

Attorney Code 71123  
COUNTY OF COOK )  
 )  
STATE OF ILLINOIS )

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2000 DEC -14 PM 2:23  
CLERK OF COURT  
COURT HOUSE  
100 N. LAURENS ST.  
CHICAGO, ILL. 60602

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

THE ESTATE OF NAKIA JORDEN, )  
deceased, by Special Administrator )  
BENNARD JORDEN, )  
 )  
Plaintiff, )  
 ) No.  
 )  
v. )  
 )  
ALBANY MEDICAL SURGICAL )  
CENTER, E. STEVE LICHTENBERG, )  
M.D., LAWRENCE HILL M.D. and )  
FAMILY PLANNING ASSOCIATES )  
MEDICAL GROUP, )  
 )  
Defendants. )

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CLERK

COMPLAINT

NOW COMES The Estate of Nakia Jordan, by Special Administrator, BENNARD JORDEN, by attorney, Robert A. Montgomery, and complains of the Defendants as follows:

COUNT I - Survival Action

1. That on or about December 10, 1998 and prior thereto, the Defendant, ALBANY MEDICAL SURGICAL CENTER was a medical clinic duly organized and existing under the laws of the State of Illinois, and owed, operated, managed, maintained and controlled a hospital located at 5086 North Elston Avenue, in the City of Chicago, County of Cook and State of Illinois, wherein it provided medical treatment

employed doctors, nurses, technicians and other medical personnel, and provided operating rooms, emergency rooms, laboratories, and certain medical facilities, outpatient facilities, clinics and equipment including for the diagnosis and treatment of the ailments of patients.

2. That the Defendant held itself out and otherwise informed the public, and more particularly in the instance of Nakia Jordan, that it had and possessed the requisite skill, competence, know-how, facilities, personnel, equipment, and information to properly treat her.

3. That on or about the above date, and prior thereto Nakia Jordan entered the Defendant's premises as a patient for the purpose of receiving treatment, entrusting herself to the care of Defendant, it's staff, and doctors.

4. That it thereupon became and was the duty of the Defendant medical clinic to possess and apply that degree of reasonable care, skill and diligence in accordance with standards of medical care and procedures then and there in effect for medical providers in the area consistent with the needs of Nakia Jordan.

5. That the Defendant, by and through it's said agents and servants, was then and there guilty of one or more of the following negligent and careless acts or omissions as a direct and proximate result of which Nakia Jordan sustained painful personal injuries and death:

- (a) Carelessly and negligently and unskillfully failed to possess and to exercise the proper, adequate and customary knowledge and skill required of hospitals medical staff and doctors in the area in question;
- (b) Carelessly and negligently failed to attend to Nakia Jordan, in

accordance with the usual and customary skill and with the standards required of medical clinics and doctors in the area in question;

- (c) Carelessly and negligently failed to render proper treatment to Nakia Jordan;
- (d) Carelessly and negligently failed to properly monitor the condition of Nakia Jordan;
- (e) Carelessly and negligently failed to provide proper supervision of it's employees and agents to ensure that it's agents were rendering the proper care to Nakia Jordan;
- (f) Carelessly and negligently failed to diagnose Nakia Jordan's medical condition;
- (g) Carelessly and negligently failed to give Nakia Jordan diligent, necessary and proper care.

6. That as a direct and proximate result of one or more of the foregoing careless and negligent acts and omissions on the part of Defendant, Albany Medical Surgical Center, Nakia Jordan sustained personal injuries causing her death.

7. As a direct and proximate result of the wrongful acts or omissions of the Defendant, as heretofore alleged, Nakia Jordan has been caused to suffer pain and death and the Estate of Nakia Jordan became indebted and liable for certain medical and hospital expenses all due to the negligence of the Defendants.

WHEREFORE, the Plaintiff prays for the entry of a judgment against the Defendant in a sum in excess of Fifty Thousand Dollars plus costs.

