

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
SPRINGFIELD, SANGAMON COUNTY, ILLINOIS**

<b>DENNIS and TONYA BROOKS, as</b>	)	
<b>Special Administrators of the Estate of</b>	)	
<b>MORGAN BROOKS, deceased, and</b>	)	
<b>ERIC and MOLLY HOBBIE, Individually</b>	)	
<b>and as Parents and Next Friends of</b>	)	
<b>MEGAN ANN HOBBIE, a minor,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>-vs-</b>	)	<b>No.</b>
	)	
<b>JAY RISEMAN, M.D., JAY RISEMAN,</b>	)	
<b>M.D., LTD. and ST. JOHN’S HOSPITAL</b>	)	
<b>of the Hospital Sisters of the</b>	)	
<b>third order of St. Francis,</b>	)	
	)	
<b>Defendants.</b>	)	

**COMPLAINT**

NOW COME the Plaintiffs, DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, and ERIC and MOLLY HOBBIE, Individually and as Parents and Next Friends of MEGAN ANN HOBBIE, a minor, by and through their attorneys, LONDRIGAN, POTTER & RANDLE, P.C., and for their complaint against the Defendants, JAY RISEMAN, M.D., JAY RISEMAN, M.D., LTD., and ST. JOHN’S HOSPITAL, allege as follows:

**COUNT I  
(Brooks v. Riseman--negligence/wrongful death)**

As and for their first cause of action against the Defendant, JAY RISEMAN, M.D., Plaintiffs, and JAY RISEMAN, M.D., LTD., DENNIS & TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, allege:

1. The Plaintiffs, DENNIS and TONYA BROOKS, are the duly appointed Special

Administrators of the Estate of MORGAN BROOKS, deceased, pursuant to an order entered by this court. See attached copy of Order.

2. This count is brought pursuant to the Wrongful Death Act, 740 ILCS 180/2.

3. At all times pertinent hereto, the Defendant, JAY RISEMAN, M.D. was a licensed physician and surgeon practicing medicine in Sangamon County, Illinois.

4. At all times mentioned herein, the Defendant JAY RISEMAN, M.D., LTD. was a corporation practicing medicine whose sole shareholder is JAY RISEMAN, M.D., and all acts committed by JAY RISEMAN, M.D. mentioned herein were committed in the scope of his agency with JAY RISEMAN, M.D., LTD.

5. The decedent, MORGAN BROOKS, was born on April 23, 1999 at Decatur Memorial Hospital in Decatur, Illinois.

6. On April 25, 1999, MORGAN BROOKS was transferred to St. John's Hospital in Springfield, Illinois

7. MORGAN BROOKS became a patient of the Defendant, JAY RISEMAN, M.D. on April 25, 1999 at St. John's Hospital because she had a congenital volvulus.

8. On April 26, 1999, the Defendant, JAY RISEMAN, M.D., performed an ileostomy on MORGAN BROOKS to treat the volvulus.

9. On June 21, 1999, MORGAN BROOKS was readmitted to St. John's Hospital under Dr. Riseman's care for an elective takedown of the ileostomy.

10. From June 10, 1999 until June 21, 1999, at 3:00 p.m., MORGAN BROOKS was noted in the St. John's Hospital records to be "eating well, urinating, acting appropriately (overall just doing well)."

11. On June 20, 1999, the Defendant, JAY RISEMAN, M.D., sent in admitting orders for MORGAN BROOKS for her to be given 90 mL of Fleet phospho-soda at 12 noon on June 21, 1999 at St. John's Hospital.

12. On June 21, 1999, pursuant to the direction of JAY RISEMAN, M.D. a St. John's Hospital resident, Paul Renz, M.D., wrote the order for 90 mL of Fleet phospho-soda.

13. On June 21, 1999, MORGAN BROOKS weighed 4.89 kg.

14. On June 21, 1999 between 12:00 noon and 1:00 p.m. a St. John's Hospital pediatric nurse refused to give the 90mL Fleet phospho-soda to MORGAN BROOKS.

15. At the same time and place referred to in the preceding paragraph, the St. John's nurse contacted a St. John's Hospital pharmacist to seek "clarification" of the order for Fleet phospho-soda.

16. The *Physician's Desk Reference* and the packaging information as approved by the Federal Food & Drug Administration indicate that the maximum allowable dosage of Fleet phospho-soda in a 24 hour period for an adult is 20 to 45 mL and 5 to 10 mL for a child age 5 to 9 years.

17. On June 21, 1999 at approximately 12:45 p.m., the St. John's hospital pharmacist transmitted a message to Dr. Riseman's resident, Paul Renz, M.D., that the dosage of Fleet phospho-soda was too high.

18. At the same time and place mentioned in the preceding paragraph, Dr. Renz told the St. John's Hospital pharmacist to speak directly with Dr. Riseman concerning the dosage of Fleet phospho-soda.

19. On June 21, 1999 at approximately 1:55 p.m., JAY RISEMAN, M.D. gave a new order for Fleet phospho-soda by directing that MORGAN BROOKS be given the 90 mL in 3 divided

doses with 30 mL being given now, 30 mL in four (4) hours and 30 mL in eight (8) hours.

20. The dosage of Fleet phospho-soda set forth in the preceding paragraph is in excess of any recommended dosage for an infant of MORGAN BROOKS' age and weight.

21. The dosage of Fleet phospho-soda set forth in paragraph 18, above, is contraindicated for an infant of MORGAN BROOKS' age and weight.

22. In the preceding week of June, 1999, JAY RISEMAN, M.D., was advised that a 17 lb. child, Megan Hobbie, had difficulty and dehydration from a smaller effective dosage of Fleet phospho-soda that he prescribed for that child.

23. On June 21, 1999, the St. John's Hospital nurses went ahead and administered 30 mL of Fleet phospho-soda to MORGAN BROOKS between 4 and 5 pm., 30 mL at approximately 8 p.m. and 30 mL at approximately 12 midnight for a total of 90 mL in an eight (8) hour period.

24. That shortly after administration of the last dose of Fleet phospho-soda, MORGAN BROOKS became very pale; her fontanelle and eyes were sunken and she made little response.

25. That at approximately 2:55 a.m. on June 22, 1999, MORGAN BROOKS sustained a cardiac arrest as a result of ingestion of an excessive dosage of Fleet phospho-soda.

26. That MORGAN BROOKS died on June 22, 1999 at approximately 7:14 p.m. at St. John's Hospital.

27. That MORGAN BROOKS' death was caused by severe electrolyte imbalance with metabolic acidosis as a result of ingestion of Fleet phospho-soda.

28. That at the times and place mentioned above, the Defendant, JAY RISEMAN, M.D., notwithstanding his duty to act in accordance with the standard of care of a reasonably well qualified surgeon committed one or more of the following negligent acts or omissions:

- a. His prescription of 90 mL of Fleet phospho-soda for MORGAN BROOKS was contrary to the standard of care;
- b. He prescribed Fleet phospho-soda for MORGAN BROOKS in a dosage which was in excess of any maximum recommended dosage for MORGAN BROOKS' age and weight;
- c. He prescribed Fleet phospho-soda for MORGAN BROOKS in a dosage which was well in excess of the recommendations set forth by the Federal Food & Drug Administration in the *Physicians Desk Reference*;
- d. He failed to check into what is an appropriate dosage of Fleet phospho-soda after a St. John's Hospital nurse called his attention to the inappropriate dosage;
- e. He failed to check into what is an appropriate dosage of Fleet phospho-soda after the St. John's Hospital pharmacist called his attention to the inappropriate dosage;
- f. He failed to check into what is an appropriate dosage of Fleet phospho-soda after he was advised of difficulties that another child had with a similar dosage of Fleet phospho-soda.

