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JOHN SPESIA PREVAILS IN MEDICAL MALPRACTICE CASE IN ILLINOIS SUPREME COURT

Successfully arguing that expert testimony is not necessary to prove a claim of negligent infliction of emotional distress, Attorney John M. Spesia has learned the Illinois Supreme Court has ruled in his favor in a medical negligence case. The high court's ruling resulted in an award of over \$900,000 for Spesia's client, Toni Thornton.

Thornton originally sued Dr. Francisco Garcini, Silver Cross Hospital and several nurses after her baby died while becoming entrapped during delivery. The doctor arrived at the hospital more than an hour after he was allegedly called to complete the delivery. During that period of time, the deceased baby was left protruding from Toni Thornton's vagina while she lay in her hospital bed. After a first trial, a jury awarded Thornton \$175,000 for intentional infliction of emotional distress, but found in favor of the obstetrician, Dr. Garcini and the nursing staff. After a successful appeal of the case against Dr. Garcini, Spesia tried the case again. During the second trial, Thornton's mother and the infant's father testified to the traumatic emotional effect the incident had on Thornton. The second jury then returned a verdict in favor of Thornton and against Dr. Garcini for \$700,000 in damages for emotional distress.

After the second trial, Dr. Garcini appealed the case all the way to the Illinois Supreme Court claiming that Thornton failed to support her claim for emotional distress with expert testimony. But Attorney Spesia successfully argued that expert testimony was not required in such cases, and, in a unanimous decision, the seven justices of Illinois' highest court agreed.

“I think that one thing the court makes clear with this decision is that it has not lost its faith in the jury system and the court here reinforces that,” said Spesia.

To view a video clip of the courtroom arguments to the Illinois Supreme Court, click on the link on this web site’s home page.