

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

GWENDOLYN Y. LAMBERT, as plenary guardian of the  
person and estate of KAREN BAKER, a  
disabled person,

LAWRENCE J. HILL, et al.



No.

2005L009803  
CALENDAR/ROOM E  
TIME 00:00  
Medical Malpractice

**CIVIL ACTION COVER SHEET**

A Civil Action Cover Sheet shall be filed with the complaint in all civil actions. The information contained herein is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate general category and then check the subcategory thereunder, if applicable, which best characterizes your action.

Jury Demand  Yes  No

**PERSONAL INJURY/WRONGFUL DEATH**

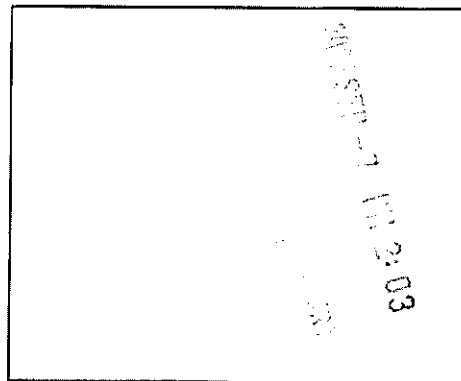
- 027 Motor Vehicle
- 040 Medical Malpractice
- 047 Asbestos
- 048 Dram Shop
- 049 Product Liability
- 051 Construction Injuries  
(including Structural Work Act, Road Construction Injuries Act and negligence)
- 052 Railroad/FELA
- 053 Pediatric Lead Exposure
- 061 Other Personal Injury/Wrongful Death
- 063 Intentional Tort
- 064 Miscellaneous Statutory Action  
(Please Specify Below\*\*)
- 065 Premises Liability
- 078 Fen-phen/Redux Litigation
- 199 Silicone Implant

**062 PROPERTY DAMAGE**

**066 LEGAL MALPRACTICE**

**TAX & MISCELLANEOUS REMEDIES**

- 007 Confession of Judgment
- 008 Replevin
- 009 Tax
- 015 Condemnation
- 017 Detinue
- 029 Unemployment Compensation
- 036 Administrative Review Action
- 085 Petition to Register Foreign Judgment
- 099 All Other Extraordinary Remedies



(FILE STAMP)

**COMMERCIAL LITIGATION**

- 002 Breach of Contract
- 070 Professional Malpractice  
(other than legal or medical)
- 071 Fraud
- 072 Consumer Fraud
- 073 Breach of Warranty
- 074 Statutory Action  
(Please Specify Below\*\*)
- 075 Other Commercial Litigation  
(Please Specify Below\*\*)
- 076 Retaliatory Discharge

**077 LIBEL/SLANDER**

**OTHER ACTIONS**

- 079 Petition for Qualified Orders
- 084 Petition to Issue Subpoena
- 100 Petition for Discovery

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By: \_\_\_\_\_

(Attorney)

(Pro Se)

25559

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

GWENDOLYN Y. LAMBERT, as plenary guardian of )  
the person and estate of KAREN BAKER, a disabled )  
person, )  
 )  
Plaintiff, )

v. ) No.:

LAWRENCE J. HILL, C.R.N.A., FAMILY PLANNING )  
ASSOCIATES MEDICAL GROUP, LTD., an Illinois )  
Corporation, and ALBANY MEDICAL CORPORATION, )  
d/b/a ALBANY MEDICAL-SURGICAL CENTER, )  
an Illinois Corporation, )  
 )  
Defendants. )

**JURY DEMANDED**  
2005L009803  
CALENDAR/ROOM E  
TIME 00:00  
Medical Malpractice

**COMPLAINT AT LAW**

**COUNT I - LAWRENCE HILL, C.R.N.A. - NEGLIGENCE**

Plaintiff, GWENDOLYN Y. LAMBERT, as plenary guardian of the person and estate of KAREN BAKER, a disabled person, by and through her attorneys, PATRICK J. KENNEALLY, LTD., in complaining of Defendant, LAWRENCE J. HILL, C.R.N.A., states as follows:

1. On March 10, 2005, and prior thereto, the Defendant, LAWRENCE J. HILL, C.R.N.A. (hereinafter "HILL"), was a certified registered nurse anesthetist, duly licensed in the State of Illinois and engaged in the practice of that profession in the City of Chicago, County of Cook, State of Illinois.

2. On March 10, 2005, and prior and subsequent thereto, FAMILY PLANNING ASSOCIATES MEDICAL GROUP, LTD. (hereinafter "FAMILY PLANNING"), was an Illinois professional service corporation which owned, operated, controlled and/or managed a medical clinic providing pregnancy termination services on the premises located at 5086 North Elston Avenue in the City of Chicago, County of Cook, State of Illinois.

3. On March 10, 2005, and prior and subsequent thereto, ALBANY MEDICAL CORPORATION, d/b/a ALBANY MEDICAL-SURGICAL CENTER (hereinafter "ALBANY"),

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was an Illinois professional service corporation which owned, operated, controlled and/or managed a medical clinic providing pregnancy termination services on the premises located at 5086 North Elston Avenue in the City of Chicago, County of Cook, State of Illinois.

4. On March 8, 9 and 10, 2005, Plaintiff's ward, KAREN BAKER, came under the care and treatment of Defendants, FAMILY PLANNING and/or ALBANY, by and through their duly authorized agents, servants and/or employees acting in the course and scope of their duties and responsibilities, for the purpose of terminating her pregnancy.

5. On March 10, 2005, KAREN BAKER underwent a surgical procedure known as dilation and extraction on the premises located at 5086 North Elston Avenue, Chicago, Illinois and owned, operated, controlled and/or managed by Defendants, FAMILY PLANNING and/or ALBANY.

6. On March 10, 2005, the aforementioned surgical procedure was performed on KAREN BAKER from approximately 8:26 a.m. to 8:37 a.m. by Darwin Jackson, M.D. and Melissa Simon, M.D. During said procedure, anesthesia services were provided to KAREN BAKER by Defendant, HILL, the duly authorized agent, servant and/or employee of Defendants, FAMILY PLANNING and/or ALBANY, acting within course and scope of his duties and responsibilities.