29. That as a direct and proximate result of one or more of the foregoing negligent acts or omissions, MORGAN BROOKS died on June 22, 1999.

30. That MORGAN BROOKS left as her only next of kin, her parents, DENNIS and TONYA BROOKS, and her brother, Mathew Tyler Wayne Brooks.

31. That as a direct and proximate result of the death of MORGAN BROOKS, her next of kin have been deprived of the loss of society, earnings, companionship and services that MORGAN BROOKS would have provided to them had she survived.

32. Plaintiffs have attached a medical report and affidavit hereto in compliance with 735 ILCS 5/2-622 and Supreme Court Rule 222.

WHEREFORE the Plaintiffs, DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, request that judgment be entered against the Defendant, JAY RISEMAN, M.D. and JAY RISEMAN, M.D., LTD., in an amount in excess of

\$50,000 and sufficient to compensate the next of kin for their loss and costs of suit.

**PLAINTIFFS DEMAND TRIAL BY JURY.**

**COUNT II  
(Brooks v. Riseman--negligence/survival act)**

For their second cause of action against the Defendant, JAY RISEMAN, M.D. and JAY RISEMAN, M.D., LTD, the Plaintiffs, DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, allege:

1. The Plaintiffs, DENNIS and TONYA BROOKS, are the duly appointed Special Administrators of the Estate of MORGAN BROOKS, deceased, pursuant to an order entered by this court. See attached copy of Order.

2. This count is brought pursuant to the Survival Act, 755 ILCS 5/27-6 for the injuries, medical bills and pain and suffering that MORGAN BROOKS experienced and incurred prior to her death, and the funeral and burial expenses incurred after her death.

3. At all times pertinent hereto, the Defendant, JAY RISEMAN, M.D. was a licensed physician and surgeon practicing medicine in Sangamon County, Illinois.

4. At all times mentioned hereto, the Defendant, JAY RISEMAN, M.D. was a corporation practicing medicine whose sole shareholder is JAY RISEMAN, M.D., and all acts committed by JAY RISEMAN, M.D. mentioned herein were committed in the scope of his agency with JAY RISEMAN, M.D., LTD.

5. The decedent, MORGAN BROOKS, was born on April 23, 1999 at Decatur Memorial Hospital in Decatur, Illinois.

6. On April 25, 1999, MORGAN BROOKS was transferred to St. John's Hospital in Springfield, Illinois.

7. MORGAN BROOKS became a patient of the Defendant, JAY RISEMAN, M.D. on April 25, 1999 at St. John's Hospital because she had a congenital volvulus.

8. On April 26, 1999, the Defendant, JAY RISEMAN, M.D., performed an ileostomy on MORGAN BROOKS to treat the volvulus.

9. On June 21, 1999, MORGAN BROOKS was readmitted to St. John's Hospital under Dr. Riseman's care for an elective takedown of the ileostomy.

10. From June 10, 1999 until June 21, 1999, at 3:00 p.m., MORGAN BROOKS was noted in the St. John's Hospital records to be "eating well, urinating, acting appropriately (overall just doing well)."

11. On June 20, 1999, the Defendant, JAY RISEMAN, M.D., sent in admitting orders for MORGAN BROOKS for her to be given 90 mL of Fleet phospho-soda at 12 noon on June 21, 1999 at St. John's Hospital.

12. On June 21, 1999, pursuant to the direction of JAY RISEMAN, M.D. a St. John's Hospital resident, Paul Renz, M.D., wrote the order for 90 mL of Fleet phospho-soda.

13. On June 21, 1999, MORGAN BROOKS weighed 4.89 kg.

14. On June 21, 1999 between 12:00 noon and 1:00 p.m. a St. John's Hospital pediatric nurse refused to give the 90mL Fleet phospho-soda to MORGAN BROOKS.

15. At the same time and place referred to in the preceding paragraph, the St. John's nurse contacted a St. John's Hospital pharmacist to seek "clarification" of the order for Fleet phospho-soda.

16. The *Physician's Desk Reference* and the packaging information as approved by the Federal Food & Drug Administration indicate that the maximum allowable dosage of Fleet phospho-

soda in a 24 hour period for an adult is 20 to 45 mL and 5 to 10 mL for a child age 5 to 9 years.

17. On June 21, 1999 at approximately 12:45 p.m., the St. John's hospital pharmacist transmitted a message to Dr. Riseman's resident, Paul Renz, M.D., that the dosage of Fleet phospho-soda was too high.

18. At the same time and place mentioned in the preceding paragraph, Dr. Renz told the St. John's Hospital pharmacist to speak directly with Dr. Riseman concerning the dosage of Fleet phospho-soda.

19. On June 21, 1999 at approximately 1:55 p.m., JAY RISEMAN, M.D. gave a new order for Fleet phospho-soda by directing that MORGAN BROOKS be given the 90 mL in 3 divided doses with 30 mL being given now, 30 mL in four (4) hours and 30 mL in eight (8) hours.

20. The dosage of Fleet phospho-soda set forth in the preceding paragraph is in excess of any recommended dosage for an infant of MORGAN BROOKS' age and weight.

21. The dosage of Fleet phospho-soda set forth in paragraph 18, above, is contraindicated for an infant of MORGAN BROOKS' age and weight.

22. In the preceding week of June, 1999, JAY RISEMAN, M.D., was advised that a 17 lb. child, Megan Hobbie, had difficulty and dehydration from a smaller effective dosage of Fleet phospho-soda that he prescribed for that child.

23. That on June 21, 1999, the St. John's Hospital nurses went ahead and administered 30 mL of Fleet phospho-soda to MORGAN BROOKS between 4 and 5 pm., 30 mL at approximately 8 p.m. and 30 mL at approximately 12 midnight for a total of 90 mL in an eight (8) hour period.

24. That shortly after administration of the last dose of Fleet phospho-soda, MORGAN BROOKS became very pale; her fontanelle and eyes were sunken and she made little response.



25. That at approximately 2:55 a.m. on June 22, 1999, MORGAN BROOKS sustained a cardiac arrest as a result of ingestion of an excessive dosage of Fleet phospho-soda.

26. That MORGAN BROOKS died on June 22, 1999 at approximately 7:14 p.m. at St. John's Hospital.

27. That MORGAN BROOKS' death was caused by severe electrolyte imbalance with metabolic acidosis as a result of ingestion of Fleet phospho-soda.

28. That at the times and place mentioned above, the Defendant, JAY RISEMAN, M.D., notwithstanding his duty to act in accordance with the standard of care of a reasonably well qualified surgeon committed one or more of the following negligent acts or omissions:

- a. His prescription of 90 mL of Fleet phospho-soda for MORGAN BROOKS was contrary to the standard of care;
- b. He prescribed Fleet phospho-soda for MORGAN BROOKS in a dosage which was in excess of any maximum recommended dosage for MORGAN BROOKS' age and weight;
- c. He prescribed Fleet phospho-soda for MORGAN BROOKS in a dosage which was well in excess of the recommendations set forth by the Federal Food & Drug Administration in the *Physicians Desk Reference*;
- d. He failed to check into what is an appropriate dosage of Fleet phospho-soda after a St. John's Hospital nurse called his attention to the inappropriate dosage;
- e. He failed to check into what is an appropriate dosage of Fleet phospho-soda after the St. John's Hospital pharmacist called his attention to the inappropriate dosage;
- f. He failed to check into what is an appropriate dosage of Fleet phospho-soda after he was advised of difficulties that another child had with a similar dosage of Fleet phospho-soda.

