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## Jury awards \$5.8M for surgery complications

By Marc Karlinsky  
Law Bulletin staff writer

A Cook County jury has awarded more than \$5.8 million to a woman and her husband for permanent nerve damage she suffered from complications after knee surgery.

Celeste Trevino and her husband, Ignacio, first filed a complaint in Cook County Circuit Court against several doctors who participated in her knee-replacement operation in September 2007 and her post-operation recovery at the since-closed Neurologic and Orthopedic Institute of Chicago.

The surgery resulted in a popliteal pseudoaneurysm — a leak in the artery in the space behind the knee.

“During the knee-replacement surgery, the artery was apparently nicked in some way,” said [David A. Axelrod](#) of David A. Axelrod & Associates P.C., who represented the Trevinos.

The leaking blood was trapped by surrounding tissue and put pressure on the artery and nerves nearby, he said.

Two days after the surgery, Trevino could not move her right toes or right ankle, and the foot was numb up to the ankle, she alleged. She also showed signs of anemia, edema and had more pain than was expected from the operation.

Trevino alleged that surgeon Mitchell Sheinkop failed to monitor and evaluate her condition after conducting the knee replacement.

The lawsuit also named Dr. Michael Y. Lee, the internist who was on-call at NOIC three days after the surgery when a nurse called for a doctor to Trevino’s bedside to assess swelling and pain in her leg.

Axelrod said there was nothing written in Trevino’s charts to indicate what Lee had assessed or did in response to her condition — or whether he tended to her.

Trevino was transferred from NOIC four days after the surgery to the Alexian Rehabilitation Hospital in Elk Grove Village. Doctors there recognized the injury to her right leg and conducted

bypass surgery for the pseudoaneurysm and a two-compartment fasciotomy to relieve the pressure in her leg.

She had another four-compartment fasciotomy later that week as well as a procedure to remove infected tissue.

Trevino remained in hospitals until late January 2008 — more than four months after her knee surgery.

Today at 74, Trevino suffers from drop foot and paralysis below her right ankle.

“She’s numb other than the fact her foot feels like a brick,” Axelrod said.

A housewife, Trevino can no longer care for herself and requires her husband’s constant help, he said.

The verdict for \$5,835,000 includes \$500,000 for Ignacio Trevino’s loss of consortium.

The rest comprises \$1.5 million for loss of normal life, \$1.25 million for pain and suffering, \$1.25 million for emotional distress, \$500,000 for disfigurement and \$835,000 in medical expenses.

Thursday’s award adds to an earlier \$1 million settlement from Midwest Orthopaedics at Rush and a \$40,000 settlement from NOIC.

The Trevinos were also represented by [Jason M. Kleinman](#) of David A. Axelrod & Associates.

Sheinkop was represented by [Mark C. Fedota](#) of Fedota, Childers P.C. He declined to comment.

Lee was represented by [Robert W. Smyth Jr.](#), a partner at Donohue, Brown, Mathewson & Smyth LLC, and [Fuad R. Sulayman](#), partner at Kamensky, Rubinstein, Hochman & Delott LLP in Lincolnwood. They could not be reached for comment.

The trial before Circuit Judge [Edward S. Harmening](#) started Jan. 2 and ran about three weeks. The jury returned its verdict Thursday.

The case is *Celeste Trevino, et al., v. Mitchell Sheinkop, et al.*, 09 L 10604.

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