

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

ANTHONY ROSS, as Special Administrator of the)
Estate of ANTONESHA ROSS, deceased)

Plaintiff,)

vs.)

No.)

THE WOMEN'S AID CLINIC OF)
LINCOLNWOOD, INC., a corporation;)
JOSEPHINE KAMPER, M.D.,)

Individually and as Agent of The Women's)
Aid Clinic of Lincolnwood, Inc. a corporation;)

LAWRENCE HILL, CRNA,)
Individually and as Agent of The Women's)
Aid Clinic of Lincolnwood, Inc. a corporation;)

Defendants.)

2009 JUN 23 PM 12:01
Clerk of Court
Circuit Court of Cook County, Illinois

2009L007351
JURY DEMAND
COURTROOM/ROOM F
TIME 00:00
Medical Malpractice

COMPLAINT AT LAW

COUNT I

(Wrongful Death—The Women's Aid Clinic of Lincolnwood, Inc.
by and through its employees and/or agents,
Josephine Kamper, M.D. and Lawrence Hill, CRNA)

NOW COMES Plaintiff, ANTHONY ROSS, as Special Administrator of the estate of ANTONESHA ROSS, Deceased, by and through his attorneys, POWER ROGERS & SMITH, P.C., hereby complaining of Defendants, THE WOMEN'S AID CLINIC OF LINCOLNWOOD, INC., by and through its employees and/or agents, Josephine Kamper, M.D. and Lawrence Hill, CRNA,; JOSEPHINE KAMPER, M.D., Individually and as agent of the Women's Aid Clinic of Lincolnwood, Inc., a corporation; and LAWRENCE HILL, CRNA, Individually and as agent of the Women's Aid Clinic of Lincolnwood, Inc., a corporation, pleading hypothetically and in the alternative, state as follows:

1. That on or about May 2, 2009 through May 8, 2009 Women's Aid Clinic of Lincolnwood, Inc. was a corporation doing business in the State of Illinois.
2. That on or about May 2, 2009 through May 8, 2009 Women's Aid Clinic of Lincolnwood, Inc, was licenced by the State of Illinois as a medical clinic.
3. That on or about May 2, 2009 through May 8, 2009 Josephine Kamper, M.D. was a physician licensed in the State of Illinois.
4. That on or about May 2, 2009 through May 8, 2009 Lawrence Hill was a certified registered nurse anesthetist licensed by the State of Illinois.
5. That on or about May 2, 2009 through May 8, 2009 Josephine Kamper, M.D. was an agent and/or employee of Women's Aid Clinic of Lincolnwood, Inc.
6. That on or about May 2, 2009 through May 8, 2009 and at all times material, Josephine Kamper, M.D. was acting within the scope of her employment and/or agency with Women's Aid Clinic of Lincolnwood, Inc.
7. That on or about May 2, 2009 through May 8, 2009 Lawrence Hill, was an agent and/or employee of Women's Aid Clinic of Lincolnwood, Inc.
8. That on or about May 2, 2009 through May 8, 2009 and at all times material, Lawrence Hill was acting within the scope of his employment and/or agency with Women's Aid Clinic of Lincolnwood, Inc.
9. That on or about May 2, 2009 Plaintiff's decedent, Antonesha Ross, was seen as a patient at Women's Aid Clinic of Lincolnwood, Inc.
10. That on or about May 2, 2009 Plaintiff's decedent, Antonehsa Ross, was treated by Josephine Kamper, M.D. at Women's Aid Clinic of Lincolnwood, Inc.
11. That on or about May 2, 2009, Plaintiff's decedent, Antonehsa Ross, had an

ultrasound taken of her abdomen at Women's Aid Clinic of Lincolnwood, Inc.