29. As a direct and proximate result of one or more of the foregoing negligent acts or omissions and injuries, MORGAN BROOKS' died; she experienced great pain and suffering and disability before her death, and she incurred medical bills before her death and funeral bills after her

death.

30. Plaintiffs have attached a medical report and affidavit hereto in compliance with 735 ILCS 5/2-622 and Supreme Court Rule 222.

WHEREFORE the Plaintiffs, DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, request that judgment be entered against the Defendant, JAY RISEMAN, M.D. and JAY RISEMAN, M.D., LTD, in an amount in excess of \$50,000 and sufficient to compensate the estate for its loss and costs of suit.

**PLAINTIFFS DEMAND TRIAL BY JURY.**

**COUNT III**

**(Brooks v. Riseman--willful and wanton conduct/wrongful death)**

For their third cause of action against the Defendant, JAY RISEMAN, M.D., the Plaintiffs, DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, allege:

1. That the Plaintiffs, DENNIS and TONYA BROOKS, are the duly appointed Special Administrators of the Estate of MORGAN BROOKS, deceased, pursuant to an order entered by this court. See attached copy of Order.

2. This count is brought pursuant to the Wrongful Death Act, 740 ILCS 180/2.

3. At all times pertinent hereto, the Defendant, JAY RISEMAN, M.D. was a licensed physician and surgeon practicing medicine in Sangamon County, Illinois.

4. The decedent, MORGAN BROOKS, was born on April 23, 1999 at Decatur Memorial Hospital in Decatur, Illinois.

5. On April 25, 1999, MORGAN BROOKS was transferred to St. John's Hospital in Springfield, Illinois

6. MORGAN BROOKS became a patient of the Defendant, JAY RISEMAN, M.D. on April 25, 1999 at St. John's Hospital because she had a congenital volvulus.

7. On April 26, 1999, the Defendant, JAY RISEMAN, M.D., performed an ileostomy on MORGAN BROOKS to treat the volvulus.

8. On June 21, 1999, MORGAN BROOKS was readmitted to St. John's Hospital under Dr. Riseman's care for an elective takedown of the ileostomy.

9. From June 10, 1999 until June 21, 1999, at 3:00 p.m., MORGAN BROOKS was noted in the St. John's Hospital records to be "eating well, urinating, acting appropriately (overall just doing well)."

10. On June 20, 1999, the Defendant, JAY RISEMAN, M.D., sent in admitting orders for MORGAN BROOKS for her to be given 90 mL of Fleet phospho-soda at 12 noon on June 21, 1999 at St. John's Hospital.

11. On June 21, 1999, pursuant to the direction of JAY RISEMAN, M.D. a St. John's Hospital resident, Paul Renz, M.D., wrote the order for 90 mL of Fleet phospho-soda.

12. On June 21, 1999, MORGAN BROOKS weighed 4.89 kg.

13. On June 21, 1999 between 12:00 noon and 1:00 p.m. a St. John's Hospital pediatric nurse refused to give the 90 mL Fleet phospho-soda to MORGAN BROOKS.

14. At the same time and place referred to in the preceding paragraph, the St. John's nurse contacted a St. John's Hospital pharmacist to seek "clarification" of the order for Fleet phospho-soda.

15. The *Physician's Desk Reference* and the packaging information as approved by the Federal Food & Drug Administration indicate that the maximum allowable dosage of Fleet phospho-

soda in a 24 hour period for an adult is 20 to 45 mL and 5 to 10 mL for a child age 5 to 9 years.

16. On June 21, 1999 at approximately 12:45 p.m., the St. John's hospital pharmacist transmitted a message to Dr. Riseman's resident, Paul Renz, M.D., that the dosage of Fleet phospho-soda was too high.

17. At the same time and place mentioned in the preceding paragraph, Dr. Renz told the St. John's Hospital pharmacist to speak directly with Dr. Riseman concerning the dosage of Fleet phospho-soda.

18. On June 21, 1999 at approximately 1:55 p.m., JAY RISEMAN, M.D. gave a new order for Fleet phospho-soda by directing that MORGAN BROOKS be given the 90 mL in 3 divided doses with 30 mL being given now, 30 mL in four (4) hours and 30 mL in eight (8) hours.

19. The dosage of Fleet phospho-soda set forth in the preceding paragraph is greatly in excess of any recommended dosage for an infant of MORGAN BROOKS' age and weight.

20. The dosage of Fleet phospho-soda set forth in paragraph 18, above, is contraindicated for an infant of MORGAN BROOKS' age and weight.

21. In the preceding week of June, 1999, JAY RISEMAN, M.D., was advised that a 17 lb. child, Megan Hobbie, had difficulty and dehydration from a smaller effective dosage of Fleet phospho-soda that he prescribed for that child.

22. That on June 21, 1999, the St. John's Hospital nurses went ahead and administered 30 mL of Fleet phospho-soda to MORGAN BROOKS between 4 and 5 pm., 30 mL at approximately 8 p.m. and 30 mL at approximately 12 midnight for a total of 90 mL in an eight (8) hour period.

23. That shortly after administration of the last dose of Fleet phospho-soda, MORGAN BROOKS became very pale; her fontanelle and eyes were sunken and she made little response.

24. That at approximately 2:55 a.m. on June 22, 1999, MORGAN BROOKS sustained a cardiac arrest as a result of ingestion of an excessive dosage of Fleet phospho-soda.

25. That MORGAN BROOKS died on June 22, 1999 at approximately 7:14 p.m. at St. John's Hospital.

26. That MORGAN BROOKS' death was caused by severe electrolyte imbalance with metabolic acidosis as a result of ingestion of Fleet phospho-soda.

27. At the time and place alleged above, notwithstanding his duty to refrain from acts resulting in a reckless indifference to the welfare of MORGAN BROOKS, the Defendant, JAY RISEMAN, M.D., committed one or more of the following willful and wanton acts or omissions:

a. He insisted on ordering 90 mL of Fleet phospho-soda for MORGAN BROOKS despite being advised on at least two and possibly three separate occasions that the dosage of Fleet phospho-soda that he was contemplating administering to MORGAN BROOKS was way too much for a small child;

28. That as a direct and proximate result of one or more of the foregoing willful and wanton acts or omissions, MORGAN BROOKS died on June 22, 1999.

29. That MORGAN BROOKS left as her only next of kin her parents, DENNIS and TONYA BROOKS, and her brother, Mathew Tyler Wayne Brooks.

30. That as a direct and proximate result of the death of MORGAN BROOKS, the next of kin have been deprived of the loss of society, earnings, companionship and services that MORGAN BROOKS would have provided to them had she survived.

31. Plaintiffs have attached a medical report and affidavit hereto in compliance with 735 ILCS 5/2-622 and Supreme Court Rule 222.

WHEREFORE the Plaintiffs, DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, request that judgment be entered against the

Defendant, JAY RISEMAN, M.D., in an amount in excess of \$50,000 and sufficient to compensate the next of kin for their loss and costs of suit.

**PLAINTIFFS DEMAND TRIAL BY JURY.**

**COUNT IV**

**(Brooks v. Riseman-willful and wanton conduct/survival act)**

For their fourth cause of action against the Defendant, JAY RISEMAN, M.D., the Plaintiffs, DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, allege:

1. The Plaintiffs, DENNIS and TONYA BROOKS, are the duly appointed Special Administrators of the Estate of MORGAN BROOKS, deceased, pursuant to an order entered by this court. See attached copy of Order.

2. This count is brought pursuant to the Survival Act, 755 ILCS 5/27-6 for the injuries, medical bills and pain and suffering that MORGAN BROOKS experienced and incurred prior to her death, and the funeral and burial expenses incurred after her death.