#### COUNT II - Wrongful Death

1. That on or about December 10, 1998 and prior thereto, the Defendant, ALBANY MEDICAL SURGICAL CENTER, was a medical clinic duly organized and

existing under the laws of the State of Illinois, and owned, operated, managed, maintained and controlled a hospital located at 5086 North Elston Avenue, in the City of Chicago, County of Cook and State of Illinois, wherein it provided medical treatment and employed doctors, nurses, technicians and other medical personnel, and provided operating rooms, emergency rooms, laboratories, and certain medical facilities, outpatient facilities, clinics and equipment including for the diagnosis and treatment of the ailments of patients.

2. That the Defendant held itself out and otherwise informed the public, and more particularly in the instance of Nakia Jordan, that it had and possessed the requisite skill, competence, know-how, facilities, personnel, equipment, and information to properly treat her.

3. That on or about the above date, and prior thereto Nakia Jordan entered the Defendant's premises as a patient for the purpose of receiving treatment, entrusting herself to the care of Defendant, its staff, and doctors.

4. That it thereupon became and was the duty of the Defendant medical clinic to possess and apply that degree of reasonable care, skill and diligence in accordance with standards of medical care and procedures then and there in effect for medical providers in the area consistent with the needs of Nakia Jordan.

5. That the Defendant, by and through its said agents and servants, was then and there guilty of one or more of the following negligent and careless acts or omissions as a direct and proximate result of which Nakia Jordan sustained painful personal injuries and death:

- (a) Carelessly and negligently and unskillfully failed to possess and to exercise the proper, adequate and customary knowledge and skill required of hospitals medical staff and doctors in the area in question;
- (b) Carelessly and negligently failed to attend to Nakia Jordan, in accordance with the usual and customary skill and with the standards required of medical clinics and doctors in the area in question;
- (c) Carelessly and negligently failed to render proper treatment to Nakia Jordan;
- (d) Carelessly and negligently failed to properly monitor the condition of Nakia Jordan;
- (e) Carelessly and negligently failed to provide proper supervision of it's employees and agents to ensure that it's agents were rendering the proper care to Nakia Jordan;
- (f) Carelessly and negligently failed to diagnose Nakia Jordan's medical condition;
- (g) Carelessly and negligently failed to give Nakia Jordan diligent, necessary and proper care.

6. That as a direct and proximate result of one or more of the foregoing careless and negligent acts and omissions on the part of Defendant, ALBANY MEDICAL SURGICAL CENTER, Nakia Jordan sustained personal injuries causing her death.

7. Plaintiff, BENNARD Jordan, has been appointed as the Administrator of the Estate of NAKIA Jordan, in a certain proceeding presently pending in the Circuit Court of Cook County, Illinois, County Department.

8. Plaintiff's Decedent left her surviving as her only heirs and next kin, Pamela Jordan, her mother, Bennard Jordan, her father, her sisters, Jalisha & Shalisa

whom by reason of the death of the Decedent has been deprived of contributions and other services and things of pecuniary value that otherwise would have been accrued to or been received by her and lost her love, affection and consortium.

9. As a direct and proximate result of the wrongful acts or omissions of the Defendant, and each of them, as heretofore alleged, the Estate of NAKIA Jordan became indebted and liable for certain medical and hospital expenses and for certain funeral expenses in connection with the care, treatment and burial of Plaintiff's Decedent.

WHEREFORE, Plaintiff ask judgment against the Defendant in excess of Fifty Thousand Dollars plus costs.

### COUNT III - Survival Action

1. That on or about December 10, 1998 and prior thereto, the Defendant, E. STEVE LICHTENBERG, M.D., was a medical doctor licensed to practice medicine under the laws of the State of Illinois.

2. That the Defendant held himself out and otherwise informed the public, and more particularly in the instance of Nakia Jordan, that he had and possessed the requisite skill, competence, know-how, facilities, personnel, equipment, and information to properly treat Nakia Jordan.