12. That on or about May 2, 2009 Plaintiff's decedent, Antonessa Ross, was pregnant.
13. That on or about May 2, 2009 and at all times material, Plaintiff's decedent, Antonessa Ross, paid a down payment to Women's Aid Clinic of Lincolnwood, Inc. for services to have her pregnancy terminated.
14. That on or about May 2, 2009 Plaintiff's decedent, Antonessa Ross, was told that she was 13 weeks pregnant Women's Aid Clinic of Lincolnwood, Inc.
15. That on or about May 2, 2009 Plaintiff's decedent, Antonehsa Ross, was told that the balance to be paid for services to be rendered on May 8, 2009 was \$390.00 to terminate her pregnancy.
16. That on or about May 8, 2009 Plaintiff's decedent, Antonessa Ross, returned to Women's Aid Clinic of Lincolnwood, Inc.
17. That on or about May 8, 2009 Plaintiff's decedent, Antonessa Ross, was treated by Josephine Kamper, M.D.
18. That on or about May 8, 2009 Kamper performed a procedure to terminate the pregnancy of Plaintiff's decedent, Antonessa Ross.
19. That on or about May 8, 2009 Lawrence Hill provided anesthesia services to decedent, Antonessa Ross.
20. That on or about May 8, 2009 while anesthesia services were being provided by Lawrence Hill to Plaintiff's decedent, Antonessa Ross, her blood oxygen levels were determined to be abnormal.
21. That on or about May 8, 2009 while Lawrence Hill was providing anesthesia

services to Plaintiff's decedent, Antonesha Ross, her blood oxygen saturations were determined to be in the 80s to 90 range.

22. That on or about May 8, 2009, while Lawrence Hill was providing anesthesia services to Plaintiff's decedent, Antonesha Ross, she was coughing up blood through her mouth and nose.
23. That an employee of Women's Aid Clinic of Lincolnwood, Inc. gave Plaintiff's decedent, Antonesha Ross, a bag to breath into.
24. That on or about May 8, 2009, Plaintiff's decedent, Antonesha Ross, suffered a respiratory and cardiac arrest.
25. That on or about May 8, 2009 and at all times material, defendants, Women's Aid Clinic of Lincolnwood, Inc., Josephine Kamper and Lawrence Hill were negligent in one or more of the following ways:
 - a. failing to properly monitor the blood oxygen levels of Antonehsa Ross; or
 - b. failing to provide adequate oxygenation for Antonehsa Ross; or
 - c. failing to maintain a patent airway for Antonehsa Ross; or
 - d. giving Antonesha Ross a bag to breath into; or
 - e. failing to properly resuscitate Antonehsa Ross; or
 - f. was otherwise negligent in the care and treatment of Antonehsa Ross.
26. That as a proximate result of one or more of the foregoing negligent acts and/or omissions, Antonehsa Ross, was injured and later died.
27. That Antonehsa Ross left surviving her two minor children: Antonio Hooper, dob, 9/6/07; and Antwane Hooper, dob, 10/27/08.
28. That Anthony Ross has been appointed Special Administrator of the Estate of Antonehsa Ross, deceased and brings this cause of action on behalf of the Estate of the decedent pursuant to 740 ILCS 180/1, commonly known as the Wrongful Death Act of Illinois.

WHEREFORE, the Plaintiff, ANTHONY ROSS, as Special Administrator of the Estate of ANTONESHA ROSS, by and through his attorneys, POWER ROGERS & SMITH, P.C., demands judgment against, defendants, THE WOMEN'S AID CLINIC OF LINCOLNWOOD, INC., by and through its employees and/or agents, Josephine Kamper, M.D. and Lawrence Hill, CRNA,; JOSEPHINE KAMPER, M.D., Individually and as agent of the Women's Aid Clinic of Lincolnwood, Inc., a corporation; and LAWRENCE HILL, CRNA, Individually and as agent of the Women's Aid Clinic of Lincolnwood, Inc., and each of them, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) as shall represent fair and just compensation.