3. At all times pertinent hereto, the Defendant, JAY RISEMAN, M.D. was a licensed physician and surgeon practicing medicine in Sangamon County, Illinois.

4. The decedent, MORGAN BROOKS, was born on April 23, 1999 at Decatur Memorial Hospital in Decatur, Illinois.

5. On April 25, 1999, MORGAN BROOKS was transferred to St. John's Hospital in Springfield, Illinois

6. MORGAN BROOKS became a patient of the Defendant, JAY RISEMAN, M.D. on April 25, 1999 at St. John's Hospital because she had a congenital volvulus.

7. On April 26, 1999, the Defendant, JAY RISEMAN, M.D., performed an ileostomy

on MORGAN BROOKS to treat the volvulus.

8. On June 21, 1999, MORGAN BROOKS was readmitted to St. John's Hospital under Dr. Riseman's care for an elective takedown of the ileostomy.

9. From June 10, 1999 until June 21, 1999, at 3:00 p.m., MORGAN BROOKS was noted in the St. John's Hospital records to be "eating well, urinating, acting appropriately (overall just doing well)."

10. On June 20, 1999, the Defendant, JAY RISEMAN, M.D., sent in admitting orders for MORGAN BROOKS for her to be given 90 mL of Fleet phospho-soda at 12 noon on June 21, 1999 at St. John's Hospital.

11. On June 21, 1999, pursuant to the direction of JAY RISEMAN, M.D. a St. John's Hospital resident, Paul Renz, M.D., wrote the order for 90 mL of Fleet phospho-soda.

12. On June 21, 1999, MORGAN BROOKS weighed 4.89 kg.

13. On June 21, 1999 between 12:00 noon and 1:00 p.m. a St. John's Hospital pediatric nurse refused to give the 90 mL Fleet phospho-soda to MORGAN BROOKS.

14. At the same time and place referred to in the preceding paragraph, the St. John's nurse contacted a St. John's Hospital pharmacist to seek "clarification" of the order for Fleet phospho-soda.

15. The *Physician's Desk Reference* and the packaging information as approved by the Federal Food & Drug Administration indicate that the maximum allowable dosage of Fleet phospho-soda in a 24 hour period for an adult is 20 to 45 mL and 5 to 10 mL for a child age 5 to 9 years.

16. On June 21, 1999 at approximately 12:45 p.m., the St. John's hospital pharmacist transmitted a message to Dr. Riseman's resident, Paul Renz, M.D., that the dosage of Fleet phospho-

soda was too high.

17. At the same time and place mentioned in the preceding paragraph, Dr. Renz told the St. John's Hospital pharmacist to speak directly with Dr. Riseman concerning the dosage of Fleet phospho-soda.

18. On June 21, 1999 at approximately 1:55 p.m., JAY RISEMAN, M.D. gave a new order for Fleet phospho-soda by directing that MORGAN BROOKS be given the 90 mL in 3 divided doses with 30 mL being given now, 30 mL in four (4) hours and 30 mL in eight (8) hours.

19. The dosage of Fleet phospho-soda set forth in the preceding paragraph is greatly in excess of any recommended dosage for an infant of MORGAN BROOKS' age and weight.

20. The dosage of Fleet phospho-soda set forth in paragraph 18, above, is contraindicated for an infant of MORGAN BROOKS' age and weight.

21. In the preceding week of June, 1999, JAY RISEMAN, M.D., was advised that a 17 lb. child, Megan Hobbie, had difficulty and dehydration from a smaller effective dosage of Fleet phospho-soda that he prescribed for that child.

22. That on June 21, 1999, the St. John's Hospital nurses went ahead and administered 30 mL of Fleet phospho-soda to MORGAN BROOKS between 4 and 5 pm., 30 mL at approximately 8 p.m. and 30 mL at approximately 12 midnight for a total of 90 mL in an eight (8) hour period.

23. That shortly after administration of the last dose of Fleet phospho-soda, MORGAN BROOKS became very pale; her fontanelle and eyes were sunken and she made little response.

24. That at approximately 2:55 a.m. on June 22, 1999, MORGAN BROOKS sustained a cardiac arrest as a result of ingestion of an excessive dosage of Fleet phospho-soda.

25. That MORGAN BROOKS died on June 22, 1999 at approximately 7:14 p.m. at St.



John's Hospital.

26. That MORGAN BROOKS' death was caused by severe electrolyte imbalance with metabolic acidosis as a result of ingestion of Fleet phospho-soda.

27. At the time and place alleged above, notwithstanding his duty to refrain from acts resulting in a reckless indifference to the welfare of MORGAN BROOKS, the Defendant, JAY RISEMAN, M.D., committed one or more of the following willful and wanton acts or omissions:

a. He insisted on ordering 90 mL of Fleet phospho-soda for MORGAN BROOKS despite being advised on at least two and possibly three separate occasions that the dosage of Fleet phospho-soda that he was contemplating administering to MORGAN BROOKS was way too much for a small child;

28. As a direct and proximate result of one or more of the foregoing wilful and wanton acts or omissions and injuries, MORGAN BROOKS's died; she experienced great pain and suffering and disability before her death, and she incurred medical bills before her death and funeral bills after her death.

29. Plaintiffs have attached a medical report and affidavit hereto in compliance with 735 ILCS 5/2-622 and Supreme Court Rule 222.

WHEREFORE the Plaintiffs, DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, request that judgment be entered against the Defendant, JAY RISEMAN, M.D., in an amount in excess of \$50,000 and sufficient to compensate the estate for its loss and costs of suit.

**PLAINTIFFS DEMANDS TRIAL BY JURY.**

**COUNT V  
(Brooks v. St. John's--negligence/wrongful death)**

For their first cause of action against the Defendant, ST. JOHN'S HOSPITAL, the Plaintiffs,

DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, allege:

1. The Plaintiffs, DENNIS and TONYA BROOKS, are the duly appointed Special Administrators of the Estate of MORGAN BROOKS, deceased, pursuant to an order entered by this court. See attached copy of Order.

2. This count is brought pursuant to the Wrongful Death Act, 740 ILCS 180/2.

3. At all times mentioned herein, the Defendant, ST. JOHN'S HOSPITAL, was a hospital licensed under the laws of the State of Illinois, with its principal place of business located in Springfield, Sangamon County, Illinois.

4. At all times mentioned herein, the Defendant, ST. JOHN'S HOSPITAL, had as its agents and servants, a surgical resident, Paul Renz, M.D.; various pediatric nurses, residents and hospital pharmacists.

5. At all times mentioned herein, the acts of Paul Renz, M.D. and the acts of the St. John's Hospital pediatric nurses, residents and pharmacists referred to in this complaint were committed in the course and scope of their agency with St. John's Hospital.

6. At all times pertinent hereto, the Defendant, JAY RISEMAN, M.D. was a licensed physician and surgeon practicing medicine in Sangamon County, Illinois.

7. The decedent, MORGAN BROOKS, was born on April 23, 1999 at Decatur Memorial Hospital in Decatur, Illinois.

8. On April 25, 1999, MORGAN BROOKS was transferred to St. John's Hospital in Springfield, Illinois

9. MORGAN BROOKS became a patient of the Defendant, JAY RISEMAN, M.D. on

April 25, 1999 at St. John's Hospital because she had a congenital volvulus.

10. On April 26, 1999, the Defendant, JAY RISEMAN, M.D., performed an ileostomy on MORGAN BROOKS to treat the volvulus.

11. On June 21, 1999, MORGAN BROOKS was readmitted to St. John's Hospital for an elective takedown of the ileostomy.

12. From June 10, 1999 until June 21, 1999, at 3:00 p.m., MORGAN BROOKS was noted in the St. John's Hospital records to be "eating well, urinating, acting appropriately (overall just doing well)."