7. On March 10, 2005, in the course of providing anesthesia services to KAREN BAKER, Defendant, HILL, administered, or ordered the administration of, 300 mg of Propofol to BAKER.

8. At no time during the dilation and extraction procedure performed on March 10, 2005 at the aforementioned location did Defendant, HILL, place an endotracheal tube into KAREN BAKER's airway.

9. During the aforementioned dilation and extraction procedure Defendant, HILL, became aware that KAREN BAKER's oxygen saturation level decreased to 64%.

10. After the conclusion of the aforementioned dilation and extraction procedure KAREN BAKER was taken to a post-surgical recovery area located within the premises located at 5086 North Elston Avenue, Chicago, Illinois.

11. While in the recovery area KAREN BAKER experienced jerky movement of her arms and legs while remaining in a state of unconsciousness. Defendant, HILL, was made aware of this state of being on or about 9:20 a.m. on March 10, 2005.

12. While KAREN BAKER was in the aforementioned recovery area Defendant, HILL, administered Valium to her in an attempt to control the clonic contractions she was experiencing.

13. Subsequent to administering initial doses of Valium to KAREN BAKER on March 10, 2005, Defendant, HILL, administered Romazicon to BAKER in order to reverse the effects of the Valium previously administered.

14. Defendant, HILL, attempted to intubate BAKER from about 12:55 p.m. until about 1:50 p.m. on March 10, 2005.

15. At no time while attempting to intubate KAREN BAKER in the recovery area on March 10, 2005 did Defendant, HILL, provide BAKER with a laryngeal mask or a combitube.

16. At no time described in Paragraph #14 above, did Defendant, HILL, request assistance in intubating KAREN BAKER from the paramedics that arrived at the clinic to transport BAKER to a hospital.

17. At no time after intubating KAREN BAKER in the recovery area on March 10, 2005 did Defendant, HILL, confirm proper tube placement by use of a CO<sub>2</sub> monitor.

18. At about 2:00 p.m. on March 10, 2005 KAREN BAKER was transported via ambulance from the aforementioned premises to Swedish Covenant Hospital in a state of unconsciousness.

19. At all times relevant herein, it became and was the duty of Defendant, HILL, to exercise due care and caution in the care and treatment of KAREN BAKER.

20. Notwithstanding his duty to exercise due care in connection with the care and treatment of KAREN BAKER, Defendant, HILL, breached such duty in one or more of the following ways:

- a) Failed to adequately protect KAREN BAKER's airway during surgery by use of endotracheal intubation;
- b) Failed to properly approach the difficult intubation encountered while KAREN BAKER was in the recovery area by providing her with a larynal mask;
- c) Failed to properly approach the difficult intubation encountered while KAREN BAKER was in the recovery area by providing her with a combitube;
- d) Failed to properly approach the difficult intubation encountered while KAREN BAKER was in the recovery area by requesting the assistance of the paramedics who arrived at the clinic to transport KAREN BAKER to a hospital;
- e) Ordered the administration of Romazicon to KAREN BAKER while she was in the recovery area though she had been experiencing seizure-like activity;
- f) Failed to confirm that a proper airway was established with a CO2 monitor after nasotracheal intubation was attempted in the recovery area.

21. As a direct and proximate result on one or more of the foregoing negligent acts or omissions, KAREN BAKER suffered brain anoxia which has left her in an irreversible coma.

22. KAREN BAKER is presently 30 years of age and is the mother of three minor children, Erinn Michael Lambert (date of birth March 18, 1999), Samantha Michael Lambert (date of birth August 8, 1995), and Samuel Michael Lambert (date of birth August 20, 1997).

23. GWENDOLYN Y. LAMBERT has been appointed guardian of the person and estate of KAREN BAKER, a disabled person, by the Circuit Court of Cook County.

WHEREFORE, Plaintiff, GWENDOLYN Y. LAMBERT, as plenary guardian of the person and estate of KAREN BAKER, a disabled person, prays for judgment against Defendant, LAWRENCE J. HILL, C.R.N.A., in an amount in excess of the amount necessary for jurisdiction of this Court together with the cost of bringing this suit.

**COUNT II – LAWRENCE HILL, C.R.N.A. – RES IPSA LOQUITUR**

Plaintiff, GWENDOLYN Y. LAMBERT, as plenary guardian of the person and estate of KAREN BAKER, a disabled person, by and through her attorneys, PATRICK J. KENNEALLY, LTD., in complaining of Defendant, LAWRENCE J. HILL, C.R.N.A., states as follows:

1. On March 10, 2005, and prior thereto, the Defendant, LAWRENCE J. HILL, C.R.N.A. (hereinafter “HILL”), was a certified registered nurse anesthetist, duly licensed in the State of Illinois and engaged in the practice of that profession in the City of Chicago, County of Cook, State of Illinois.

2. On March 10, 2005, and prior and subsequent thereto, FAMILY PLANNING ASSOCIATES MEDICAL GROUP, LTD. (hereinafter “FAMILY PLANNING”), was an Illinois professional service corporation which owned, operated, controlled and/or managed a medical clinic providing pregnancy termination services on the premises located at 5086 North Elston Avenue in the City of Chicago, County of Cook, State of Illinois.

3. On March 10, 2005, and prior and subsequent thereto, ALBANY MEDICAL CORPORATION, d/b/a ALBANY MEDICAL-SURGICAL CENTER (hereinafter “ALBANY”), was an Illinois professional service corporation which owned, operated, controlled and/or managed a medical clinic providing pregnancy termination services on the premises located at 5086 North Elston Avenue in the City of Chicago, County of Cook, State of Illinois.

4. On March 8, 9 and 10, 2005, Plaintiff's ward, KAREN BAKER, came under the care and treatment of Defendants, FAMILY PLANNING and/or ALBANY, by and through their duly authorized agents, servants and/or employees acting in the course and scope of their duties and responsibilities, for the purpose of terminating her pregnancy.

