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Court turns away 376 pleas for review

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The Illinois Supreme Court on Wednesday declined to review a medical malpractice case in which the 1st District Appellate Court split on the question of whether the plaintiff had shown proximate causation.

The case was one of 376 cases in which the high court denied petitions for leave to appeal. In 106 of those cases, 98 of them criminal, the court issued supervisory orders.

In one of those supervisory orders, the high court declined to hear an appeal from Ford Motor Co. and Mazda Motor Corp. in a design defect claim stemming from a fatal accident. The high court ordered the 1st District Appellate Court to vacate its ruling against the automakers and reconsider the lawsuit in light of a recent Illinois Supreme Court ruling to determine whether a different result is warranted.

In the medical malpractice case, widower Harold Mansmith's wrongful-death suit against Dr. Anjum Hameeduddin alleged his late wife's primary care doctor discovered that a neurosurgeon had operated on the wrong part of her spine, but failed to tell her. Delphine Mansmith subsequently was given an epidural steroid injection to treat her continuing back pain, and the injection led to a deadly staph infection.

The appeals court affirmed a \$448,735 judgment against Hameeduddin. Justice Rodolfo Garcia wrote for the majority that there was enough evidence for the jury to make a casual connection between Hameeduddin's negligence and Delphine Mansmith's subsequent injuries. The court accepted Mansmith's argument that his wife agreed to the steroid injection because she wrongly believed the first surgery had been done correctly and did not relieve her pain.

But Justice Warren D. Wolfson disagreed.

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Harold Mansmith was represented by Samuel Briones of the law firm of Briones, Harvey & Trevino.