13. On June 20, 1999, the Defendant, JAY RISEMAN, M.D., sent in admitting orders for MORGAN BROOKS for her to be given 90 mL of Fleet phospho-soda at 12 noon on June 21, 1999 at St. John's Hospital.

14. On June 21, 1999, pursuant to the direction of JAY RISEMAN, M.D. a St. John's Hospital resident, Paul Renz, M.D., wrote the order for 90 mL of Fleet phospho-soda.

15. On June 21, 1999, MORGAN BROOKS weighed 4.89 kg.

16. On June 21, 1999 between 12:00 noon and 1:00 p.m. a St. John's Hospital pediatric nurse refused to give the 90 mL Fleet phospho-soda to MORGAN BROOKS.

17. At the same time and place referred to in the preceding paragraph, the St. John's nurse contacted a St. John's Hospital pharmacist to seek "clarification" of the order for Fleet phospho-soda.

18. The *Physician's Desk Reference* and the packaging information as approved by the Federal Food & Drug Administration indicate that the maximum allowable dosage of Fleet phospho-soda in a 24 hour period for an adult is 20 to 45 mL and 5 to 10 mL for a child age 5 to 9 years.

19. On June 21, 1999 at approximately 12:45 p.m., the St. John's hospital pharmacist transmitted a message to Dr. Riseman's resident, Paul Renz, M.D., that the dosage of Fleet phospho-soda was too high.

20. At the same time and place mentioned in the preceding paragraph, Dr. Renz told the St. John's Hospital pharmacist to speak directly with Dr. Riseman concerning the dosage of Fleet phospho-soda.

21. On June 21, 1999 at approximately 1:55 p.m., JAY RISEMAN, M.D. gave a new order for Fleet phospho-soda by directing that MORGAN BROOKS be given the 90 mL in 3 divided doses with 30 mL being given now, 30 mL in four (4) hours and 30 mL in eight (8) hours.

22. The dosage of Fleet phospho-soda set forth in the preceding paragraph is greatly in excess of any recommended dosage for an infant of MORGAN BROOKS' age and weight.

23. The dosage of Fleet phospho-soda set forth in paragraph 18, above, is contraindicated for an infant of MORGAN BROOKS' age and weight.

24. In the preceding week of June, 1999, the St. John's resident, Paul Renz, M.D., was advised by Eric Hobbie that he had learned that 90 mL of Fleet phospho-soda was an excessive dose of Fleet phospho-soda for a small child.

25. That on June 21, 1999, the St. John's Hospital nurses went ahead and administered 30 mL of Fleet phospho-soda to MORGAN BROOKS between 4 and 5 pm., 30 mL at approximately 8 p.m. and 30 mL at approximately 12 midnight for a total of 90 mL in an eight (8) hour period.

26. That shortly after administration of the last dose of Fleet phospho-soda, MORGAN BROOKS became very pale; her fontanelle and eyes were sunken and she made little response.

27. That at approximately 2:55 a.m. on June 22, 1999, MORGAN BROOKS sustained

a cardiac arrest as a result of ingestion of an excessive dosage of Fleet phospho-soda.

28. That MORGAN BROOKS died on June 22, 1999 at approximately 7:14 p.m. at St. John's Hospital.

29. That MORGAN BROOKS' death was caused by severe electrolyte imbalance with metabolic acidosis as a result of ingestion of Fleet phospho-soda.

30. That at the times and place mentioned above, the Defendant, ST. JOHN'S HOSPITAL, through its agents i.e. through its resident, Paul Renz, M.D. and through its pediatric nurses, residents and pharmacy staff, committed one or more of the following negligent acts or omissions:

- a. Its pediatric nursing staff failed to ensure that MORGAN BROOKS was not administered an excessive dosage of Fleet phospho-soda;
- b. Its pharmacy staff failed to adequately advise JAY RISEMAN, M.D. and the St. John's Hospital pediatric nurses that 90 mL of Fleet phospho-soda in a 24 hour period was an excessive dose for an infant;
- c. Its pharmacy staff failed to advise JAY RISEMAN, M.D. what would be an appropriate dosage of Fleet phospho-soda for an infant;
- d. Its surgical resident failed to adequately advise JAY RISEMAN, M.D. that 90 mL of Fleet phospho-soda was an excessive dose for a small child despite being warned of this fact one week prior and by a St. John's Hospital pharmacist on June 20, 1999;
- e. Its pediatric resident failed to advise the S.I.U. pediatricians of the dosages of Fleet phospho-soda being ordered for MORGAN BROOKS.

31. That as a direct and proximate result of one or more of the foregoing negligent acts or omissions, MORGAN BROOKS died on June 22, 1999.

32. That MORGAN BROOKS left as her only next of kin her parents, DENNIS and TONYA BROOKS, and her brother, Mathew Tyler Wayne Brooks.

33. That as a direct and proximate result of the death of MORGAN BROOKS, the next

of kin have been deprived of the loss of society, earnings, companionship and services that MORGAN BROOKS would have provided to them had she survived.

34. Plaintiffs have attached a medical report and affidavit hereto in compliance with 735 ILCS 5/2-622 and Supreme Court Rule 222.

WHEREFORE the Plaintiffs, DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, request that judgment be entered against the Defendant, ST. JOHN'S HOSPITAL, in an amount in excess of \$50,000 and sufficient to compensate the next of kin for their loss and costs of suit.

**PLAINTIFFS DEMANDS TRIAL BY JURY.**

**COUNT VI  
(Brooks v. St. John's-negligence survival act)**

For their second cause of action against the Defendant, ST. JOHN'S HOSPITAL, the Plaintiffs, DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, allege:

1. The Plaintiffs, DENNIS and TONYA BROOKS, are the duly appointed Special Administrators of the Estate of MORGAN BROOKS, deceased, pursuant to an order entered by this court. See attached copy of Order.

2. This count is brought pursuant to the Survival Act, 755 ILCS 5/27-6 for the injuries, medical bills and pain and suffering that MORGAN BROOKS experienced and incurred prior to her death, and the funeral and burial expenses incurred after her death.

3. At all times mentioned herein, the Defendant, ST. JOHN'S HOSPITAL, was a hospital licensed under the laws of the State of Illinois, with its principal place of business located in Springfield, Sangamon County, Illinois.

4. At all times mentioned herein, the Defendant, ST. JOHN'S HOSPITAL, had as its agents and servants, a surgical resident, Paul Renz, M.D.; various pediatric nurses, residents and hospital pharmacists.

5. At all times mentioned herein, the acts of Paul Renz, M.D. and the acts of the St. John's Hospital pediatric nurses, residents and pharmacists referred to in this complaint were committed in the course and scope of their agency with St. John's Hospital.

6. At all times pertinent hereto, the Defendant, JAY RISEMAN, M.D. was a licensed physician and surgeon practicing medicine in Sangamon County, Illinois.

7. The decedent, MORGAN BROOKS, was born on April 23, 1999 at Decatur Memorial Hospital in Decatur, Illinois.

8. On April 25, 1999, MORGAN BROOKS was transferred to St. John's Hospital in Springfield, Illinois

9. MORGAN BROOKS became a patient of the Defendant, JAY RISEMAN, M.D. on April 25, 1999 at St. John's Hospital because she had a congenital volvulus.

