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## Jury gives \$10M for cardiac incident Estate contended doctor should have treated valve issue

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A Cook County jury awarded \$10 million in a wrongful-death case involving a 39-year-old man who died after going into cardiac arrest.

The estate of Patrick Vizzone alleged the man's longtime heart doctor at Rush University Medical Center should have done more to monitor and improve his condition, known as mitral valve prolapse, in the lead-up to his death in February 2016.

During a two-week trial before Circuit Judge Cassandra Lewis that concluded Nov. 5, the plaintiffs' attorneys argued cardiologist Carl Eybel, who'd treated Vizzone for 21 years, should have taken different steps after hearing reports of chest pain and an increased heart rate.

The estate was represented by Daniel M. Kotin, Robert F. Geimer and Philip P. Terrazzino of Tomasik Kotin Kasserman LLC. In an interview, Kotin said the parties entered a high-low agreement before the jury rendered its verdict with bounds set at \$3.5 million and \$10.5 million.

Because the \$10 million jury award landed between those marks, that's what the defense will pay. As a settlement, there won't be any appeals.



Daniel M. Kotin



Robert F. Geimer



Philip P. Terrazzino

Susan Hannigan of Johnson & Bell, represented the cardiologist and medical center in the case, along with Brad Schneiderman. She could not be reached for comment.

The estate argued Vizzone's condition caused blood to back up and swell one of the chambers in his heart. That caused electrical misfirings, leading to a fatal ventricular arrhythmia.

Vizzone's doctor prescribed Xanax to treat Vizzone's irregular heartbeat, presuming it stemmed from panic attacks. But he hadn't used an echocardiogram to examine the structure of his heart since 2010.

The medical center argued the man was mostly without symptoms, and that mitral valve prolapse doesn't result in the kind of cardiac event that caused Vizzone's death. It also pointed to an autopsy that stated he died of low potassium and suggested

the man had a genetic mutation making him vulnerable to cardiac arrest.

But Kotin said the jury couldn't ignore "the elephant in the room" — the fact that Vizzone had an underlying heart condition.

"That's the rare occurrence. Sudden cardiac death in a young and otherwise healthy patient," Kotin said. "But as we said, when you're dealing with something as important as the heart, you can't count on the numbers. You have to be proactive and practice preventative cardiology."

Mitral valve prolapse, or MVP, is a somewhat common condition presented in a few million people in the U.S., and it can be detected during a physical checkup. In most cases, MVP is harmless, according to the American Heart Association. But valve replacement or repair might be required for the

most serious and life-threatening cases.

The estate argued Vizzone's valve should have been repaired through surgery before the event occurred.

Kotin said Vizzone was reading a bedtime story to one of his young children when an older daughter heard unusual noises coming from the other room and saw him struggling. The family got a 911 dispatcher on the phone while Vizzone's wife attempted to resuscitate him.

"The wife is trying to do CPR as the kids are watching this happen," Kotin said. "So, I don't know if there's really an analog to another case, but that is the image in my mind that I could never get rid of, and kind of really magnified this horrible loss for this family."

The case is *Robyn Vizzone v. Rush University Medical Center*, 16 L 8291.