

VERDICT REPORT

T.M., Individually and as Parent and Next Friend of, Jane Doe, a minor, v. Darwin Jackson, M.D.; and Family Planning Associates Medical Group, Ltd.

\$950,000 jury verdict in Circuit Court of Cook County, Illinois. Attorney Matthew D. Ports, represented the plaintiff at trial 7/17/13-7/26/13 before Hon. Clare E. McWilliams.

Plaintiff, a 14-year-old minor, presented to Family Planning Associates on March 17, 2010, for an elective suction termination of pregnancy at 7-8 weeks. An ultrasound done prior to the surgery showed an intrauterine pregnancy. After dilating the cervix, Dr. Jackson inserted a vacurette to suction the contents but received nothing. Dr. Jackson called for the ultrasound machine to visualize the remainder of the procedure. Again, the ultrasound showed what appeared to be an intrauterine pregnancy. Dr. Jackson was able to locate the pregnancy and indent the gestational sac with three different dilators and the vacurette. When the suction was turned on the pregnancy decreased in size. Shortly thereafter, Jane Doe's vitals dropped dramatically and she had to be rushed to Northwest Memorial Hospital.

At Northwestern Memorial Hospital, she was emergently taken to surgery where it was discovered she had severe pelvic adhesive disease (PAD), greatly complicating her doctors' ability to identify and stop her massive bleed. Four physicians conferred and determined that she needed to have a supracervical hysterectomy to save her life. Post-surgery, pathology confirmed that the pregnancy was a cornual or interstitial ectopic pregnancy, a very rare ectopic pregnancy that appears to be intrauterine on ultrasound but is actually stuck in the muscle lining of the uterus. Ectopic pregnancies cannot be carried to term and will eventually rupture, necessitating removal for the patient's safety.

Plaintiff alleged that during the seven minute procedure, Dr. Jackson should have heeded several warning signs that the pregnancy was ectopic, or outside of the uterus, and she should have been sent to another provider where they could do further testing. Plaintiff also alleged that when Dr. Jackson turned on the suction, he tore Jane Doe's uterus multiple times, ruptured the gestational sac and started a massive bleed.

Had it been discovered beforehand, Jane Doe likely would have undergone a resection surgery that would have preserved her ability to have her own children. She cannot bear children, but because her ovaries were saved, she is eligible for surrogacy.

Defense presented evidence that she had several factors that decreased her fertility. The defense denied negligence and denied proximate cause.

The case was tried in the