffs, )

v. )

EVANSTON NORTHWESTERN HEALTHCARE )  
CORPORATION, d/b/a EVANSTON HOSPITAL; )  
THE MCGAW MEDICAL CENTER OF )  
NORTHWESTERN UNIVERSITY; )  
ENH MEDICAL GROUP, INC.; )  
DANIEL HOMER, M.D.; JENNIFER STERN, M.D. )  
and SIVARAJA KUPPUSWAMI, M.D., )

Defendants, )

JILL LEHRMANN, M.D. and IAN KATZNELSON, M.D., )

Respondents in Discovery. )

No.

061.12255

CLERK  
TERRI L. BROWN

CIRCUIT COURT OF COOK  
COUNTY, ILLINOIS  
LAW DIVISION

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PLAINTIFFS' INTERROGATORIES TO DEFENDANT,  
EVANSTON NORTHWESTERN CORPORATION, d/b/a EVANSTON HOSPITAL

NOW COME the Plaintiffs, Ted Baxter and Kelly Baxter, through their attorneys, Corboy & Demetrio, P.C., and request that defendant, Evanston Northwestern Healthcare Corporation, d/b/a Evanston Hospital, answer the following interrogatories within twenty-eight (28) days, pursuant to Illinois Supreme Court Rule 213:

1. State the full name and address of the person answering and, if different, the full name and address of the individual signing the answers.

ANSWER:

2. Do you know of any statements made by any person relating to the care and treatment of the plaintiff or the damages alleged of in the complaint? If so, give the name and address of each such witness and the date of the statement, and state whether such statement was written or oral and if written the present location of each such statement.

**ANSWER:**

3. State whether Evanston Northwestern Healthcare Corporation, d/b/a Evanston Hospital, was named or covered under any policy or policies of medical liability insurance at the time of the care and treatment alleged in the complaint? If so, state for each policy:

- a. The name of the insurance company;
- b. The policy number;
- c. The effective policy period;
- d. The maximum liability limits for each person and each occurrence, including umbrella and excess liability coverage up to \$75 million in coverage; and
- e. The named insured(s) under each policy.

**ANSWER:**

4. State the name, author, publisher, title, date of publication and specific provision of all medical texts, books, journals or other medical literature which you or your attorney intend to use as authority or reference in defending any of the allegations set forth in the Complaint.

**ANSWER:**

5. Identify each and every rule, regulation, by-law or other document of any hospital, association, licensing authority, accrediting authority or other private body which you or your attorneys may use at trial in defense of the allegations contained in the complaint.

**ANSWER:**

6. State whether there were any policies, procedures, standards, guidelines, norms, rules or protocols for the care and treatment of a patient with non-hemorrhagic ischemic stroke in effect at Evanston Northwestern Healthcare Corporation, d/b/a Evanston Hospital, at the time of the care and/or treatment of the Plaintiff alleged in the Complaint. If so, state:
- a. Whether such policies, procedures, standards, guidelines, norms, rules or protocols are published and by whom;
  - b. The effective date of said policies, procedures, standards, guidelines, norms, rules or protocols;
  - c. Which medical professionals are bound by said policies, procedures, standards, guidelines, norms, rules or protocols;
  - d. Who is the administrator of any such policies, procedures, standards, guidelines, norms, rules or protocols;
  - e. Whether the policies, procedures, standards, guidelines, norms, rules or protocols in effect at the time of the occurrence alleged in the Complaint have been changed, amended or altered after the occurrence. If so, state the change(s) and the date of any such change(s).

**ANSWER:**

7. State whether there were any policies, procedures, standards, guidelines, norms, rules or protocols for the management and monitoring of patients receiving tPA in effect at Evanston Northwestern Healthcare Corporation, d/b/a Evanston Hospital, at the time of the care and/or treatment of the Plaintiff alleged in the Complaint. If so, state:
- a. Whether such policies, procedures, standards, guidelines, norms, rules or protocols are published and by whom;
  - b. The effective date of said policies, procedures, standards, guidelines, norms, rules or protocols;
  - c. Which medical professionals are bound by said policies, procedures, standards, guidelines, norms, rules or protocols;
  - d. Who is the administrator of any such policies, procedures, standards, guidelines, norms, rules or protocols;
  - e. Whether the policies, procedures, standards, guidelines, norms, rules or protocols in effect at the time of the occurrence alleged in the Complaint have been changed, amended or altered after the occurrence. If so, state the change(s) and the date of any such change(s).

**ANSWER:**

8. State for each person who directly or indirectly was involved in the care or treatment of the Plaintiff alleged in the Complaint between 9:23 p.m on 4/21/05 and 5:00 p.m. on 4/22/05. (Note: If reference is made to the medical records, please be sure to identify anyone involved who has not authored a note and answer a.- c. for each person who did.)

- a. That person's full name and current residence address;
- b. The name and current address of that person's employer;
- c. The employment relationship of that person with Evanston Northwestern Healthcare Corporation, d/b/a Evanston Hospital, in April, 2005;
- d. The date(s) of such person's care or treatment, including a brief description of the care or treatment, and
- e. The name and current address of any other individual present when the care or treatment was rendered, including, but not limited to, any trainees who may have been present.

**ANSWER:**

9. Were any photographs, movies and/or videotapes taken of the Plaintiff or of the procedures complained of? If so, state the date(s) on which such photographs, movies and/or videotapes were taken, who is displayed therein, who now has custody of them, and the name, address, occupation and employer of the person taking them.

**ANSWER:**

10. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the care and treatment alleged in the complaint was provided, or have you overheard any statement made by any person at any time which regard to the injuries complained of by the Plaintiff or the manner in which the care and treatment alleged in the complaint was provided. If so, state:

- a. The date or dates of such conversation and/or statement(s);
- b. The place of such conversation(s) and/or statement(s);
- c. All persons present for the conversation(s) and/or statement(s);
- d. The matters and things stated by the person in the conversation(s) and/or statement(s).
- e. Whether the conversation(s) was oral, written and/or recorded, and
- f. Who has possession of the statement(s) if written and/or recorded.

**ANSWER:**



11. Do you have any information:

- a. That any Plaintiff was, within the 10 years immediately prior to the care and treatment alleged in the complaint, confined in a hospital and/or clinic, treated by a physician and/or other health professional or x-rayed for any reason other than personal injury? If so, state the name of each Plaintiff so involved, the name and address of each such hospital and/or clinic, physician, technician and/or other health care professional, the approximate date of such confinement or service and state the reason for such confinement or service.
- b. That any Plaintiff has suffered any serious personal injury and/or illness within 10 years prior to the date of the occurrence? If so, state the name of each Plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered.
- c. That any Plaintiff has suffered any serious personal injury and/or illness since the date of the occurrence? If so, state the name of each Plaintiff so involved and state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered.
- d. That any other suit has been filed for any Plaintiff's personal injuries? If so, state the name of each Plaintiff involved, the nature of the injuries claimed, the court(s) and caption(s) in which filed, the year(s) filed, and the title(s) and docket number(s) of the suit(s).
- e. That any claim for workers compensation benefits has been filed for any Plaintiff? If so, state the name and address of the employer, the date(s) of the accident(s), the identity of the insurance company that paid any such benefits, and the case number(s) and jurisdiction(s) where filed.

**ANSWER:**

12. Pursuant to Illinois Supreme Court Rule 213(f) provide the name and address of each witness who will testify at trial and all other information required for each witness.

**ANSWER:**

13. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

**ANSWER:**