5. On March 10, 2005, KAREN BAKER underwent a surgical procedure known as dilation and extraction on the premises located at 5086 North Elston Avenue, Chicago, Illinois and owned, operated, controlled and/or managed by Defendants, FAMILY PLANNING and/or ALBANY.

6. On March 10, 2005, the aforementioned surgical procedure was performed on KAREN BAKER from approximately 8:26 a.m. to 8:37 a.m. by Darwin Jackson, M.D. and Melissa Simon, M.D. During said procedure, anesthesia services were provided to KAREN BAKER by Defendant, HILL, the duly authorized agent, servant and/or employee of Defendants, FAMILY PLANNING and/or ALBANY, acting within course and scope of his duties and responsibilities.

7. On March 10, 2005, in the course of providing anesthesia services to KAREN BAKER, Defendant, HILL, administered, or ordered the administration of, 300 mg of Propofol to BAKER.

8. At no time during the dilation and extraction procedure performed on March 10, 2005 at the aforementioned location did Defendant, HILL, place an endotracheal tube into KAREN BAKER's airway.

9. During the aforementioned dilation and extraction procedure Defendant, HILL, became aware that KAREN BAKER's oxygen saturation level decreased to 64%.

10. After the conclusion of the aforementioned dilation and extraction procedure KAREN BAKER was taken to a post-surgical recovery area located within the premises located at 5086 North Elston Avenue, Chicago, Illinois.

11. While in the recovery area KAREN BAKER experienced jerky movement of her arms and legs while remaining in a state of unconsciousness. Defendant, HILL, was made aware of this state of being on or about 9:20 a.m. on March 10, 2005.

12. While KAREN BAKER was in the aforementioned recovery area Defendant, HILL, administered Valium to her in an attempt to control the clonic contractions she was experiencing.

13. Subsequent to administering initial doses of Valium to KAREN BAKER on March 10, 2005, Defendant, HILL, administered Romazicon to BAKER in order to reverse the effects of the Valium previously administered.

14. Defendant, HILL, attempted to intubate BAKER from about 12:55 p.m. until about 1:50 p.m. on March 10, 2005.

15. At no time while attempting to intubate KAREN BAKER in the recovery area on March 10, 2005 did Defendant, HILL, provide BAKER with a laryngeal mask or a combitube.

16. At no time described in Paragraph #14 above, did Defendant, HILL, request assistance in intubating KAREN BAKER from the paramedics that arrived at the clinic to transport BAKER to a hospital.

17. At no time after intubating KAREN BAKER in the recovery area on March 10, 2005 did Defendant, HILL, confirm proper tube placement by use of a CO<sub>2</sub> monitor.

18. At about 2:00 p.m. on March 10, 2005 KAREN BAKER was transported via ambulance from the aforementioned premises to Swedish Covenant Hospital in a state of unconsciousness.

19. At all times relevant herein, it became and was the duty of Defendant, HILL, to exercise due care and caution in the care and treatment of KAREN BAKER.

20. During the care and/or treatment provided by Defendant, HILL, KAREN BAKER was under general anesthesia, and was under the control and management of said Defendant.



21. During the time that KAREN BAKER was under the control and management of Defendant, HILL, her brain was deprived of oxygen for a period of time long enough to cause her profound and permanent brain damage.

22. KAREN BAKER would not have experienced deprivation of oxygen to her brain as described above had Defendant, HILL, used ordinary care while KAREN BAKER was under his control and management and, as such, negligence of the part of the Defendant is presumed.

23. As a direct and proximate result on one or more of the foregoing negligent acts or omissions, KAREN BAKER suffered brain anoxia which has left her in an irreversible coma.

24. KAREN BAKER is presently 30 years of age and is the mother of three minor children, Erinn Michael Lambert (date of birth March 18, 1999), Samantha Michael Lambert (date of birth August 8, 1995), and Samuel Michael Lambert (date of birth August 20, 1997).

25. GWENDOLYN Y. LAMBERT has been appointed guardian of the person and estate of KAREN BAKER, a disabled person, by the Circuit Court of Cook County.

WHEREFORE, Plaintiff, GWENDOLYN Y. LAMBERT, as plenary guardian of the person and estate of KAREN BAKER, a disabled person, prays for judgment against Defendant, LAWRENCE J. HILL, C.R.N.A., in an amount in excess of the amount necessary for jurisdiction of this Court together with the cost of bringing this suit.

**COUNT III – FAMILY PLANNING ASSOCIATES – RESPONDEAT SUPERIOR**

Plaintiff, GWENDOLYN Y. LAMBERT, as plenary guardian of the person and estate of KAREN BAKER, a disabled person, by and through her attorneys, PATRICK J. KENNEALLY,

LTD., in complaining of Defendant, FAMILY PLANNING ASSOCIATES MEDICAL GROUP, LTD., an Illinois Corporation, states as follows:

1. On March 10, 2005, and prior thereto, the Defendant, LAWRENCE J. HILL, C.R.N.A. (hereinafter "HILL"), was a certified registered nurse anesthetist, duly licensed in the State of Illinois and engaged in the practice of that profession in the City of Chicago, County of Cook, State of Illinois.

2. On March 10, 2005, and prior and subsequent thereto, FAMILY PLANNING ASSOCIATES MEDICAL GROUP, LTD. (hereinafter "FAMILY PLANNING"), was an Illinois professional service corporation which owned, operated, controlled and/or managed a medical clinic providing pregnancy termination services on the premises located at 5086 North Elston Avenue in the City of Chicago, County of Cook, State of Illinois.

3. On March 10, 2005, and prior and subsequent thereto, ALBANY MEDICAL CORPORATION, d/b/a ALBANY MEDICAL-SURGICAL CENTER (hereinafter "ALBANY"), was an Illinois professional service corporation which owned, operated, controlled and/or managed a medical clinic providing pregnancy termination services on the premises located at 5086 North Elston Avenue in the City of Chicago, County of Cook, State of Illinois.

