

FOR IMMEDIATE RELEASE

**\$8.6 Million Dollar Settlement Approved for 9-Year-Old Boy Paid By Undisclosed Chicago Area Hospital for Birth Injury**

After one week of pre-trial motions, on October 7, 2025, Cook County Law Division Judge Preston Jones, Jr., approved a settlement of \$8,600,000.00 for the benefit of a 9-year-old boy who Plaintiffs alleged suffered a brain injury secondary to hypoxic ischemic encephalopathy (HIE) during birth at an undisclosed Chicago area hospital. Plaintiffs alleged the birth injury occurred when the mother's OB/GYN and hospital nurses failed to properly monitor the labor and delivery and failed to perform a timely delivery by C-section and failed to have a clean operating room available when the C-section was indicated resulting in the procedure being further delayed.

On April 4, 2016, the child's mother presented to the hospital experiencing severe back pain and was scheduled for induction later that day. The mother labored without complication for approximately 13 hours, and then fetal heart tracings deteriorated over the next 2.5 hours when the mother was instructed to push. The need for urgent delivery with forceps was discussed, but unavailable because of the lack of fetal descent. Thereafter, the physician determined that C-section delivery would proceed in 20 minutes if no change and Plaintiffs alleged that hospital policy dictated that an emergency cesarian section be performed. Despite instruction and hospital policy, C-section was not performed for another 90 minutes. Plaintiffs alleged that the C-section was delayed because of a lack of clean operating rooms and an apparent unavailability of operating room staff.

When the baby was born, the umbilical cord was wrapped around his neck three times. He was limp, not breathing, had low Apgar scores, and cord blood gases revealed severe metabolic acidosis. The diagnosis of HIE was ultimately given and by the age of two, significant neurodevelopmental delays were identified.

Counsel for the undisclosed hospital maintained that the child did not suffer a brain injury secondary to HIE caused by the nuchal cord, that there was no need for a delivery by emergency cesarean section and that the lack of clean operating rooms and under staffing did not delay the delivery by cesarean section being performed.

Attorneys for the estate of the child, Donald J. Nolan, Timothy I McArdle and Thomas P. Routh of Nolan Law Group alleged that the OB/GYN and nurses' failure to properly monitor the delivery and the hospital's failure to have an operating room available to perform an emergent delivery by C-section resulted in a brain injury. Summary judgment was previously entered in the case finding that the mother's obstetrician was an agent of the Hospital.

Nolan Law Group is a Chicago based personal injury law firm concentrating in cases involving aviation accidents, brain injury, medical malpractice, product liability, and construction negligence.

CASE NUMBER: Subject To Confidentiality Agreement

JUDGE: The Honorable Preston Jones, Jr.

Gross Settlement: \$8,600,000.00