COUNT II

**Survival—The Women's Aid Clinic of Lincolnwood, Inc.
by and through its employees and/or agents,
Josephine Kamper, M.D. and Lawrence Hill, CRNA)**

NOW COMES Plaintiff, ANTHONY ROSS, as Special Administrator of the estate of ANTONESHA ROSS, Deceased, by and through his attorneys, POWER ROGERS & SMITH, P.C., hereby complaining of Defendants, THE WOMEN'S AID CLINIC OF LINCOLNWOOD, INC., by and through its employees and/or agents, Josephine Kamper, M.D. and Lawrence Hill, CRNA,; JOSEPHINE KAMPER, M.D., Individually and as agent of the Women's Aid Clinic of Lincolnwood, Inc., a corporation; and LAWRENCE HILL, CRNA, Individually and as agent of the Women's Aid Clinic of Lincolnwood, Inc., pleading hypothetically and in the alternative, state as follows:

1. That on or about May 2, 2009 through May 8, 2009 Women's Aid Clinic of Lincolnwood, Inc. was a corporation doing business in the State of Illinois.

2. That on or about May 2, 2009 through May 8, 2009 Women's Aid Clinic of Lincolnwood, Inc, was licenced by the State of Illinois as a medical clinic.
3. That on or about May 2, 2009 through May 8, 2009 Josephine Kamper, M.D. was a physician licensed in the State of Illinois.
4. That on or about May 2, 2009 through May 8, 2009 Lawrence Hill was a certified registered nurse anesthetist licensed by the State of Illinois.
5. That on or about May 2, 2009 through May 8, 2009 Josephine Kamper, M.D. was an agent and/or employee of Women's Aid Clinic of Lincolnwood, Inc.
6. That on or about May 2, 2009 through May 8, 2009 and at all times material, Josephine Kamper, M.D. was acting within the scope of her employment and/or agency with Women's Aid Clinic of Lincolnwood, Inc.
7. That on or about May 2, 2009 through May 8, 2009 Lawrence Hill, was an agent and/or employee of Women's Aid Clinic of Lincolnwood, Inc.
8. That on or about May 2, 2009 through May 8, 2009 and at all times material, Lawrence Hill was acting within the scope of his employment and/or agency with Women's Aid Clinic of Lincolnwood, Inc.
9. That on or about May 2, 2009 Plaintiff's decedent, Antonesha Ross, was seen as a patient at Women's Aid Clinic of Lincolnwood, Inc.
10. That on or about May 2, 2009 Plaintiff's decedent, Antonehsa Ross, was treated by Josephine Kamper, M.D. at Women's Aid Clinic of Lincolnwood, Inc.
11. That on or about May 2, 2009, Plaintiff's decedent, Antonehsa Ross, had an ultrasound taken of her abdomen at Women's Aid Clinic of Lincolnwood, Inc.
12. That on or about May 2, 2009 Plaintiff's decedent, Antonesha Ross, was

pregnant.

13. That on or about May 2, 2009 and at all times material, Plaintiff's decedent, Antonesha Ross, paid a down payment to Women's Aid Clinic of Lincolnwood, Inc. for services to have her pregnancy terminated.
14. That on or about May 2, 2009 Plaintiff's decedent, Antonesha Ross, was told that she was 13 weeks pregnant Women's Aid Clinic of Lincolnwood, Inc.
15. That on or about May 2, 2009 Plaintiff's decedent, Antonehsa Ross, was told that the balance to be paid for services to be rendered on May 8, 2009 was \$390.00 to terminate her pregnancy.
16. That on or about May 8, 2009 Plaintiff's decedent, Antonesha Ross, returned to Women's Aid Clinic of Lincolnwood, Inc.
17. That on or about May 8, 2009 Plaintiff's decedent, Antonesha Ross, was treated by Josephine Kamper, M.D.
18. That on or about May 8, 2009 Kamper performed a procedure to terminate the pregnancy of Plaintiff's decedent, Antonesha Ross.
19. That on or about May 8, 2009 Lawrence Hill provided anesthesia services to decedent, Antonesha Ross.
20. That on or about May 8, 2009 while anesthesia services were being provided by Lawrence Hill to Plaintiff's decedent, Antonesha Ross, her blood oxygen levels were determined to be abnormal.
21. That on or about May 8, 2009 while Lawrence Hill was providing anesthesia services to Plaintiff's decedent, Antonesha Ross, her blood oxygen saturations were determined to be in the 80s to 90 range.