4. On March 8, 9 and 10, 2005, Plaintiff's ward, KAREN BAKER, came under the care and treatment of Defendants, FAMILY PLANNING and/or ALBANY, by and through their duly authorized agents, servants and/or employees acting in the course and scope of their duties and responsibilities, for the purpose of terminating her pregnancy.

5. On March 10, 2005, KAREN BAKER underwent a surgical procedure known as dilation and extraction on the premises located at 5086 North Elston Avenue, Chicago, Illinois and owned, operated, controlled and/or managed by Defendants, FAMILY PLANNING and/or ALBANY.

6. On March 10, 2005, the aforementioned surgical procedure was performed on KAREN BAKER from approximately 8:26 a.m. to 8:37 a.m. by Darwin Jackson, M.D. and Melissa Simon, M.D. During said procedure, anesthesia services were provided to KAREN BAKER by Defendant, HILL, the duly authorized agent, servant and/or employee of Defendants, FAMILY PLANNING and/or ALBANY, acting within course and scope of his duties and responsibilities.

7. On March 10, 2005, in the course of providing anesthesia services to KAREN BAKER, Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, administered, or ordered the administration of, 300 mg of Propofol to BAKER.

8. At no time during the dilation and extraction procedure performed on March 10, 2005 at the aforementioned location did Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, place an endotracheal tube into KAREN BAKER's airway.

9. During the aforementioned dilation and extraction procedure Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, became aware that KAREN BAKER's oxygen saturation level decreased to 64%.

10. After the conclusion of the aforementioned dilation and extraction procedure KAREN BAKER was taken to a post-surgical recovery area located within the premises located at 5086 North Elston Avenue, Chicago, Illinois.

11. While in the recovery area KAREN BAKER experienced jerky movement of her arms and legs while remaining in a state of unconsciousness. Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, was made aware of this state of being on or about 9:20 a.m. on March 10, 2005.

12. While KAREN BAKER was in the aforementioned recovery area Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, administered Valium to her in an attempt to control the clonic contractions she was experiencing.

13. Subsequent to administering initial doses of Valium to KAREN BAKER on March 10, 2005, Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, administered Romazicon to BAKER in order to reverse the effects of the Valium previously administered.

14. Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, attempted to intubate BAKER from about 12:55 p.m. until about 1:50 p.m. on March 10, 2005.

15. At no time while attempting to intubate KAREN BAKER in the recovery area on March 10, 2005 did Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, provide BAKER with a laryngeal mask or a combitube.

16. At no time described in Paragraph #14 above, did Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, request assistance in intubating KAREN BAKER from the paramedics that arrived at the clinic to transport BAKER to a hospital.

17. At no time after intubating KAREN BAKER in the recovery area on March 10, 2005 did Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, confirm proper tube placement by use of a CO<sub>2</sub> monitor.

18. At about 2:00 p.m. on March 10, 2005 KAREN BAKER was transported via ambulance from the aforementioned premises to Swedish Covenant Hospital in a state of unconsciousness.

19. At all times relevant herein, it became and was the duty of Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, to exercise due care and caution in the care and treatment of KAREN BAKER.

20. Notwithstanding its duty to exercise due care in connection with the care and treatment of KAREN BAKER, Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, acting in the course and scope of his duties and responsibilities, breached such duty in one or more of the following ways:

- a) Failed to adequately protect KAREN BAKER's airway during surgery by use of endotracheal intubation;
- b) Failed to properly approach the difficult intubation encountered while KAREN BAKER was in the recovery area by providing her with a larynal mask;

- c) Failed to properly approach the difficult intubation encountered while KAREN BAKER was in the recovery area by providing her with a combitube;
- d) Failed to properly approach the difficult intubation encountered while KAREN BAKER was in the recovery area by requesting the assistance of the paramedics who arrived at the clinic to transport KAREN BAKER to a hospital;
- e) Ordered the administration of Romazicon to KAREN BAKER while she was in the recovery area though she had been experiencing seizure-like activity;
- f) Failed to confirm that a proper airway was established with a CO<sub>2</sub> monitor after nasotracheal intubation was attempted in the recovery area.

21. As a direct and proximate result on one or more of the foregoing negligent acts or omissions, KAREN BAKER suffered brain anoxia which has left her in an irreversible coma.

22. KAREN BAKER is presently 30 years of age and is the mother of three minor children, Erinn Michael Lambert (date of birth March 18, 1999), Samantha Michael Lambert (date of birth August 8, 1995), and Samuel Michael Lambert (date of birth August 20, 1997).

23. GWENDOLYN Y. LAMBERT has been appointed guardian of the person and estate of KAREN BAKER, a disabled person, by the Circuit Court of Cook County.

WHEREFORE, Plaintiff, GWENDOLYN Y. LAMBERT, as plenary guardian of the person and estate of KAREN BAKER, a disabled person, prays for judgment against Defendant, FAMILY PLANNING ASSOCIATES MEDICAL GROUP, LTD., an Illinois Corporation, in an amount in excess of the amount necessary for jurisdiction of this Court together with the cost of bringing this suit.

**COUNT IV – FAMILY PLANNING ASSOCIATES – RESPONDEAT SUPERIOR –  
RES IPSA LOQUITUR**

Plaintiff, GWENDOLYN Y. LAMBERT, as plenary guardian of the person and estate of KAREN BAKER, a disabled person, by and through her attorneys, PATRICK J. KENNEALLY, LTD., in complaining of Defendant, FAMILY PLANNING ASSOCIATES MEDICAL GROUP, LTD., an Illinois Corporation, states as follows:

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3. On March 10, 2005, and prior and subsequent thereto, ALBANY MEDICAL CORPORATION, d/b/a ALBANY MEDICAL-SURGICAL CENTER (hereinafter “ALBANY”), was an Illinois professional service corporation which owned, operated, controlled and/or managed a medical clinic providing pregnancy termination services on the premises located at 5086 North Elston Avenue in the City of Chicago, County of Cook, State of Illinois.