3. That on or about the above date, and prior thereto Nakia Jordan came under the care of the Defendant's as a patient for the purpose of receiving treatment, entrusting herself to the care of Defendant.

4. That it thereupon became and was the duty of the Defendant to possess and apply that degree of reasonable care, skill and diligence in accordance with standards of medical care and procedures then and there in effect for medical providers in the area consistent with the needs of Nakia Jordan.

5. That the Defendant, was then and there guilty of one or more of the following negligent and careless acts or omissions as a direct and proximate result of which Nakia Jordan sustained painful personal injuries and death:

- (a) Carelessly and negligently and unskillfully failed to possess and to exercise the proper, adequate and customary knowledge and skill required of hospitals medical staff and doctors in the area in question;
- (b) Carelessly and negligently failed to attend to Nakia Jordan, in accordance with the usual and customary skill and with the standards required of medical clinics and doctors in the area in question;
- (c) Carelessly and negligently failed to render proper treatment to Nakia Jordan;
- (d) Carelessly and negligently failed to properly monitor the condition of Nakia Jordan;
- (e) Carelessly and negligently failed to diagnose Nakia Jordan's medical condition;
- (f) Carelessly and negligently failed to give Nakia Jordan diligent, necessary and proper care.

6. That as a direct and proximate result of one or more of the foregoing careless and negligent acts and omissions on the part of Defendant, Nakia Jordan sustained personal injuries causing her death.

7. As a direct and proximate result of the wrongful acts or omissions of the

Defendant, as heretofore alleged, Nakia Jordan has been caused to suffer pain and death and the Estate of Nakia Jordan became indebted and liable for certain medical and hospital expenses all due to the negligence of the Defendant.

WHEREFORE, the Plaintiff prays for the entry of a judgment against the Defendant in a sum in excess of Fifty Thousand Dollars plus costs.

#### COUNT IV - Wrongful Death

1. That on or about December 10, 1998 and prior thereto, the Defendant, E. Steve Lichtenberg, M.D., was a medical doctor licensed to practice medicine under the laws of the State of Illinois.

2. That the Defendant held himself out and otherwise informed the public, and more particularly in the instance of Nakia Jordan, that he had and possessed the requisite skill, competence, know-how, facilities, personnel, equipment, and information to properly treat Nakia Jordan.

3. That on or about the above date, and prior thereto Nakia Jordan came under the care of the Defendant's as a patient for the purpose of receiving treatment, entrusting herself to the care of Defendant.

4. That it thereupon became and was the duty of the Defendant to possess and apply that degree of reasonable care, skill and diligence in accordance with standards of medical care and procedures then and there in effect for medical providers in the area consistent with the needs of Nakia Jordan.

5. That the Defendant, was then and there guilty of one or more of the following negligent and careless acts or omissions as a direct and proximate result of



which Nakia Jordan sustained painful personal injuries and death:

- (a) Carelessly and negligently and unskillfully failed to possess and to exercise the proper, adequate and customary knowledge and skill required of hospitals medical staff and doctors in the area in question;
- (b) Carelessly and negligently failed to attend to Nakia Jordan, in accordance with the usual and customary skill and with the standards required of medical clinics and doctors in the area in question;
- (c) Carelessly and negligently failed to render proper treatment to Nakia Jordan;
- (d) Carelessly and negligently failed to properly monitor the condition of Nakia Jordan;
- (e) Carelessly and negligently failed to diagnose Nakia Jordan's medical condition;
- (f) Carelessly and negligently failed to give Nakia Jordan diligent, necessary and proper care.

6. That as a direct and proximate result of one or more of the foregoing careless and negligent acts and omissions on the part of Defendant, Nakia Jordan sustained personal injuries causing her death.

7. Plaintiff, BENNARD Jordan, has been appointed as the Administrator of the Estate of NAKIA Jordan, in a certain proceeding presently pending in the Circuit Court of Cook County, Illinois, County Department.

