

# COPLAN+CRANE CHRONICLES



**ONE OF THE FIRST SIGNS OF SPRING IS THE ARRIVAL OF ST. PATRICK'S DAY IN MARCH!**

There are plenty of fun ways to mark the occasion, but Judge Crane instilled in his family the love of parades.

Here are some of our favorites in Chicagoland this year:

Saturday March 2	FOREST PARK
Saturday March 16	CHICAGO
Sunday March 17	SOUTH SIDE
Sunday March 17	NORTHWEST SIDE

**WHATEVER YOUR HERITAGE, AND HOWEVER YOU SPEND THE DAY, MAY THE LUCK OF THE IRISH BE WITH YOU!**

*\*Parade schedules and routes for specific cities and locations can be found online.*

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## \$7,000,000 SETTLEMENT IN WRONGFUL DEATH OF CHILD

Since our firm was founded in 2005, the attorneys at Coplan + Crane have earned a reputation for getting results in complex cases. This reputation brought us to a case in which we were able to help a family that lost a young child as the result of medical malpractice.

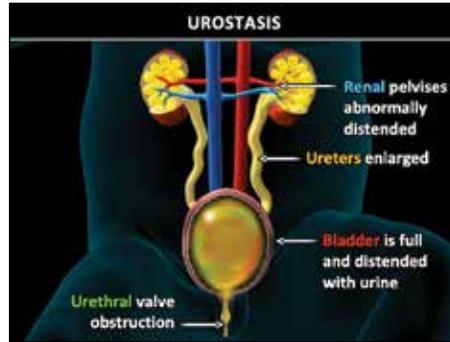
In 2012, Maria, a resident of Blue Island, underwent a routine ultrasound at a South Suburban Chicago hospital during week 30 of her pregnancy. A radiologist read the ultrasound as “normal.” Her son, Cristian, was born at the hospital on July 29, 2012.

About a week after birth, Cristian had a fever. His mother took his temperature and got a reading of 102 degrees. She took her baby to a pediatrician, who recorded a normal temperature and diagnosed him with constipation and colic. One week later, Cristian was rushed to the hospital following a cardiac arrest and suffered brain damage.

Cristian continued to suffer complications for the rest of his short life.

He died in December 2017 at the age of five-and-a-half.

“Maria and her family came to us looking for answers as to why their 14-day-old baby suffered such catastrophic injuries for no apparent reason after having been examined by his pediatricians,” said attorney Matthew Rundio of Krzak Rundio Law Group.



As he investigated, Matt realized he was going to need more firepower – the help of a law firm that has the resources to handle complex cases. He turned to Coplan + Crane.

Through discovery, we learned that Cristian had been born with a congenital urinary tract obstruction that caused urine to back up into his bladder and kidneys. This backup led to a kidney infection that spread and caused multi-system organ failure and cardiac arrest. We also learned that Cristian’s death was entirely preventable.

“The radiologist misread the ultrasound, which was not ‘normal,’” says **Ben Crane**, who worked on the case with **Kevin Burke**. “The pediatrician failed to refer Cristian for an infectious workup that would have caught the infection before it was too late.”

We determined that the radiologist should have noticed Cristian’s bladder and kidneys were too big, indicating there was a problem. We learned that corrective surgery soon after birth could have repaired the obstruction.

A lawsuit was filed against the hospital, which denied responsibility. Their attorneys tried to claim that the radiologist was an independent contractor, not a hospital employee. The attorneys found experts who claimed

**THIS SETTLEMENT  
BRINGS JUSTICE...**

—BEN CRANE

# \$7,000,000 SETTLEMENT IN WRONGFUL DEATH OF CHILD (CONTINUED)

the ultrasound was normal. And they questioned the reliability of Cristian's mother, who reported her child had a fever.

"They were trying to apply a standard of care that only exists in courtrooms when doctors are trying to defend their conduct," says Ben.

We built a case that demonstrated the hospital was responsible for the negligence of the radiologist. The case went to trial and a jury was selected. Before the trial began, the hos-

pital agreed to settle for \$7,000,000.