4. On March 8, 9 and 10, 2005, Plaintiff’s ward, KAREN BAKER, came under the care and treatment of Defendants, FAMILY PLANNING and/or ALBANY, by and through their

duly authorized agents, servants and/or employees acting in the course and scope of their duties and responsibilities, for the purpose of terminating her pregnancy.

5. On March 10, 2005, KAREN BAKER underwent a surgical procedure known as dilation and extraction on the premises located at 5086 North Elston Avenue, Chicago, Illinois and owned, operated, controlled and/or managed by Defendants, FAMILY PLANNING and/or ALBANY.

6. On March 10, 2005, the aforementioned surgical procedure was performed on KAREN BAKER from approximately 8:26 a.m. to 8:37 a.m. by Darwin Jackson, M.D. and Melissa Simon, M.D. During said procedure, anesthesia services were provided to KAREN BAKER by Defendant, HILL, the duly authorized agent, servant and/or employee of Defendants, FAMILY PLANNING and/or ALBANY, acting within course and scope of his duties and responsibilities.

7. On March 10, 2005, in the course of providing anesthesia services to KAREN BAKER, Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, administered, or ordered the administration of, 300 mg of Propofol to BAKER.

8. At no time during the dilation and extraction procedure performed on March 10, 2005 at the aforementioned location did Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, place an endotracheal tube into KAREN BAKER's airway.



9. During the aforementioned dilation and extraction procedure Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, became aware that KAREN BAKER's oxygen saturation level decreased to 64%.

10. After the conclusion of the aforementioned dilation and extraction procedure KAREN BAKER was taken to a post-surgical recovery area located within the premises located at 5086 North Elston Avenue, Chicago, Illinois.

11. While in the recovery area KAREN BAKER experienced jerky movement of her arms and legs while remaining in a state of unconsciousness. Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, was made aware of this state of being on or about 9:20 a.m. on March 10, 2005.

12. While KAREN BAKER was in the aforementioned recovery area Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, administered Valium to her in an attempt to control the clonic contractions she was experiencing.

13. Subsequent to administering initial doses of Valium to KAREN BAKER on March 10, 2005, Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, administered Romazicon to BAKER in order to reverse the effects of the Valium previously administered.

14. Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, attempted to intubate BAKER from about 12:55 p.m. until about 1:50 p.m. on March 10, 2005.

15. At no time while attempting to intubate KAREN BAKER in the recovery area on March 10, 2005 did Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, provide BAKER with a laryngeal mask or a combitube.

16. At no time described in paragraph #14 above, did Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, request assistance in intubating KAREN BAKER from the paramedics that arrived at the clinic to transport BAKER to a hospital.

17. At no time after intubating KAREN BAKER in the recovery area on March 10, 2005 did Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, confirm proper tube placement by use of a CO2 monitor.

18. At about 2:00 p.m. on March 10, 2005 KAREN BAKER was transported via ambulance from the aforementioned premises to Swedish Covenant Hospital in a state of unconsciousness.

19. At all times relevant herein, it became and was the duty of Defendant, FAMILY PLANNING, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, to exercise due care and caution in the care and treatment of KAREN BAKER.

20. During the care and/or treatment provided by Defendant, FAMILY PLANNING, KAREN BAKER was under general anesthesia, and was under the control and management of said Defendant.

21. During the time that KAREN BAKER was under the control and management of Defendant, FAMILY PLANNING, her brain was deprived of oxygen for a period of time long enough to cause her profound and permanent brain damage.

22. KAREN BAKER would not have experienced deprivation of oxygen to her brain as described above had Defendant, FAMILY PLANNING, used ordinary care while KAREN BAKER was under his control and management and, as such, negligence of the part of the Defendant is presumed.

23. As a direct and proximate result on one or more of the foregoing negligent acts or omissions, KAREN BAKER suffered brain anoxia which has left her in an irreversible coma.

24. KAREN BAKER is presently 30 years of age and is the mother of three minor children, Erinn Michael Lambert (date of birth March 18, 1999), Samantha Michael Lambert (date of birth August 8, 1995), and Samuel Michael Lambert (date of birth August 20, 1997).

25. GWENDOLYN Y. LAMBERT has been appointed guardian of the person and estate of KAREN BAKER, a disabled person, by the Circuit Court of Cook County.

WHEREFORE, Plaintiff, GWENDOLYN Y. LAMBERT, as plenary guardian of the person and estate of KAREN BAKER, a disabled person, prays for judgment against Defendant, FAMILY PLANNING ASSOCIATES MEDICAL GROUP, LTD., an Illinois Corporation, in an amount in excess of the amount necessary for jurisdiction of this Court together with the cost of bringing this suit.

**COUNT V – ALBANY – RESPONDEAT SUPERIOR**

Plaintiff, GWENDOLYN Y. LAMBERT, as plenary guardian of the person and estate of KAREN BAKER, a disabled person, by and through her attorneys, PATRICK J. KENNEALLY, LTD., in complaining of Defendant, ALBANY MEDICAL CORPORATION, d/b/a ALBANY MEDICAL-SURGICAL CENTER, an Illinois Corporation, states as follows:

1. On March 10, 2005, and prior thereto, the Defendant, LAWRENCE J. HILL, C.R.N.A. (hereinafter "HILL"), was a certified registered nurse anesthetist, duly licensed in the State of Illinois and engaged in the practice of that profession in the City of Chicago, County of Cook, State of Illinois.

2. On March 10, 2005, and prior and subsequent thereto, FAMILY PLANNING ASSOCIATES MEDICAL GROUP, LTD. (hereinafter "FAMILY PLANNING"), was an Illinois professional service corporation which owned, operated, controlled and/or managed a medical clinic providing pregnancy termination services on the premises located at 5086 North Elston Avenue in the City of Chicago, County of Cook, State of Illinois.

