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Wrongful death suit is settled for \$7.3M

Woman died after failed endoscopy at Joliet hospital

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The family of a woman who died from sepsis after an endoscopy went wrong settled wrongful death claims against a Joliet hospital for \$7.3 million.

Michelle Swallow, 30, was diagnosed with acute inflammation of her gallbladder and had surgery at Silver Cross Hospital in New Lenox in June 2016.

About two months later, Swallow followed up with her primary care physician for abdominal pain. She was referred to gastroenterologist Basant Jhawar, according to the complaint.

Jhawar recommended an ERCP to evaluate her for bile duct stones.

ERCP, or endoscopic retrograde cholangiopancreatography, combines upper gastrointestinal endoscopy and imaging to treat problems of the bile and pancreatic ducts.

Swallow underwent the procedure at Presence Saint Joseph Medical Center in Joliet on Sept. 9, 2016, with Jhawar acting as an agent or employee of the hospital, according to the complaint.

Jhawar attempted to introduce a tube into Swallow's bile duct but was unable to do so, the complaint alleged.

He made a cut to access the common bile duct that created a hole in Swallow's duodenum, the first part of the small intestine. Jhawar also inserted air into the duodenum and ducts.

The procedure was terminated after a second failed attempt to introduce a tube to the bile duct, according to the complaint. Afterward, Swallow was noted to have significant air under the skin of the upper part of her chest, neck and face.

According to the complaint, Jhawar consulted surgeons from Surgical Consultants of Joliet, Ltd. to assess Swallow because of the hole in her bowel and other complications, including a collapsed lung.

Surgical Consultants employed physicians and contracted with Presence to provide medical services at the hospital, according to the complaint.

They took a "wait and watch approach" on the leak in her bowel, the complaint alleged, which the plaintiff maintains ultimately contributed to her death.

Despite successful surgery to repair the bowel nearly 30

hours after the injury, Swallow developed sepsis and died Sept. 21, 2016, following a transfer to Advocate Christ Medical Center.

Her mother, Jacqueline Swallow, as administrator of her estate, sued Jhawar, the hospital and Surgical Consultants Group on claims of medical malpractice wrongful death.

Cook County Circuit Court Judge Kathy M. Flanagan initially presided over the case. Judge Elizabeth M. Budzinski oversaw the final year of the litigation, including the approval of the settlement.

The settlement was approved on May 12. The case was mediated before retired Judge Christopher E. Lawler of ADR Systems.

Swallow's estate was represented by Todd A. Smith of Smith LaCien LLP.

"When [the family] gave their deposition, you know from listening to them how close the family was, and how, to this day, they're destroyed by the loss of this lovely young woman who walked into the hospital for a procedure that didn't even need to be done," Smith said. "She deserved to have imaging studies done that would not have been invasive at all. ... It's a terrible loss, but we did the best we could for that family."



Todd A. Smith

Brian LaCien and Jason Williams of Smith LaCien also represented the estate of Swallow.

Jhawar was represented by Scott A. Herbert of Cunningham Meyer & Vedrine P.C.

Surgical Consultants of Joliet, Ltd. was represented by Daniel K. Cray of Cray Huber Horstman Heil & VanAusdal, LLC.

Presence Central and Suburban Hospitals Network, doing business as Presence Saint Joseph Medical Center, was represented by Chad M. Castro of Barker, Castro & Steinback, LLC. The facility is now AMITA Health Saint Joseph Medical Center Joliet.

None of the attorneys could be reached for comment.

The case is *Swallow v. Presence Central and Suburban Hospitals Network, et al.*, No. 2017 L 11235.