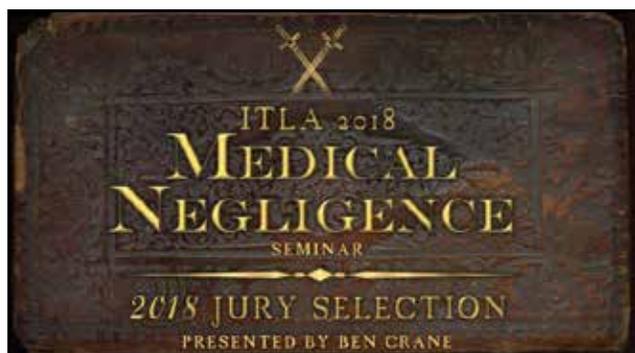
"No amount of money will bring Cristian back to his family as a healthy child," says Ben. "This settlement brings justice for Cristian and his family for their claims against the hospital."

Ben notes the firm is pursuing other avenues of financial compensation for the family, and he hopes the outcome of this case will help protect other children in the future. ■

## FIRM HAPPENINGS

**Ben Crane** spoke on jury selection at the Illinois Trial Lawyers Association's annual Medical Malpractice seminar. The event was held at the JW Marriott Chicago on December 10, 2018.

"I think there's a real art form to jury selection, in identifying and building a fair and impartial jury to decide your case," Ben says.



Ben discussed five topics related to jury selection – goals, planning, strikes, time, and priming & empowerment. He created a Powerpoint presentation that discussed these topics through the lens of "The Princess Bride" – a favorite movie of both Ben and his two daughters. The presentation was well-received!

"Ben's presentation was the most insightful discussion on how to question the potential jurors that I have heard," says attorney Timothy Heath. "He provided not just the theory, but also the 'nuts and bolts' of trying to picking a jury that fits your case." ■



Coplan + Crane participated in a social media giving campaign throughout the month of November, benefiting several great causes in the area.

"We work closely with non-profits that support our clients and people like them. Being able to help support these non-profits in return is one way we can say thank you," says **Ben Crane**.

In recognition of "Love Your Lawyer Day" on November 2nd, the firm pledged \$10 to the Pro Bono Network for each detailed Facebook review and 5-star Google review posted any time during the month. In honor of Election Day, the firm pledged \$10 to Oak Leyden Developmental Services for each photo posted on Facebook or Twitter of people taken just after they voted. Each organization was given a donation of \$500.

And as part of #GivingTuesday, we asked our social media followers to help us choose which charity should receive a \$1,000 donation from the firm. The choices included Thrive Counseling Center and School District U-46. The winner was IMD Guest House Foundation, which provides housing for patients and their families. ■

# TORT IMMUNITY CAN BE A BARRIER TO ACCOUNTABILITY

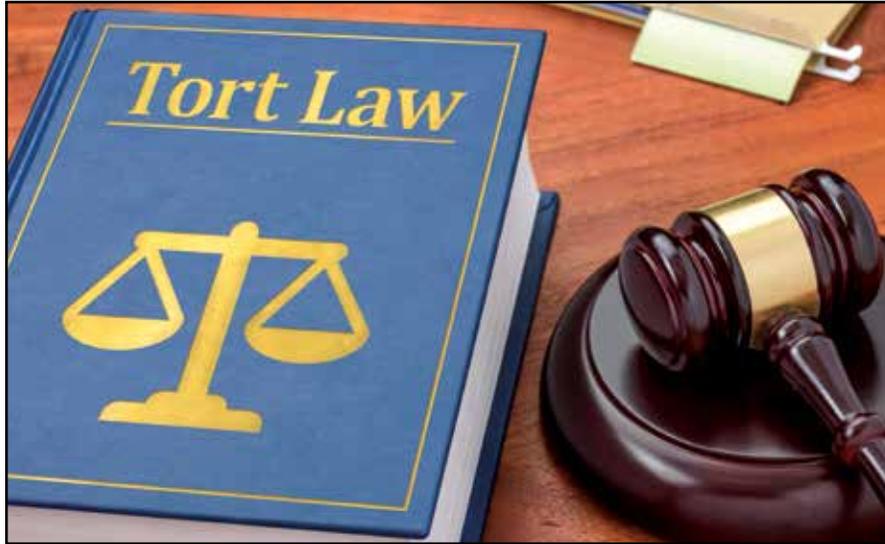
*This article is part two of a four-part series.*