3. On March 10, 2005, and prior and subsequent thereto, ALBANY MEDICAL CORPORATION, d/b/a ALBANY MEDICAL-SURGICAL CENTER (hereinafter "ALBANY"), was an Illinois professional service corporation which owned, operated, controlled and/or managed a medical clinic providing pregnancy termination services on the premises located at 5086 North Elston Avenue in the City of Chicago, County of Cook, State of Illinois.

4. On March 8, 9 and 10, 2005, Plaintiff's ward, KAREN BAKER, came under the care and treatment of Defendants, FAMILY PLANNING and/or ALBANY, by and through their

duly authorized agents, servants and/or employees acting in the course and scope of their duties and responsibilities, for the purpose of terminating her pregnancy.

5. On March 10, 2005, KAREN BAKER underwent a surgical procedure known as dilation and extraction on the premises located at 5086 North Elston Avenue, Chicago, Illinois and owned, operated, controlled and/or managed by Defendants, FAMILY PLANNING and/or ALBANY.

6. On March 10, 2005, the aforementioned surgical procedure was performed on KAREN BAKER from approximately 8:26 a.m. to 8:37 a.m. by Darwin Jackson, M.D. and Melissa Simon, M.D. During said procedure, anesthesia services were provided to KAREN BAKER by Defendant, HILL, the duly authorized agent, servant and/or employee of Defendants, FAMILY PLANNING and/or ALBANY, acting within course and scope of his duties and responsibilities.

7. On March 10, 2005, in the course of providing anesthesia services to KAREN BAKER, Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, administered, or ordered the administration of, 300 mg of Propofol to BAKER.

8. At no time during the dilation and extraction procedure performed on March 10, 2005 at the aforementioned location did Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, place an endotracheal tube into KAREN BAKER's airway.

9. During the aforementioned dilation and extraction procedure Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, became aware that KAREN BAKER's oxygen saturation level decreased to 64%.

10. After the conclusion of the aforementioned dilation and extraction procedure KAREN BAKER was taken to a post-surgical recovery area located within the premises located at 5086 North Elston Avenue, Chicago, Illinois.

11. While in the recovery area KAREN BAKER experienced jerky movement of her arms and legs while remaining in a state of unconsciousness. Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, was made aware of this state of being on or about 9:20 a.m. on March 10, 2005.

12. While KAREN BAKER was in the aforementioned recovery area Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, administered Valium to her in an attempt to control the clonic contractions she was experiencing.

13. Subsequent to administering initial doses of Valium to KAREN BAKER on March 10, 2005, Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, administered Romazicon to BAKER in order to reverse the effects of the Valium previously administered.

14. Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, attempted to intubate BAKER from about 12:55 p.m. until about 1:50 p.m. on March 10, 2005.

15. At no time while attempting to intubate KAREN BAKER in the recovery area on March 10, 2005 did Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, provide BAKER with a larynal mask or a combitube.

16. At no time described in Paragraph #14 above, did Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, request assistance in intubating KAREN BAKER from the paramedics that arrived at the clinic to transport BAKER to a hospital.

17. At no time after intubating KAREN BAKER in the recovery area on March 10, 2005 did Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, confirm proper tube placement by use of a CO<sub>2</sub> monitor.

18. At about 2:00 p.m. on March 10, 2005 KAREN BAKER was transported via ambulance from the aforementioned premises to Swedish Covenant Hospital in a state of unconsciousness.

19. At all times relevant herein, it became and was the duty of Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, to exercise due care and caution in the care and treatment of KAREN BAKER.

20. Notwithstanding its duty to exercise due care in connection with the care and treatment of KAREN BAKER, Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, acting in the course and scope of his duties and responsibilities, breached such duty in one or more of the following ways:

- a) Failed to adequately protect KAREN BAKER's airway during surgery by use of endotracheal intubation;

- b) Failed to properly approach the difficult intubation encountered while KAREN BAKER was in the recovery area by providing her with a larynal mask;
- c) Failed to properly approach the difficult intubation encountered while KAREN BAKER was in the recovery area by providing her with a combitube;
- d) Failed to properly approach the difficult intubation encountered while KAREN BAKER was in the recovery area by requesting the assistance of the paramedics who arrived at the clinic to transport KAREN BAKER to a hospital;
- e) Ordered the administration of Romazicon to KAREN BAKER while she was in the recovery area though she had been experiencing seizure-like activity;
- f) Failed to confirm that a proper airway was established with a CO2 monitor after nasotracheal intubation was attempted in the recovery area.

21. As a direct and proximate result on one or more of the foregoing negligent acts or omissions, KAREN BAKER suffered brain anoxia which has left her in an irreversible coma.

22. KAREN BAKER is presently 30 years of age and is the mother of three minor children, Erinn Michael Lambert (date of birth March 18, 1999), Samantha Michael Lambert (date of birth August 8, 1995), and Samuel Michael Lambert (date of birth August 20, 1997).

23. GWENDOLYN Y. LAMBERT has been appointed guardian of the person and estate of KAREN BAKER, a disabled person, by the Circuit Court of Cook County.

WHEREFORE, Plaintiff, GWENDOLYN Y. LAMBERT, as plenary guardian of the person and estate of KAREN BAKER, a disabled person, prays for judgment against Defendant, ALBANY MEDICAL CORPORATION, d/b/a ALBANY MEDICAL-SURGICAL CENTER, an Illinois Corporation, in an amount in excess of the amount necessary for jurisdiction of this Court together with the cost of bringing this suit.



**COUNT VI – ALBANY – RESPONDEAT SUPERIOR –**  
**RES IPSA LOQUITUR**

Plaintiff, GWENDOLYN Y. LAMBERT, as plenary guardian of the person and estate of KAREN BAKER, a disabled person, by and through her attorneys, PATRICK J. KENNEALLY, LTD., in complaining of Defendant, ALBANY MEDICAL CORPORATION, d/b/a ALBANY MEDICAL-SURGICAL CENTER, an Illinois Corporation, states as follows:

1. On March 10, 2005, and prior thereto, the Defendant, LAWRENCE J. HILL, C.R.N.A. (hereinafter “HILL”), was a certified registered nurse anesthetist, duly licensed in the State of Illinois and engaged in the practice of that profession in the City of Chicago, County of Cook, State of Illinois.