10. On April 26, 1999, the Defendant, JAY RISEMAN, M.D., performed an ileostomy on MORGAN BROOKS to treat the volvulus.

11. On June 21, 1999, MORGAN BROOKS was readmitted to St. John's Hospital for an elective takedown of the ileostomy.

12. From June 10, 1999 until June 21, 1999, at 3:00 p.m., MORGAN BROOKS was noted in the St. John's Hospital records to be "eating well, urinating, acting appropriately (overall just doing well)."

13. On June 20, 1999, the Defendant, JAY RISEMAN, M.D., sent in admitting orders

for MORGAN BROOKS for her to be given 90 mL of Fleet phospho-soda at 12 noon on June 21, 1999 at St. John's Hospital.

14. On June 21, 1999, pursuant to the direction of JAY RISEMAN, M.D. a St. John's Hospital resident, Paul Renz, M.D., wrote the order for 90 mL of Fleet phospho-soda.

15. On June 21, 1999, MORGAN BROOKS weighed 4.89 kg.

16. On June 21, 1999 between 12:00 noon and 1:00 p.m. a St. John's Hospital pediatric nurse refused to give the 90 mL Fleet phospho-soda to MORGAN BROOKS.

17. At the same time and place referred to in the preceding paragraph, the St. John's nurse contacted a St. John's Hospital pharmacist to seek "clarification" of the order for Fleet phospho-soda.

18. The *Physician's Desk Reference* and the packaging information as approved by the Federal Food & Drug Administration indicate that the maximum allowable dosage of Fleet phospho-soda in a 24 hour period for an adult is 20 to 45 mL and 5 to 10 mL for a child age 5 to 9 years.

19. On June 21, 1999 at approximately 12:45 p.m., the St. John's hospital pharmacist transmitted a message to Dr. Riseman's resident, Paul Renz, M.D., that the dosage of Fleet phospho-soda was too high.

20. At the same time and place mentioned in the preceding paragraph, Dr. Renz told the St. John's Hospital pharmacist to speak directly with Dr. Riseman concerning the dosage of Fleet phospho-soda.

21. On June 21, 1999 at approximately 1:55 p.m., JAY RISEMAN, M.D. gave a new order for Fleet phospho-soda by directing that MORGAN BROOKS be given the 90 mL in 3 divided doses with 30 mL being given now, 30 mL in four (4) hours and 30 mL in eight (8) hours.



22. The dosage of Fleet phospho-soda set forth in the preceding paragraph is greatly in excess of any recommended dosage for an infant of MORGAN BROOKS' age and weight.

23. The dosage of Fleet phospho-soda set forth in paragraph 18, above, is contraindicated for an infant of MORGAN BROOKS' age and weight.

24. In the preceding week of June, 1999, the St. John's resident, Paul Renz, M.D., was advised by Eric Hobbie that he had learned that 90 mL of Fleet phospho-soda was an excessive dose of Fleet phospho-soda for a small child.

25. That on June 21, 1999, the St. John's Hospital nurses went ahead and administered 30 mL of Fleet phospho-soda to MORGAN BROOKS between 4 and 5 pm., 30 mL at approximately 8 p.m. and 30 mL at approximately 12 midnight for a total of 90 mL in an eight (8) hour period.

26. That shortly after administration of the last dose of Fleet phospho-soda, MORGAN BROOKS became very pale; her fontanelle and eyes were sunken and she made little response.

27. That at approximately 2:55 a.m. on June 22, 1999, MORGAN BROOKS sustained a cardiac arrest as a result of ingestion of an excessive dosage of Fleet phospho-soda.

28. That MORGAN BROOKS died on June 22, 1999 at approximately 7:14 p.m. at St. John's Hospital.

29. That MORGAN BROOKS' death was caused by severe electrolyte imbalance with metabolic acidosis as a result of ingestion of Fleet phospho-soda.

30. That at the times and place mentioned above, the Defendant, ST. JOHN'S HOSPITAL, through its agents i.e. through its resident, Paul Renz, M.D. and through its pediatric nurses, residents and pharmacy staff, committed one or more of the following negligent acts or omissions:

- a. Its pediatric nursing staff failed to ensure that MORGAN BROOKS was not administered an excessive dosage of Fleet phospho-soda;
- b. Its pharmacy staff failed to adequately advise JAY RISEMAN, M.D. and the St. John's Hospital pediatric nurses that 90 mL of Fleet phospho-soda in a 24 hour period was an excessive dose for an infant;
- c. Its pharmacy staff failed to advise JAY RISEMAN, M.D. what would be an appropriate dosage of Fleet phospho-soda for an infant;
- d. Its surgical resident failed to adequately advise JAY RISEMAN, M.D. that 90 mL of Fleet phospho-soda was an excessive dose for a small child despite being warned of this fact one week prior and by a St. John's Hospital pharmacist on June 20, 1999.
- e. Its pediatric resident failed to advise the S.I.U. pediatricians of the dosages of Fleet phospho-soda being ordered for MORGAN BROOKS.

31. As a direct and proximate result of one or more of the foregoing negligent acts or omissions and injuries, MORGAN BROOKS' died; she experienced great pain and suffering and disability before her death, and she incurred medical bills before her death and funeral bills after her death.

32. Plaintiffs have attached a medical report and affidavit hereto in compliance with 735 ILCS 5/2-622 and Supreme Court Rule 222.

WHEREFORE the Plaintiffs, DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, request that judgment be entered against the Defendant, ST. JOHN'S HOSPITAL, in an amount in excess of \$50,000 and sufficient to compensate the estate for its loss and costs of suit.

**PLAINTIFFS DEMANDS TRIAL BY JURY.**

**COUNT VI  
(Hobbie v. Riseman--negligence)**

As their first cause of action against the Defendant, JAY RISEMAN, M.D., and JAY

RISEMAN, M.D., LTD., the Plaintiffs, ERIC and MOLLY HOBBIE, as Parents and Next Friends of their minor daughter, MEGAN HOBBIE, allege:

1. They are the parents of MEGAN HOBBIE, a minor child.
2. This count is brought on behalf of MEGAN HOBBIE for the injuries and pain and suffering that she suffered.
3. At all times pertinent hereto, the Defendant, JAY RISEMAN, M.D. was a licensed physician and surgeon practicing medicine in Sangamon County, Illinois.
4. At all times mentioned herein, the Defendant JAY RISEMAN, M.D., LTD. was a corporation practicing medicine whose sole shareholder is JAY RISEMAN, M.D., and all acts committed by JAY RISEMAN, M.D. mentioned herein were committed in the scope of his agency with JAY RISEMAN, M.D., LTD.
5. On June 13, 1999, MEGAN HOBBIE was a patient of JAY RISEMAN, M.D.
6. On June 13, 1999, JAY RISEMAN, M.D. prescribed 90 mL of Fleet phospho-soda for MEGAN HOBBIE, with directions for Megan to be given this dosage at home.
7. The medication specified in the preceding paragraph was to be given as a bowel prep in preparation for a soave pull-through surgery scheduled to take place on MEGAN HOBBIE on June 14, 1999, at St. John's Hospital.
8. On June 13, 1999, MEGAN HOBBIE weighed approximately 17 pounds.
9. A dosage of 90 mL of Fleet phospho-soda is in excess of any recommended dosage of Fleet phospho-soda for a child of MEGAN HOBBIE's age and weight.
10. On June 13, 1999, at approximately 12 noon, a home health care nurse administered approximately one third of the 90 mL bottle of Fleet phospho-soda to MEGAN HOBBIE per NG

tube at MEGAN HOBBIE's home and spilled the rest.

11. On June 13, 1999, a little after noon, MEGAN HOBBIE vomited about 4-5 ounces of material.

12. On June 13, 1999, in the afternoon, MEGAN HOBBIE became dehydrated and irritable as a result of excessive ingestion of Fleet phospho-soda.