22. That on or about May 8, 2009, while Lawrence Hill was providing anesthesia services to Plaintiff's decedent, Antonessa Ross, she was coughing up blood through her mouth and nose.
23. That an employee of Women's Aid Clinic of Lincolnwood, Inc. gave Plaintiff's decedent, Antonessa Ross, a bag to breath into.
24. That on or about May 8, 2009, Plaintiff's decedent, Antonessa Ross, suffered a respiratory and cardiac arrest.
25. That on or about May 8, 2009 and at all times material, defendants, Women's Aid Clinic of Lincolnwood, Inc., Josephine Kamper and Lawrence Hill were negligent in one or more of the following ways:
 - a. failing to properly monitor the blood oxygen levels of Antonehsa Ross; or
 - b. failing to provide adequate oxygenation for Antonehsa Ross; or
 - c. failing to maintain a patent airway for Antonehsa Ross; or
 - d. giving Antonessa Ross a bag to breath into; or
 - e. failing to properly resuscitate Antonehsa Ross; or
 - f. was otherwise negligent in the care and treatment of Antonehsa Ross.
26. That as a proximate result of one or more of the foregoing negligent acts and/or omissions, Antonehsa Ross, was injured and later died.
27. As a proximate result of the foregoing conditions, Antonessa Ross, endured pain and suffering, disability and disfigurement, prior to her death on May 8, 2009.
28. That had she survived, ANTONESHA ROSS would have been entitled to bring an action for injuries she suffered and said action has survived her death, pursuant to 755 ILCS 5/27-6, commonly known as the Survival Act.

WHEREFORE, the Plaintiff, ANTHONY ROSS, as Special Administrator of the Estate of ANTONESHA ROSS, by and through his attorneys, POWER ROGERS & SMITH, P.C., demands judgment against, defendants, THE WOMEN'S AID CLINIC OF

LINCOLNWOOD, INC., by and through its employees and/or agents, Josephine Kamper, M.D. and Lawrence Hill, CRNA,; JOSEPHINE KAMPER, M.D., Individually and as agent of the Women's Aid Clinic of Lincolnwood, Inc., a corporation; and LAWRENCE HILL, CRNA, Individually and as agent of the Women's Aid Clinic of Lincolnwood, Inc., and each of them, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) as shall represent fair and just compensation.

COUNT III
Institutional Negligence—Women's Aid Clinic of Lincolnwood, Inc.

NOW COMES Plaintiff, ANTHONY ROSS, as Special Administrator of the estate of ANTONESHA ROSS, Deceased, by and through his attorneys, POWER ROGERS & SMITH, P.C., hereby complaining of Defendant, THE WOMEN'S AID CLINIC OF LINCOLNWOOD, INC., pleading hypothetically and in the alternative, state as follows:

1. That on or about May 2, 2009 through May 8, 2009 Women's Aid Clinic of Lincolnwood, Inc. was a corporation doing business in the State of Illinois.
2. That on or about May 2, 2009 through May 8, 2009 Women's Aid Clinic of Lincolnwood, Inc, was licenced by the State of Illinois as a medical clinic.
3. That on or about May 2, 2009 through May 8, 2009 Josephine Kamper, M.D. was a physician licensed in the State of Illinois.
4. That on or about May 2, 2009 through May 8, 2009 Lawrence Hill was a certified registered nurse anesthetist licensed by the State of Illinois.
5. That on or about May 2, 2009 through May 8, 2009 Josephine Kamper, M.D. was an agent and/or employee of Women's Aid Clinic of Lincolnwood, Inc.