8. Plaintiff's Decedent left her surviving as her only heirs and next kin, Pamela Jordan, her mother, whom by reason of the death of the Decedent has been deprived of contributions and other services and things of pecuniary value that otherwise would have been accrued to or been received by her and lost her love,

affection and consortium.

9. As a direct and proximate result of the wrongful acts or omissions of the Defendant, and each of them, as heretofore alleged, The Estate of Nakia Jordan became indebted and liable for certain medical and hospital expenses and for certain funeral expenses in connection with the care, treatment and burial of Plaintiff's Decedent.

WHEREFORE, Plaintiff ask judgment against the Defendant, in excess of Fifty Thousand Dollars plus costs.

COUNT V - Survival Action

1. That on or about December 10, 1998 and prior thereto, the Defendant, LAWRENCE HILL, M.D., was a medical doctor licensed to practice medicine under the laws of the State of Illinois.

2. That the Defendant held himself out and otherwise informed the public, and more particularly in the instance of Nakia Jordan, that he had and possessed the requisite skill, competence, know-how, facilities, personnel, equipment, and information to properly treat Nakia Jordan.

3. That on or about the above date, and prior thereto Nakia Jordan came under the care of the Defendant's as a patient for the purpose of receiving treatment, entrusting herself to the care of Defendant.

4. That it thereupon became and was the duty of the Defendant to possess and apply that degree of reasonable care, skill and diligence in accordance with standards of medical care and procedures then and there in effect for medical providers in the

area consistent with the needs of Nakia Jordan.

5. That the Defendant, was then and there guilty of one or more of the following negligent and careless acts or omissions as a direct and proximate result of which Nakia Jordan sustained painful personal injuries and death:

- (a) Carelessly and negligently and unskillfully failed to possess and to exercise the proper, adequate and customary knowledge and skill required of hospitals medical staff and doctors in the area in question;
- (b) Carelessly and negligently failed to attend to Nakia Jordan, in accordance with the usual and customary skill and with the standards required of medical clinics and doctors in the area in question;
- (c) Carelessly and negligently failed to render proper treatment to Nakia Jordan;
- (d) Carelessly and negligently failed to properly monitor the condition of Nakia Jordan;
- (e) Carelessly and negligently failed to diagnose Nakia Jordan's medical condition;
- (f) Carelessly and negligently failed to give Nakia Jordan diligent, necessary and proper care.

6. That as a direct and proximate result of one or more of the foregoing careless and negligent acts and omissions on the part of Defendant, Nakia Jordan sustained personal injuries causing her death.

7. As a direct and proximate result of the wrongful acts or omissions of the Defendant, as heretofore alleged, Nakia Jordan has been caused to suffer pain and death and the Estate of Nakia Jordan became indebted and liable for certain medical and hospital expenses all due to the negligence of the Defendant.

WHEREFORE, the Plaintiff prays for the entry of a judgement against the Defendant in a sum in excess of Fifty Thousand Dollars plus costs.

COUNT VI - Wrongful Death

1. That on or about December 10, 1998 and prior thereto, the Defendant, LAWRENCE HILL, M.D., was a medical doctor licensed to practice medicine under the laws of the State of Illinois.

2. That the Defendant held himself out and otherwise informed the public, and more particularly in the instance of Nakia Jordan, that he had and possessed the requisite skill, competence, know-how, facilities, personnel, equipment, and information to properly treat Nakia Jordan.

3. That on or about the above date, and prior thereto Nakia Jordan came under the care of the Defendant's as a patient for the purpose of receiving treatment, entrusting herself to the care of Defendant.

4. That it thereupon became and was the duty of the Defendant to possess and apply that degree of reasonable care, skill and diligence in accordance with standards of medical care and procedures then and there in effect for medical providers in the area consistent with the needs of Nakia Jordan.