13. On June 13, 1999, in the p.m., Molly Hobbie called Dr. Riseman's office to advise him that MEGAN HOBBIE was dehydrated and irritable; Molly Hobbie was advised to watch MEGAN and to give her fluids.

14. On June 13, 1999, in the evening, MEGAN HOBBIE was admitted to St. John's Hospital for dehydration as a result of excessive ingestion of Fleet phospho-soda.

15. On June 13, 1999, the Defendant JAY RISEMAN, M.D., notwithstanding his duty to act in accordance with the standard of care of a reasonably well qualified surgeon committed one or more of the following negligent acts or omissions:

- a. He prescribed 90 mL of Fleet phospho-soda for MEGAN HOBBIE which was contrary to the standard of care;
- b. He prescribed Fleet phospho-soda for MEGAN HOBBIE in a dosage which was in excess of any maximum recommended dosage for a child of her age and weight;
- c. He prescribed Fleet phospho-soda for MEGAN HOBBIE in a dosage which was well in excess of the recommendations set forth by the Federal Food & Drug Administration in the *Physicians Desk Reference*;

16. As a direct and proximate result of one or more of the foregoing negligent acts or omissions and injuries, MEGAN HOBBIE experienced dehydration, decreased urine output, irritability, great pain and suffering and disability and additional hospitalization.

17. Plaintiffs and their counsel have attached hereto affidavits in accordance with 735 ILCS 5/2-622 and Supreme Court Rule 222.

WHEREFORE, the Plaintiffs, ERIC and MOLLY HOBBIE, as Parents and Next Friend of their minor daughter, MEGAN HOBBIE, pray for judgment against the Defendant, JAY RISEMAN, M.D. and JAY RISEMAN, M.D., LTD., in an amount in excess of \$50,000 and sufficient to compensate the Plaintiffs for their daughter's loss and for costs of suit.

**PLAINTIFFS DEMANDS TRIAL BY JURY.**

**COUNT VIII  
(Hobbie v. Riseman--family expense act)**

As their second cause of action against the Defendant, JAY RISEMAN, M.D., and JAY RISEMAN, M.D., LTD., the Plaintiffs, ERIC and MOLLY HOBBIE, individually, allege:

1. They are the parents of MEGAN HOBBIE, a minor child.
2. This count is brought pursuant to the Family Expense Act, 750 ILCS 65/15 for the medical bills that they incurred on behalf of their minor daughter, MEGAN HOBBIE.
3. At all times pertinent hereto, the Defendant, JAY RISEMAN, M.D. was a licensed physician and surgeon practicing medicine in Sangamon County, Illinois.
4. At all times mentioned herein, the Defendant JAY RISEMAN, M.D., LTD. was a corporation practicing medicine whose sole shareholder is JAY RISEMAN, M.D., and all acts committed by JAY RISEMAN, M.D. mentioned herein were committed in the scope of his agency with JAY RISEMAN, M.D., LTD.
5. On June 13, 1999, MEGAN HOBBIE was a patient of JAY RISEMAN, M.D.
6. On June 13, 1999, JAY RISEMAN, M.D. prescribed 90 mL of Fleet phospho-soda for MEGAN HOBBIE, with directions for Megan to be given this dosage at home.

7. The medication specified in the preceding paragraph was to be given as a bowel prep in preparation for a soave pull-through surgery scheduled to take place on MEGAN HOBBIE on June 14, 1999, at St. John's Hospital.

8. On June 13, 1999, MEGAN HOBBIE weighed approximately 17 pounds.

9. A dosage of 90 mL of Fleet phospho-soda is in excess of any recommended dosage of Fleet phospho-soda for a child of MEGAN HOBBIE's age and weight.

10. On June 13, 1999, at approximately 12 noon, a home health care nurse approximately administered one third of the 90 mL bottle of Fleet phospho-soda to MEGAN HOBBIE per NG tube at MEGAN HOBBIE's home and spilled the rest.

11. On June 13, 1999, a little after noon, MEGAN HOBBIE vomited about 4-5 ounces of material.

12. On June 13, 1999, in the afternoon, MEGAN HOBBIE became dehydrated and irritable as a result of excessive ingestion of Fleet phospho-soda.

13. On June 13, 1999, in the p.m., Molly Hobbie called Dr. Riseman's office to advise him that MEGAN HOBBIE was dehydrated and irritable; Molly Hobbie was advised to watch MEGAN and to give her fluids.

14. On June 13, 1999, in the evening, MEGAN HOBBIE was admitted to St. John's Hospital for dehydration as a result of excessive ingestion of Fleet phospho-soda.

15. On June 13, 1999, the Defendant JAY RISEMAN, M.D., notwithstanding his duty to act in accordance with the standard of care of a reasonably well qualified surgeon committed one or more of the following negligent acts or omissions:

a. He prescribed 90 mL of Fleet phospho-soda for MEGAN HOBBIE which was contrary to the standard of care;

- b. He prescribed Fleet phospho-soda for MEGAN HOBBIE in a dosage which was in excess of any maximum recommended dosage for a child of her age and weight;
- c. He prescribed Fleet phospho-soda for MEGAN HOBBIE in a dosage which was well in excess of the recommendations set forth by the Federal Food & Drug Administration in the *Physicians Desk Reference*;

16. As a direct and proximate result of one or more of the foregoing negligent acts or omissions and injuries, MEGAN HOBBIE experienced additional hospitalization and additional medical bills.

17. Plaintiffs have attached hereto a medical report and affidavits in accordance with 735 ILCS 5/2-622 and Supreme Court Rule 222.

WHEREFORE, the Plaintiffs, ERIC and MOLLY HOBBIE, individually, pray for judgment against the Defendant, JAY RISEMAN, M.D. and JAY RISEMAN, M.D., LTD., in an amount in excess of \$50,000 and sufficient to compensate the Plaintiffs for their loss and for costs of suit.

**PLAINTIFFS DEMANDS TRIAL BY JURY.**

**COUNT IX**  
**(Hobbie v. St. John's--negligence)**

For their complaint against the Defendant, ST. JOHN'S HOSPITAL, the Plaintiffs, ERIC and MOLLY HOBBIE, as Parents and Next Friends of their minor daughter, MEGAN HOBBIE, allege:

- 1. They are the parents of MEGAN HOBBIE, a minor child.
- 2. This count is brought on behalf of MEGAN HOBBIE for the injuries and pain and suffering that she suffered.
- 3. At all times mentioned herein, the Defendant, ST. JOHN'S HOSPITAL, was a hospital licensed under the laws of the State of Illinois, with its principal place of business located

in Springfield, Sangamon County, Illinois.

4. At all times mentioned herein, the Defendant, ST. JOHN'S HOSPITAL, had as its agent and servant, a surgical resident, Paul Renz, M.D.;

5. At all times mentioned herein, the acts of Paul Renz, M.D. referred to in this complaint were committed in the course of his agency with St. John's Hospital.

6. At all times pertinent hereto, the Defendant, JAY RISEMAN, M.D. was a licensed physician and surgeon practicing medicine in Sangamon County, Illinois.

7. On June 13, 1999, MEGAN HOBBIE was a patient of JAY RISEMAN, M.D.

8. On June 13, 1999, JAY RISEMAN, M.D. prescribed 90 mL of Fleet phospho-soda for MEGAN HOBBIE, with directions for Megan to be given this dosage at home.

9. The medication specified in the preceding paragraph was to be given as a bowel prep in preparation for a soave pull-through surgery scheduled to take place on MEGAN HOBBIE on June 14, 1999, at St. John's Hospital.