In our last issue, we reported on a case we successfully prosecuted for the family of a 32-year-old pregnant mother who was killed in a car accident involving a downed stop sign.

The negligence of a 911 operator was a major factor that led to that accident. But because of tort immunity laws, we were unable to hold the 911 center accountable.

Enacted in 1965 and revised in 1986, Illinois' Tort Immunity Act provides local government entities and their employees with certain protections if someone is hurt or killed during the performance of public duties.

A resident of German Valley called 911 on the morning of May 13, 2013 to report a missing stop sign at an intersection. The 911 operator took no action on the call, even though a crew was out replacing signs that had been blown down in a storm the night before. Hours later, Sarah Kamp was killed in a car accident at that intersection.



case proceeded. In the month before the trial, a similar motion was filed, arguing the sheriff department's 911 center was immune from liability under the law because they were providing police protection services. This time, a new judge granted the motion.

"We argued, I think rightfully, that a missing stop sign is a main-

tenance issue, not a police protection service, but the judge disagreed," says Stephen. A separate case against Stephenson County was later settled for \$3,000,000.

One of the goals of the lawsuit against the 911 center was to convince them to address understaffing and other issues to prevent something like this from happening to anyone else. But since the case was dismissed, we are not aware of any changes that have been made.

Stephen says challenging tort immunity is not something every law firm is willing to do.

"Tort Immunity Act cases are not easy," he says. "They involve very complex legal matters and that can scare some lawyers away, especially considering the prospect of fighting a case for maybe 4 or 5 years only to potentially get your case dismissed on the eve of trial."

But Ben notes that public entities need to be held accountable when they don't act responsibly.

"Local public entities may have certain protections, but when their negligence leads to injury, they need to be held accountable just like any other entity," says Ben. "It's a hard fight, but it's important for us to keep doing it." ■



*Ben Crane*



*Stephen Blecha*

**Ben Crane, Stephen Blecha** and Tim Mahoney of Mahoney & Mahoney represented her family, and took legal action against the Stephenson County sheriff's department, which operates the 911 center.

Their lawyers tried to assert immunity and moved to have the case dismissed. We challenged that assertion and won, and the

*Look for part three of this story, an in-depth review on the technical considerations of this case, in the upcoming Spring 2019 newsletter.*

## ...SPOTLIGHT...



**DANIEL ROUSH**, is an architect and founder of Field Guide Architecture & Design, the firm that has been selected to renovate the Oak Park offices of Coplan + Crane.

Built in 1948, our building at 1111 Westgate Street had previously been the site of a furniture store, a graphic design firm and many other businesses. Over several months, Dan met with **Ben Crane** and project manager **Becky Burchell** to discuss the needs for the new office space.

Ultimately it was decided to take everything out and start from scratch. It's a big investment, but Dan notes the new design meets our

firm's goal of an accessible, aesthetically pleasing office that meets the needs of both staff members and clients.

"There will be an impressive conference room, and flexible spaces for different kinds of meetings and gatherings," Dan says. This will include a bright, open, day-lit space and thoughtful touches that welcome those with different accessibility needs.

A graduate of Kenyon College in Ohio, Dan went on to earn a master's degree in architecture from the University of Texas at Austin. He was an architect and partner at Vinci Hamp Architects, Inc. in Chicago before founding his own firm. Dan lives with his wife and children in Oak Park in a 1913 wood-frame cottage that he renovated. ■

...the new design meets our firm's goal of an accessible, aesthetically pleasing office that meets the needs of both staff members and clients.



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