6. That on or about May 2, 2009 through May 8, 2009 and at all times material, Josephine Kamper, M.D. was acting within the scope of her employment and/or agency with Women's Aid Clinic of Lincolnwood, Inc.
7. That on or about May 2, 2009 through May 8, 2009 Lawrence Hill, was an agent and/or employee of Women's Aid Clinic of Lincolnwood, Inc.
8. That on or about May 2, 2009 through May 8, 2009 and at all times material, Lawrence Hill was acting within the scope of his employment and/or agency with Women's Aid Clinic of Lincolnwood, Inc.
9. That on or about May 2, 2009 Plaintiff's decedent, Antonessa Ross, was seen as a patient at Women's Aid Clinic of Lincolnwood, Inc.
10. That on or about May 2, 2009 Plaintiff's decedent, Antonehsa Ross, was treated by Josephine Kamper, M.D. at Women's Aid Clinic of Lincolnwood, Inc.
11. That on or about May 2, 2009, Plaintiff's decedent, Antonehsa Ross, had an ultrasound taken of her abdomen at Women's Aid Clinic of Lincolnwood, Inc.
12. That on or about May 2, 2009 Plaintiff's decedent, Antonessa Ross, was pregnant.
13. That on or about May 2, 2009 and at all times material, Plaintiff's decedent, Antonessa Ross, paid a down payment to Women's Aid Clinic of Lincolnwood, Inc. for services to have her pregnancy terminated.
14. That on or about May 2, 2009 Plaintiff's decedent, Antonessa Ross, was told that she was 13 weeks pregnant Women's Aid Clinic of Lincolnwood, Inc.
15. That on or about May 2, 2009 Plaintiff's decedent, Antonehsa Ross, was told that the balance to be paid for services to be rendered on May 8, 2009 was \$390.00 to

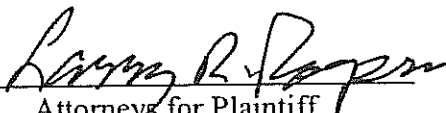
terminate her pregnancy.

16. That on or about May 8, 2009 Plaintiff's decedent, Antonesha Ross, returned to Women's Aid Clinic of Lincolnwood, Inc.
17. That on or about May 8, 2009 Plaintiff's decedent, Antonesha Ross, was treated by Josephine Kamper, M.D.
18. That on or about May 8, 2009 Kamper performed a procedure to terminate the pregnancy of Plaintiff's decedent, Antonesha Ross.
19. That on or about May 8, 2009 Lawrence Hill provided anesthesia services to decedent, Antonesha Ross.
20. That on or about May 8, 2009 while anesthesia services were being provided by Lawrence Hill to Plaintiff's decedent, Antonesha Ross, her blood oxygen levels were determined to be abnormal.
21. That on or about May 8, 2009 while Lawrence Hill was providing anesthesia services to Plaintiff's decedent, Antonesha Ross, her blood oxygen saturations were determined to be in the 80s to 90 range.
22. That on or about May 8, 2009, while Lawrence Hill was providing anesthesia services to Plaintiff's decedent, Antonesha Ross, she was coughing up blood through her mouth and nose.
23. That an employee of Women's Aid Clinic of Lincolnwood, Inc., gave Plaintiff's decedent, Antonesha Ross, a bag to breath into.
24. That on or about May 8, 2009, Plaintiff's decedent, Antonesha Ross, suffered a respiratory and cardiac arrest.
25. That on or about May 8, 2009 and at all times material, defendants, Women's Aid

Clinic of Lincolnwood, Inc., Josephine Kamper and Lawrence Hill were negligent
in one or more of the following ways:

- a. failing to provide proper emergency equipment for resuscitation purposes; or
 - b. failing to provide a manual resuscitator; or
 - c. failing to provide a properly working laryngoscope; or
 - d. failing to provide endotracheal tubes; or
 - e. failing to provide other resuscitation equipment necessary for the proper resuscitation of Plaintiff's decedent, Antonehsa Ross.
26. That as a proximate result of one or more of the foregoing negligent acts and/or omissions, Antonehsa Ross, was injured and later died.

WHEREFORE, the Plaintiff, ANTHONY ROSS, as Special Administrator of the Estate of ANTONESHA ROSS, by and through his attorneys, POWER ROGERS & SMITH, P.C., demands judgment against, defendant, Women's Aid Clinic of Lincolnwood, Inc., in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00) as shall represent fair and just compensation.