10. On June 13, 1999, MEGAN HOBBIE weighed approximately 17 pounds.

11. A dosage of 90 mL of Fleet phospho-soda is in excess of any recommended dosage of Fleet phospho-soda for a child of MEGAN HOBBIE's age and weight.

12. On June 13, 1999, at approximately 12 noon, a home health care nurse approximately administered one third of the 90 mL bottle of Fleet phospho-soda to MEGAN HOBBIE per NG tube at MEGAN HOBBIE's home and spilled the rest.

13. On June 13, 1999, a little after noon, MEGAN HOBBIE vomited about 4-5 ounces of material.

14. On June 13, 1999, in the afternoon, MEGAN HOBBIE became dehydrated and



irritable as a result of excessive ingestion of Fleet phospho-soda.

15. On June 13, 1999, in the evening, MEGAN HOBBIE was admitted to St. John's Hospital for dehydration as a result of excessive ingestion of Fleet phospho-soda.

16. After MEGAN HOBBIE was admitted to St. John's Hospital for dehydration in the evening of June 13, 1999, MEGAN HOBBIE was seen and evaluated by Paul Renz, M.D.

17. That at the time and place mentioned above, the Defendant, ST. JOHN'S HOSPITAL, through its agent i.e. Paul Renz, M.D. committed one or more of the following negligent acts or omissions:

- a. It failed to obtain and record a complete history concerning MEGAN HOBBIE's ingestion of Fleet phospho-soda;
- b. It failed to order any laboratory tests upon admission to document the degree of dehydration experienced by MEGAN HOBBIE;
- c. It failed to order adequate pain relief for MEGAN HOBBIE;
- d. It failed to check what were the appropriate dosages of Fleet phospho-soda after being informed by Eric Hobbie as to what the Fleet phospho-soda box and his pharmacist had said were the appropriate dosages for a child of Megan's age and weight.
- e. It failed to inform Dr. Riseman of a complete history concerning MEGAN HOBBIE's ingestion of Fleet phospho-soda;
- f. It failed to adequately inform Dr. Riseman that there was a question concerning the Fleet phospho-soda dosage;

18. As a direct and proximate result of one or more of the foregoing negligent acts or omissions and injuries, MEGAN HOBBIE experienced dehydration, decreased urine output, irritability, great pain and suffering and disability and additional hospitalization.

19. Plaintiffs have attached hereto affidavits in accordance with 735 ILCS 5/2-622 and Supreme Court Rule 222.

WHEREFORE, the Plaintiffs, ERIC and MOLLY HOBBIE, as Parents and Next Friends of their minor daughter, MEGAN HOBBIE, pray for judgment against the Defendant, ST. JOHN'S HOSPITAL in an amount in excess of \$50,000 and sufficient to compensate the Plaintiffs for their loss and for costs of suit.

**PLAINTIFFS DEMAND TRIAL BY JURY.**

**COUNT X  
(Hobbie v. St. John's--family expense act)**

For their complaint against the Defendant, ST. JOHN'S HOSPITAL, the Plaintiffs, ERIC and MOLLY HOBBIE, as Parents and Next Friends of their minor daughter , MEGAN HOBBIE, allege:

1. They are the parents of MEGAN HOBBIE, a minor child.
2. This count is brought pursuant to the Family Expense Act, 750 ILCS 65/15 for the medical bills that they incurred on behalf of their minor daughter, MEGAN HOBBIE.
3. At all times mentioned herein, the Defendant, ST. JOHN'S HOSPITAL, was a hospital licensed under the laws of the State of Illinois, with its principal place of business located in Springfield, Sangamon County, Illinois.
4. At all times mentioned herein, the Defendant, ST. JOHN'S HOSPITAL, had as its agent and servant, a surgical resident, Paul Renz, M.D.;
5. At all times mentioned herein, the acts of Paul Renz, M.D. referred to in this complaint were committed in the course of his agency with St. John's Hospital.
6. At all times pertinent hereto, the Defendant, JAY RISEMAN, M.D. was a licensed physician and surgeon practicing medicine in Sangamon County, Illinois.
7. On June 13, 1999, MEGAN HOBBIE was a patient of JAY RISEMAN, M.D.

8. On June 13, 1999, JAY RISEMAN, M.D. prescribed 90 mL of Fleet phospho-soda for MEGAN HOBBIE, with directions for Megan to be given this dosage at home.

9. The medication specified in the preceding paragraph was to be given as a bowel prep in preparation for a soave pull-through surgery scheduled to take place on MEGAN HOBBIE on June 14, 1999, at St. John's Hospital.

10. On June 13, 1999, MEGAN HOBBIE weighed approximately 17 pounds.

11. A dosage of 90 mL of Fleet phospho-soda is in excess of any recommended dosage of Fleet phospho-soda for a child of MEGAN HOBBIE's age and weight.

12. On June 13, 1999, at approximately 12 noon, a home health care nurse approximately administered one third of the 90 mL bottle of Fleet phospho-soda to MEGAN HOBBIE per NG tube at MEGAN HOBBIE's home and spilled the rest.

13. On June 13, 1999, a little after noon, MEGAN HOBBIE vomited about 4-5 ounces of material.

14. On June 13, 1999, in the afternoon, MEGAN HOBBIE became dehydrated and irritable as a result of excessive ingestion of Fleet phospho-soda.

15. On June 13, 1999, in the evening, MEGAN HOBBIE was admitted to St. John's Hospital for dehydration as a result of excessive ingestion of Fleet phospho-soda.

16. After MEGAN HOBBIE was admitted to St. John's Hospital for dehydration in the evening of June 13, 1999, MEGAN HOBBIE was seen and evaluated by Paul Renz, M.D.

17. That at the time and place mentioned above, the Defendant, ST. JOHN'S HOSPITAL, through its agent i.e. Paul Renz, M.D. committed one or more of the following negligent acts or omissions:

- a. It failed to obtain and record a complete history concerning MEGAN HOBBIE's ingestion of Fleet phospho-soda;
- b. It failed to order any laboratory tests upon admission to document the degree of dehydration experienced by MEGAN HOBBIE;
- c. It failed to order adequate pain relief for MEGAN HOBBIE;
- d. It failed to check what were the appropriate dosages of Fleet phospho-soda after being informed by Eric Hobbie as to what the Fleet phospho-soda box and his pharmacist had said were the appropriate dosages for a child of Megan's age and weight.
- e. It failed to inform Dr. Riseman of a complete history concerning MEGAN HOBBIE's ingestion of Fleet phospho-soda;
- f. It failed to adequately inform Dr. Riseman that there was a question concerning the Fleet phospho-soda dosage;

18. As a direct and proximate result of one or more of the foregoing negligent acts or omissions and injuries, MEGAN HOBBIE experienced additional hospitalization and additional medical bills.

19. Plaintiffs have attached hereto affidavits in accordance with 735 ILCS 5/2-622 and Supreme Court Rule 222.

WHEREFORE, the Plaintiffs, ERIC and MOLLY HOBBIE, individually pray for judgment against the Defendant, ST. JOHN'S HOSPITAL, in an amount in excess of \$50,000 and sufficient to compensate the Plaintiffs for their loss and for costs of suit.

**PLAINTIFFS DEMAND TRIAL BY JURY.**

**DENNIS and TONYA BROOKS, as Special Administrators of the Estate of MORGAN BROOKS, deceased, and ERIC and MOLLY HOBBIE, Individually and as Parents and Next Friends of MEGAN ANN HOBBIE, a minor, Plaintiffs,**

**BY:** \_\_\_\_\_  
**One of Their Attorneys**

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