5. That the Defendant, was then and there guilty of one or more of the following negligent and careless acts or omissions as a direct and proximate result of which Nakia Jordan sustained painful personal injuries and death:

- (a) Carelessly and negligently and unskillfully failed to possess and to exercise the proper, adequate and customary knowledge and skill required of hospitals medical staff and doctors in the area in question;

- (b) Carelessly and negligently failed to attend to Nakia Jordan, in accordance with the usual and customary skill and with the standards required of medical clinics and doctors in the area in question;
- (c) Carelessly and negligently failed to render proper treatment to Nakia Jordan;
- (d) Carelessly and negligently failed to properly monitor the condition of Nakia Jordan;
- (e) Carelessly and negligently failed to diagnose Nakia Jordan's medical condition;
- (f) Carelessly and negligently failed to give Nakia Jordan diligent, necessary and proper care.

6. That as a direct and proximate result of one or more of the foregoing careless and negligent acts and omissions on the part of Defendant, Nakia Jordan sustained personal injuries causing her death.

7. Plaintiff, BENNARD Jordan, has been appointed as the Administrator of the Estate of NAKIA Jordan, in a certain proceeding presently pending in the Circuit Court of Cook County, Illinois, County Department.

8. Plaintiff's Decedent left her surviving as her only heirs and next of kin, Pamela Jordan, her mother, Bennard Jordan, her father and her sisters, Jalisa & Shalisa whom by reason of the death of the Decedent has been deprived of contributions and other services and things of pecuniary value that otherwise would have been accrued to or been received by her and lost her love, affection and consortium.

9. As a direct and proximate result of the wrongful acts or omissions of the

Defendant, and each of them, as heretofore alleged, The Estate of Nakia Jordan became indebted and liable for certain medical and hospital expenses and for certain funeral expenses in connection with the care, treatment and burial of Plaintiff's Decedent.

WHEREFORE, Plaintiff ask judgement against the Defendant in excess of Fifty Thousand Dollars plus costs.

Plaintiff further requests that this cause be assigned to trial by jury.

COUNT VII - Survival Action

1. That on or about December 10, 1998 and prior thereto, the Defendant, FAMILY PLANNING ASSOCIATES MEDICAL GROUP was a medical clinic duly organized and existing under the laws of the State of Illinois, and owed, operated, managed, maintained and controlled a hospital located at 5086 North Elston Avenue, in the City of Chicago, County of Cook and State of Illinois, wherein it provided medical treatment and employed doctors, nurses, technicians and other medical personnel, and provided operating rooms, emergency rooms, laboratories, and certain medical facilities, outpatient facilities, clinics and equipment including for the diagnosis and treatment of the ailments of patients.

2. That the Defendant held itself out and otherwise informed the public, and more particularly in the instance of Nakia Jordan, that it had and possessed the requisite skill, competence, know-how, facilities, personnel, equipment, and information to properly treat her.

3. That on or about the above date, and prior thereto Nakia Jordan entered the

Defendant's premises as a patient for the purpose of receiving treatment, entrusting herself to the care of Defendant, its staff, and doctors.

4. That it thereupon became and was the duty of the Defendant medical clinic to possess and apply that degree of reasonable care, skill and diligence in accordance with standards of medical care and procedures then and there in effect for medical providers in the area consistent with the needs of Nakia Jordan.

5. That the Defendant, by and through its said agents and servants, was then and there guilty of one or more of the following negligent and careless acts or omissions as a direct and proximate result of which Nakia Jordan sustained painful personal injuries and death:

- (a) Carelessly and negligently and unskillfully failed to possess and to exercise the proper, adequate and customary knowledge and skill required of hospitals medical staff and doctors in the area in question;
- (b) Carelessly and negligently failed to attend to Nakia Jordan, in accordance with the usual and customary skill and with the standards required of medical clinics and doctors in the area in question;
- (c) Carelessly and negligently failed to render proper treatment to Nakia Jordan;
- (d) Carelessly and negligently failed to properly monitor the condition of Nakia Jordan;
- (e) Carelessly and negligently failed to provide proper supervision of its employees and agents to ensure that its agents were rendering the proper care to Nakia Jordan;
- (f) Carelessly and negligently failed to diagnose Nakia Jordan's medical condition;
- (g) Carelessly and negligently failed to give Nakia Jordan diligent,

necessary and proper care.