By: 
Attorneys for Plaintiff

Larry R. Rogers
POWER, ROGERS & SMITH, P.C.
70 West Madison Street
55th Floor
Chicago, IL 60602-4212
Phone No. 312/236-9381
Atty. No. 31444

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

ANTHONY ROSS, as Special Administrator of the)
Estate of ANTONESHA ROSS, deceased)

Plaintiff,)

vs.)

No.)

THE WOMEN'S AID CLINIC OF)
LINCOLNWOOD, INC., a corporation;)
JOSEPHINE KAMPER, M.D.,)
Individually and as Agent of The Women's)
Aid Clinic of Lincolnwood, Inc. a corporation;)
LAWRENCE HILL, CRNA,)
Individually and as Agent of The Women's)
Aid Clinic of Lincolnwood, Inc. a corporation;)

JURY DEMAND)

Defendants.)

AFFIDAVIT

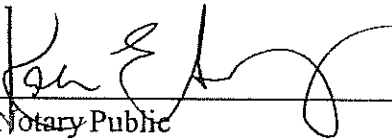
NOW comes Affiant, Larry R. Rogers, and being first duly sworn on oath,
deposes and states:

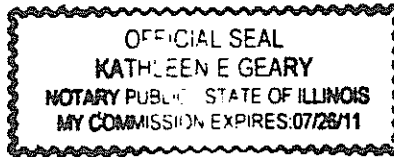
1. That he is one of the attorneys representing the Estate of Antonessa Ross,
deceased, in the above cause.
2. That he is familiar with the facts in the above cause.
3. That he has reviewed the available information relating to the money damages
in the above matter.

4. That based upon information and belief, the total money damages sought in the above cause are worth in excess of Fifty Thousand Dollars (\$50,000.00).


Larry R. Rogers

Subscribed and sworn to before me
this 23rd day of JUNE, 2009


Notary Public



POWER, ROGERS & SMITH, P.C.
70 West Madison Street—55th Floor
Chicago, IL 60602
Phone No. 312/236-9381

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

2009 JUN 23 PM 12:00
CLERK OF THE COURT
OF COOK COUNTY, ILL.

ANTHONY ROSS,)
)
 Petitioner,)
 vs.)
)
 THE WOMEN'S AID CLINIC OF)
 LINCOLNWOOD, INC.,)
)
 Respondents.)

No. 09 L 5653

2009L007351
CALENDAR/ROOM F
TIME 00:00
Medical Malpractice

PETITION TO APPOINT SPECIAL ADMINISTRATOR

Petitioner, Anthony Ross, moves this Honorable Court to appoint her as Special Administrator of the Estate. In support of said motion, states:

1. Petitioner is the father of Antonesha Ross, deceased, who died on May 8, 2009
2. At the time of Antonesha Ross' death, she was survived by:
 - Antonio Hooper, minor, dob: 9/6/07;
 - Antawne Hooper, minor, dob: 10/27/08
3. The Decedent died without leaving a will.
4. No petition for letters of office has been filed.

WHEREFORE, Petitioner, Anthony Ross, requests that this Honorable Court appoint her as Special Administrator of the Estate of Antonehsa Ross, Deceased, pursuant to 740 ILCS 180/2.1.

Respectfully submitted,



Anthony Ross, Petitioner

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

ANTHONY ROSS,)
)
 Petitioner,)
vs.) No. 09 L 5653
)
THE WOMEN'S AID CLINIC OF)
LINCOLNWOOD, INC.,)
)
 Respondents.)

APPEARANCE, WAIVER OF NOTICE, AND CONSENT

I, Maria Ross, mother of Antonesha Ross , deceased, hereby appear, waive notice, and consent to the immediate appointment of Maria Ross as special Administrator of the Estate of Antonesha Ross, deceased, pursuant to 740 ILCS 180/2.1.

Maria Ross

Maria Ross

10 - No Fee Paid
1919 - Fee Paid
JURY DEMAND

CCG-67 (2-81)

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

ANTHONY ROSS, as Special Administrator of the
Estate of ANTONESHA ROSS, deceased,

Plaintiff,

v.