2. On March 10, 2005, and prior and subsequent thereto, FAMILY PLANNING ASSOCIATES MEDICAL GROUP, LTD. (hereinafter “FAMILY PLANNING”), was an Illinois professional service corporation which owned, operated, controlled and/or managed a medical clinic providing pregnancy termination services on the premises located at 5086 North Elston Avenue in the City of Chicago, County of Cook, State of Illinois.

3. On March 10, 2005, and prior and subsequent thereto, ALBANY MEDICAL CORPORATION, d/b/a ALBANY MEDICAL-SURGICAL CENTER (hereinafter “ALBANY”), was an Illinois professional service corporation which owned, operated, controlled and/or managed a medical clinic providing pregnancy termination services on the premises located at 5086 North Elston Avenue in the City of Chicago, County of Cook, State of Illinois.

4. On March 8, 9 and 10, 2005, Plaintiff’s ward, KAREN BAKER, came under the care and treatment of Defendants, FAMILY PLANNING and/or ALBANY, by and through their

duly authorized agents, servants and/or employees acting in the course and scope of their duties and responsibilities, for the purpose of terminating her pregnancy.

5. On March 10, 2005, KAREN BAKER underwent a surgical procedure known as dilation and extraction on the premises located at 5086 North Elston Avenue, Chicago, Illinois and owned, operated, controlled and/or managed by Defendants, FAMILY PLANNING and/or ALBANY.

6. On March 10, 2005, the aforementioned surgical procedure was performed on KAREN BAKER from approximately 8:26 a.m. to 8:37 a.m. by Darwin Jackson, M.D. and Melissa Simon, M.D. During said procedure, anesthesia services were provided to KAREN BAKER by Defendant, HILL, the duly authorized agent, servant and/or employee of Defendants, FAMILY PLANNING and/or ALBANY, acting within course and scope of his duties and responsibilities.

7. On March 10, 2005, in the course of providing anesthesia services to KAREN BAKER, Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, administered, or ordered the administration of, 300 mg of Propofol to BAKER.

8. At no time during the dilation and extraction procedure performed on March 10, 2005 at the aforementioned location did Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, place an endotracheal tube into KAREN BAKER's airway.

9. During the aforementioned dilation and extraction procedure Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, became aware that KAREN BAKER's oxygen saturation level decreased to 64%.

10. After the conclusion of the aforementioned dilation and extraction procedure KAREN BAKER was taken to a post-surgical recovery area located within the premises located at 5086 North Elston Avenue, Chicago, Illinois.

11. While in the recovery area KAREN BAKER experienced jerky movement of her arms and legs while remaining in a state of unconsciousness. Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, was made aware of this state of being on or about 9:20 a.m. on March 10, 2005.

12. While KAREN BAKER was in the aforementioned recovery area Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, administered Valium to her in an attempt to control the clonic contractions she was experiencing.

13. Subsequent to administering initial doses of Valium to KAREN BAKER on March 10, 2005, Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, administered Romazicon to BAKER in order to reverse the effects of the Valium previously administered.

14. Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, attempted to intubate BAKER from about 12:55 p.m. until about 1:50 p.m. on March 10, 2005.

15. At no time while attempting to intubate KAREN BAKER in the recovery area on March 10, 2005 did Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, provide BAKER with a larynal mask or a combitube.

16. At no time described in paragraph #14 above, did Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, request assistance in intubating KAREN BAKER from the paramedics that arrived at the clinic to transport BAKER to a hospital.

17. At no time after intubating KAREN BAKER in the recovery area on March 10, 2005 did Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, confirm proper tube placement by use of a CO<sub>2</sub> monitor.

18. At about 2:00 p.m. on March 10, 2005 KAREN BAKER was transported via ambulance from the aforementioned premises to Swedish Covenant Hospital in a state of unconsciousness.

19. At all times relevant herein, it became and was the duty of Defendant, ALBANY, by and through its duly authorized agent, servant, and/or employee, Defendant, HILL, to exercise due care and caution in the care and treatment of KAREN BAKER.

20. During the care and/or treatment provided by Defendant, ALBANY, KAREN BAKER was under general anesthesia, and was under the control and management of said Defendant.

21. During the time that KAREN BAKER was under the control and management of Defendant, ALBANY, her brain was deprived of oxygen for a period of time long enough to cause her profound and permanent brain damage.

22. KAREN BAKER would not have experienced deprivation of oxygen to her brain as described above had Defendant, ALBANY, used ordinary care while KAREN BAKER was under his control and management and, as such, negligence of the part of the Defendant is presumed.

23. As a direct and proximate result on one or more of the foregoing negligent acts or omissions, KAREN BAKER suffered brain anoxia which has left her in an irreversible coma.

24. KAREN BAKER is presently 30 years of age and is the mother of three minor children, Erinn Michael Lambert (date of birth March 18, 1999), Samantha Michael Lambert (date of birth August 8, 1995), and Samuel Michael Lambert (date of birth August 20, 1997).

25. GWENDOLYN Y. LAMBERT has been appointed guardian of the person and estate of KAREN BAKER, a disabled person, by the Circuit Court of Cook County.

WHEREFORE, Plaintiff, GWENDOLYN Y. LAMBERT, as plenary guardian of the person and estate of KAREN BAKER, a disabled person, prays for judgment against Defendant, ALBANY MEDICAL CORPORATION, d/b/a ALBANY MEDICAL-SURGICAL CENTER, an

2005 L 009803

05-L-009803

LAMBERT GWENDOLYN Y

Vs.