6. That as a direct and proximate result of one or more of the foregoing careless and negligent acts and omissions on the part of Defendant, Albany Medical Surgical Center, Nakia Jordan sustained personal injuries causing her death.

7. As a direct and proximate result of the wrongful acts or omissions of the Defendant, as heretofore alleged, Nakia Jordan has been caused to suffer pain and death and the Estate of Nakia Jordan became indebted and liable for certain medical and hospital expenses all due to the negligence of the Defendants.

WHEREFORE, the Plaintiff prays for the entry of a judgment against the Defendant in a sum in excess of Fifty Thousand Dollars plus costs.

#### COUNT VIII - Wrongful Death

1. That on or about December 10, 1998 and prior thereto, the Defendant, FAMILY PLANNING ASSOCIATES MEDICAL GROUP, was a medical clinic duly organized and existing under the laws of the State of Illinois, and owned, operated, managed, maintained and controlled a hospital located at 5086 North Elston Avenue, in the City of Chicago, County of Cook and State of Illinois, wherein it provided medical treatment and employed doctors, nurses, technicians and other medical personnel, and provided operating rooms, emergency rooms, laboratories, and certain medical facilities, outpatient facilities, clinics and equipment including for the diagnosis and treatment of the ailments of patients.

2. That the Defendant held itself out and otherwise informed the public, and more particularly in the instance of Nakia Jordan, that it had and possessed the



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requisite skill, competence, know-how, facilities, personnel, equipment, and information to properly treat her.

3. That on or about the above date, and prior thereto Nakia Jordan entered the Defendant's premises as a patient for the purpose of receiving treatment, entrusting herself to the care of Defendant, it's staff, and doctors.

4. That it thereupon became and was the duty of the Defendant medical clinic to possess and apply that degree of reasonable care, skill and diligence in accordance with standards of medical care and procedures then and there in effect for medical providers in the area consistent with the needs of Nakia Jordan.

5. That the Defendant, by and through it's said agents and servants, was then and there guilty of one or more of the following negligent and careless acts or omissions as a direct and proximate result of which Nakia Jordan sustained painful personal injuries and death:

- (a) Carelessly and negligently and unskillfully failed to possess and to exercise the proper, adequate and customary knowledge and skill required of hospitals medical staff and doctors in the area in question;
- (b) Carelessly and negligently failed to attend to Nakia Jordan, in accordance with the usual and customary skill and with the standards required of medical clinics and doctors in the area in question;
- (c) Carelessly and negligently failed to render proper treatment to Nakia Jordan;
- (d) Carelessly and negligently failed to properly monitor the condition of Nakia Jordan;
- (e) Carelessly and negligently failed to provide proper supervision of it's employees and agents to ensure that it's agents were

rendering the proper care to Nakia Jordan;

- (f) Carelessly and negligently failed to diagnose Nakia Jordan's medical condition;
- (g) Carelessly and negligently failed to give Nakia Jordan diligent, necessary and proper care.

6. That as a direct and proximate result of one or more of the foregoing careless and negligent acts and omissions on the part of Defendant, ALBANY MEDICAL SURGICAL CENTER, Nakia Jordan sustained personal injuries causing her death.

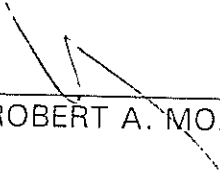
7. Plaintiff, BENNARD Jordan, has been appointed as the Administrator of the Estate of NAKIA Jordan, in a certain proceeding presently pending in the Circuit Court of Cook County, Illinois, County Department.