THE WOMEN'S AID CLINIC OF LINCOLNWOOD,
INC., a corporation; JOSEPHINE KAMPER, M.D.,
Individually and as Agent of The Women's Aid Clinic
of Lincolnwood, Inc. a corporation; LAWRENCE
HILL, CRNA, Individually and as Agent of The
Women's Aid Clinic of Lincolnwood, Inc. a
corporation,

Defendant.

NO.

2009L007351
CALENDAR/ROOM F
TIME 00:00
Medical Malpractice

JURY DEMAND

The undersigned demands a jury trial.


LARRY R. ROGERS

Name POWER ROGERS & SMITH, P.C.
LARRY R. ROGERS
Attorney for Plaintiff(s)
Address 70 West Madison Street—55th Floor
City Chicago, Illinois 60602-4212
Telephone 312-236-9381
Atty. No. 31444

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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

31444

FILED-2

2010 SEP -2 PM 2:26

CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
LAW DIVISION

CLERK

No. 09 L 007351 "F"

MARIA ROSS, as Independent Administrator)
DBN of the Estate of ANTONESHA ROSS,)
deceased)
Plaintiff,)
vs.)
THE WOMEN'S AID CLINIC OF)
LINCOLNWOOD, INC., a corporation;)
JOSEPHINE KAMPER, M.D.,)
Individually and as Agent of The Women's)
Aid Clinic of Lincolnwood, Inc. a corporation;)
LAWRENCE HILL, CRNA,)
Individually and as Agent of The Women's)
Aid Clinic of Lincolnwood, Inc. a corporation;)
and as Agent of VANSCOVAL, INC.,)
Defendants.)

3004
2800
3352
C.C.
E.S.

PETITION TO SETTLE WRONGFUL DEATH ACTION, FINDING OF
DEPENDENCY AND APPROVAL OF DISBURSEMENTS

Now comes the plaintiff, MARIA ROSS, as Independent Administrator DBN of the Estate of ANTONESHA ROSS, deceased, by her attorney, POWER, ROGERS & SMITH, P.C., and moves the Court for approval of settlement of the wrongful death action, a finding of dependency and approval of disbursements, and in support thereof state as follows:

1. That an offer of settlement in the above-captioned matter has been made in the amount of \$555,508.00.
2. The defendant, Lawrence Hill, CRNA and Vanscoval, Ltd. have made an offer of settlement in the amount of \$80,508.00.
3. The defendant, Women's Aid Clinic of Lincolnwood, Inc., has made an offer of settlement in the amount of \$475,000.00 payable as follows:
 - a. Immediate cash payment of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00)

payable to MARIA ROSS, as Independent Administrator DBN of the Estate of ANTONESHA ROSS, deceased, and her attorneys, Power, Rogers & Smith, P.C.

b. Future periodic payments as follows:

For Antonio Hooper DOB 09/06/07

- ▶ \$35,000.00 per year, guaranteed 4 years, beginning 07/01/2026, with the last guaranteed payment on 7/1/2029 (College Plan); Guaranteed Payout \$140,000.00
- ▶ \$4,357.02 per month, guaranteed 7 years and 4 months, beginning 6/1/2030, with the last guaranteed payment on 9/1/2037 (Monthly Income after graduation until age 30); Guaranteed Payout \$383,418.00
- ▶ The cost of Annuity is \$200,000.00

For Antwane Hooper DOB 10/27/08

- ▶ \$35,000.00 per year, guaranteed 4 years, beginning 07/01/2027, with the last guaranteed payment on 7/1/2030 (College Plan); Guaranteed Payout \$140,000.00
- ▶ \$4,701.15 per month, guaranteed 7 years and 5 months, beginning 6/1/2031, with the last guaranteed payment on 10/1/2038 (Monthly Income after graduation until age 30); Guaranteed Payout \$418,402.00.
- ▶ The cost of Annuity is \$200,000.00

The total cost of the structured settlement is \$400,000.00. See Exhibit A - Settlement Agreement and Release.