HILL LAWRENCE J

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25559

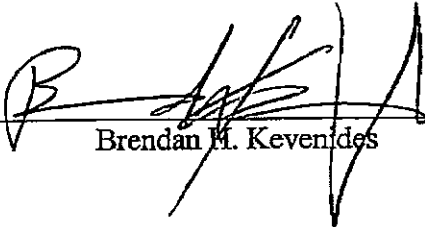
MEDICAL MAL-PRACTICE



CLERK OF THE CIRCUIT COURT - COOK COUNTY  
 00008616 LAW-01 9/7/2005 1:05PM  
 ATTY: 25559 018 MLDWE  
 AD DAMNH: \$50,000.00  
 CALENDAR: E  
 CASE NO: 2005L009803  
 COURT DATE: 0/0/0000 12:00AM  
 CASE TOTAL: \$504.00  
 12 Jurors 3  
 Automation  
 Document Storage  
 Law Library  
 Arbitration  
 Base Filing Fee 6  
 Dispute Resolution  
 CHECK NO: 18601  
 CHECK AMOUNT:  
 PAYMENT TOTAL:  
 \$230.00  
 \$5.00  
 \$5.00  
 \$13.00  
 \$10.00  
 \$240.00  
 \$1.00  
 \$504.00

Illinois Corporation, in an amount in excess of the amount necessary for jurisdiction of this Court together with the cost of bringing this suit.

PATRICK J. KENNEALLY, LTD.



Brendan M. Kevenides

PATRICK J. KENNEALLY, LTD.  
30 North LaSalle Street  
Suite 4030  
Chicago, Illinois 60602  
(312) 236-2522  
Firm I.D. No.: 25559

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

GWENDOLYN Y. LAMBERT, as plenary guardian of )  
the person and estate of KAREN BAKER, a disabled )  
person, )

Plaintiff, )

v. ) No.:

LAWRENCE J. HILL, C.R.N.A., FAMILY PLANNING )  
ASSOCIATES MEDICAL GROUP, LTD., an Illinois )  
Corporation, and ALBANY MEDICAL CORPORATION, )  
d/b/a ALBANY MEDICAL-SURGICAL CENTER, )  
an Illinois Corporation, )

Defendants. )

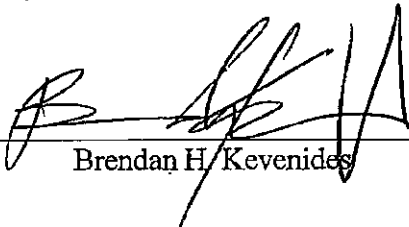
**AFFIDAVIT**

I, BRENDAN H. KEVENIDES, being first duly sworn on oath, depose and state as follows:

1. That the total money damages in the above captioned case exceed \$50,000.00 (FIFTY THOUSAND DOLLARS).

**FURTHER AFFIANT SAITH NOT.**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Instrument are true and correct except as to matters therein stated to be on information and belief, and as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

  
\_\_\_\_\_  
Brendan H. Kevenides

PATRICK J. KENNEALLY, LTD.  
30 North LaSalle Street  
Suite 4030  
Chicago, Illinois 60602  
(312) 236-2522  
Firm I.D. No.: 25559



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

GWENDOLYN Y. LAMBERT, as plenary guardian of	)
the person and estate of KAREN BAKER, a disabled	)
person,	)
	)
Plaintiff,	)
	)
v.	) No.:
	)
LAWRENCE J. HILL, C.R.N.A., FAMILY PLANNING	)
ASSOCIATES MEDICAL GROUP, LTD., an Illinois	)
Corporation, and ALBANY MEDICAL CORPORATION,	)
d/b/a ALBANY MEDICAL-SURGICAL CENTER,	)
an Illinois Corporation,	)
	)
Defendants.	)

**ATTORNEY'S AFFIDAVIT**

The undersigned Attorney-Affiant, having been first duly sworn on oath, deposes and states the following pursuant to the Illinois Code of Civil Procedure §2-622:

1. The Affiant is one of the attorneys representing the Plaintiff in this cause.
2. The Affiant has consulted and reviewed the facts of this case with a health professional who is a certified registered nurse anesthetist.
3. The Affiant reasonably believes that the health professional is knowledgeable in the relevant issues involved in the particular action, practices in the same area of health care or medicine that is at issue in the particular action, and is qualified by experience and demonstrated competence in the subject of the case.
4. The health professional has determined in a written report (filed herewith), after a review of the medical records and other relevant material, that negligence occurred in the course of

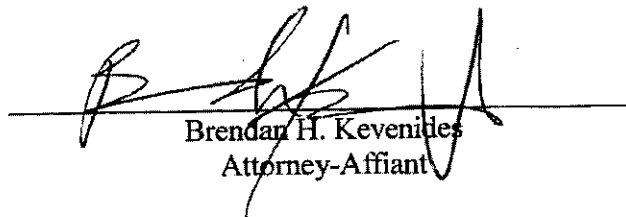
the medical treatment received by Karen Baker on March 10, 2005 which resulted in her suffering cerebral anoxia.

5. The health professional has, therefore, determined that there is a reasonable and meritorious cause for the filing of this action.

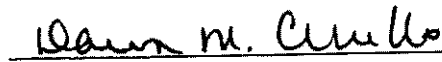
6. The Affiant has concluded on the basis of the reviewing health professional's review and consultation that there is a reasonable and meritorious cause for filing of such action against Defendants, LAWRENCE J. HILL, C.R.N.A., FAMILY PLANNING ASSOCIATES MEDICAL GROUP, LTD., an Illinois Corporation, and ALBANY MEDICAL CORPORATION, d/b/a ALBANY MEDICAL-SURGICAL CENTER, an Illinois Corporation.

7. The Affiant is relying on the doctrine of *res ipsa loquitur* in filing this action against Defendants, LAWRENCE J. HILL, C.R.N.A., FAMILY PLANNING ASSOCIATES MEDICAL GROUP, LTD., an Illinois Corporation, and ALBANY MEDICAL CORPORATION, d/b/a ALBANY MEDICAL-SURGICAL CENTER, an Illinois Corporation.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Instrument are true and correct except as to matters therein stated to be on information and belief, and as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

  
Brendan H. Kevenides  
Attorney-Affiant

Subscribed and sworn to before me  
this 2<sup>nd</sup> day of September, 2005.

  
Notary Public