8. Plaintiff's Decedent left her surviving as her only heirs and next kin, Pamela Jordan, her mother, Bennard Jordan, her father, her sisters, Jalisha & Shalisa Jordan, whom by reason of the death of the Decedent has been deprived of contributions and other services and things of pecuniary value that otherwise would have been accrued to or been received by her and lost her love, affection and consortium.

9. As a direct and proximate result of the wrongful acts or omissions of the Defendant, and each of them, as heretofore alleged, the Estate of NAKIA Jordan became indebted and liable for certain medical and hospital expenses and for certain funeral expenses in connection with the care, treatment and burial of Plaintiff's Decedent.

WHEREFORE, Plaintiff ask judgment against the Defendant in excess of Fifty  
Thousand Dollars plus costs.

ROBERT A. MONTGOMERY  
Attorney at Law  
30 North LaSalle Street  
Suite 2140  
Chicago, Illinois 60602  
(312) 236-7700  
Fax (312) 580-1839

  
\_\_\_\_\_  
ROBERT A. MONTGOMERY

Attorney Code 71123

COUNTY OF COOK )

STATE OF ILLINOIS )

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

THE ESTATE OF NAKIA JORDEN, )

deceased, by Special Administrator )

BENNARD JORDEN, )

Plaintiff, )

) No.

v. )

ALBANY MEDICAL SURGICAL )

CENTER, E. STEVE LICHTENBERG, )

M.D., LAWRENCE HILL, M.D. and )

FAMILY PLANNING ASSOCIATES )

MEDICAL GROUP, )

Defendants. )

AFFIDAVIT

1. That the undersigned is an Attorney and a member of the Law Firm representing Plaintiff in this action.

2. That the undersigned is unable to provide the Affidavit and written report required under Section 2-622 of the Code of Civil Procedure for the above named defendants because the necessary consultation could not be obtained prior to the expiration of the Statute of Limitations.

Further, your affiant sayeth not.

  
\_\_\_\_\_  
ROBERT A. MONTGOMERY

Subscribed and sworn to before  
me this \_\_\_\_ day of \_\_\_\_\_, 2000

\_\_\_\_\_  
Notary Public

ROBERT A. MONTGOMERY  
Attorney at Law  
30 North LaSalle Street, Suite 2140  
Chicago, Illinois 60602

Attorney Code 71123  
COUNTY OF COOK        )  
  )  
STATE OF ILLINOIS     )

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

THE ESTATE OF NAKIA JORDEN,        )  
deceased, by Special Administrator    )  
BENNARD JORDEN,                    )  
  )  
          Plaintiff,                    )  
  ) No. 00L 013983  
v.                                        )  
  )  
ALBANY MEDICAL SURGICAL            )  
CENTER, E. STEVE LICHTENBERG,        )  
M.D., LAWRENCE HILL M.D. and        )  
FAMILY PLANNING ASSOCIATES         )  
MEDICAL GROUP,                     )  
  )  
          Defendants.                    )

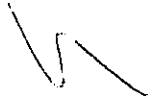
AFFIDAVIT

1. That the undersigned is an Attorney representing the Plaintiff in this action.
2. That the affiant has consulted and reviewed the facts of the case with a health care professional who is a Board Certified Anesthesiologist, who the affiant reasonably believes is knowledgeable in the relevant issues involved in this particular action; who practices within the last six years in the same area of health care that is at issue in this particular action; and is qualified by experience in the subject matter of the case.
3. That the reviewing health care professional has determined in a written report, after a review of the medical records and other relevant material that there is a reasonable and meritorious cause for the filing of this action against ALBANY MEDICAL SURGICAL CENTER, E. STEVE LICHTENBERG, M.D., LAWRENCE HILL M.D. and FAMILY PLANNING ASSOCIATES MEDICAL GROUP.