4. Plaintiff agrees that the defendant, Women's Aid Clinic of Lincolnwood, Inc., and/or their insurer may make a qualified assignment within the meaning of Section 130 (c) of the Internal Revenue Code of 1986, as Amended, to make the periodic future payments as set forth in Page II; Paragraph 4 of the Addendum to Release (Exhibit A) to New York Life Insurance and Annuity Corporation. The New York Life Insurance and Annuity Corporation reserves the right to fund the liability to make its periodic payments described in Page II ; Para 6 of Addendum to Release above through the purchase of an annuity policy from New York Life Insurance Company. New

York Life Insurance Company has the following ratings: AM BEST A++.

5. All sums set forth in Paragraphs 3(a) and 3(b) above constitute damages on account of personal injury, within the meaning of Section 104 (a)(2) of the Internal Revenue Code of 1986, as amended.

6. Larry R. Rogers has conferred with Maria Ross concerning the offer of settlement and she has agreed that the offer of settlement is fair and reasonable and should be accepted.

7. Power Rogers & Smith, PC, were retained as attorneys in this matter and, pursuant to the Medical Malpractice Act of 1985, attorneys fees are \$151,377.00, schedule as follows:

1/3 of \$150,000.00	\$ 50,000.00
25% of \$405,508.00	<u>101,377.00</u>
	\$ 151,377.00

Power Rogers & Smith, P.C. have reduced their attorneys' fee to \$38,885.56.

8. Power Rogers & Smith, PC, has incurred expenses in the preparation of the cause of action for trial in the amount of \$11,235.95. An itemized list of expenses has been presented to this Court under separate cover.

9. The next of kin pursuant to the Wrongful Death Act are:

Antonio Hooper, a minor son dob: September 6, 2007

Antwane Hooper, a minor son dob: October 27, 2008

10. Petitioner and her attorney, Larry R. Rogers, believe that an equitable finding of dependency would be as follows:

Antonio Hooper, a minor son 50%

Antwane Hooper, a minor son 50%

11. The balance of \$505,386.49 available for distribution after payment of attorneys' fees (\$38,885.56); reimbursement of expenses (\$11,235.95); shall be distributed to the next of kin of the

decedent as follows:

Antonio Hooper, a minor son	\$252,693.24
Cost of annuity - future periodic payments	<u>- 200,000.00</u>
Present cash distribution	\$ 52,693.24
Antwane Hooper, a minor son	\$252,693.25
Cost of annuity - future periodic payments	<u>- 200,000.00</u>
Present cash distribution	\$ 52,693.25

WHEREFORE, plaintiff, MARIA ROSS, as Independent Administrator DBN of the Estate of ANTONESHA ROSS, deceased, moves the Court for the entry of an Order as follows:

A. Finding the settlement offer as set forth above in paragraphs 1, 2 and 3(a) and (b) are fair and reasonable and approved.

B. Finding that Power Rogers & Smith, PC, are entitled to attorneys' fees in the amount of \$38,885.56.

C. Finding that Power Rogers & Smith, PC, is entitled to reimbursement of expenses in the amount of \$11,235.95.

D. Finding that the amount distributable from the settlement after payment of attorneys' fees (\$38,885.56); expenses (\$11,235.95); and cost of annuities (\$400,000.00) the net settlement cash portion of the settlement is \$105,386.49 which shall be paid in accordance with the equitable finding of dependency and shall be distributed as follows:

Antonio Hooper, a minor son	\$ 52,693.24
Antwane Hooper, a minor son	\$ 52,693.25

E. The net settlement amount approved herein shall be paid only to a guardian appointed by the Probate Division and the Order shall be effective only after the entry in the Probate Division

of an order approving the bond or other security required to administer the settlement and distribution provided for in this Order.

F. That the Court retains jurisdiction until settlement checks have been delivered to plaintiffs' counsel and annuity premiums paid. Further, annuities cannot be sold, transferred or assigned without prior approval of court.

G. That the above-entitled cause be dismissed as to all Defendants with prejudice and without costs.



MARIA ROSS, as Independent Administrator DBN of the
Estate of ANTONESHA ROSS, deceased