4. Affiant has concluded on the basis of the reviewing health care professional's review and consultation that there is a reasonable and meritorious cause for the filing of this action against the named parties.

5. Attached to this Affidavit is a copy of said health care professional's written report.

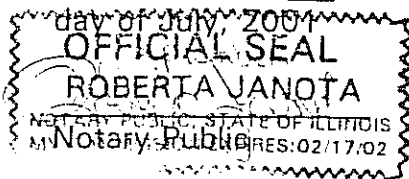
FURTHER, YOUR AFFIANT SAYETH NOT.



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Robert A. Montgomery  
30 N. LaSalle Street  
Suite 2140  
Chicago, Illinois 60602  
(312) 236-7700

Subscribed and Sworn to  
before me this 4



400 E. Ohio St.  
Unit # 704  
Chicago, IL 60611-4602  
Work: (312) 908-3276  
Fax: (561) 365-0357  
Email: Jkatz@amff.org

August 29, 2001  
Robert A. Montgomery  
30 North LaSalle Street  
Suite 2140  
Chicago, IL 60602

Re: Case of Nakia Jordan

Dear Mr. Montgomery:

In the case of Nakia Jordan, based on the records I have reviewed, I see evidence of malpractice that would have directly caused the injury suffered by Ms. Jordan.

Although stated by the Emergency Department report that the patient had a complication following "conscious sedation", documentation by the Albany Center nurse and surgeon indicated that in fact deep sedation if not general anesthesia was induced. However, despite this, there is no record of oxygen having ever been administered to the patient prior to the cardiac arrest. This would be a deviation from the standard of care especially given that the patient was obese, had a history of bronchitis, had evidence of some upper airway congestion in the preop area, and had a pulse oximetry reading of only 94% prior to receiving any medication. In addition, there seemed to be some irregularity between the surgical and anesthesia statements; the surgeon noted that both Brevital and Stadol had been used, but the anesthesia record and the nurse anesthetist statement do not reflect that any Stadol was used.

Also deviating from the standard of care was the lack of clear indication on the anesthesia record that an EKG was used despite deep sedation/general anesthesia being performed in an obese patient. Equally of note was the lack of any clear method of monitoring ventilation; pulse oximetry is well recognized as an inadequate monitor for ventilation. Also, the patient was intubated yet nothing in the record indicates confirmation of endotracheal tube placement with end-tidal carbon dioxide monitoring; this reflects deviation from the standard of care that the Center was not prepared to provide the most basic of standard monitoring as recognized by the American Society of Anesthesiologists whenever intubation is possible.

Further, and of even greater concern as deviation from the standard of care, was the fact that when the nurse anesthetist, Larry Hill, in his statement noted that the pulse oximeter was reading 74% and the heart rate had significantly slowed- he failed to provide the most important critical maneuver. Specifically, to ensure that adequate ventilation with delivery of oxygen was occurring. Instead, he gave atropine to increase the heart rate, which likely delayed the critical intervention of ventilating the patient with oxygen. This likely directly contributed to the patient's ultimate demise.

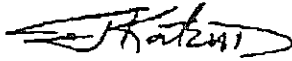
While Larry Hill was responsible for the anesthetic, Dr. Lichtenberg as supervising physician would also be held accountable as the physician responsible for the anesthetic; I believe that in the state of Illinois by law a physician must supervise a nurse anesthetist. Since no anesthesiologist was present, the supervising surgeon would be the physician providing anesthetic coverage. In the event that it is determined that the surgeon was not the physician responsible for supervising nurse Hill, then the Clinic probably has supervision arrangements and would be held accountable for medical liability in

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addition to that of nurse Hill. However, I am not an expert in matters concerning the legalities of nurse anesthetist supervision in the state of Illinois and would defer to more qualified individuals to further clarify the situation.

Please contact me for any additional questions.

Sincerely,



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