



18TH JUDICIAL CIRCUIT COURT CLERK

DUPAGE COUNTY ILLINOIS

Case Summary Details

Case Details

Case Number	2023LA001163	Next Court Date	01-30-2024								
File Date	11-02-2023	Next Court Location	COURTROOM 2008 Locate Map								
Case Title	LANCASTER CHRISTOPHER J AS SPECIAL ADMINISTRATOR OF THE ESTATE OF ERNEST C LANCASTER DECEASED -VS- EDWARD HOSPITAL ET AL.	Next Court Time	09:00 AM								
Agency	Clerks Office	Assigned Location	2008								
Address Change	Change Address Only Opt IN / OUT of Case notifications (messagesubstype.do)										
Balance Due Amount	\$0.00										
Counts	<table border="1"> <thead> <tr> <th>Count Number</th><th>Count Description</th><th>Count Status</th><th>Complaint Number</th></tr> </thead> <tbody> <tr> <td>0001</td><td>TORT - MONEY DAMAGES (OVER \$50,000.00)</td><td>ACTIVE</td><td></td></tr> </tbody> </table>	Count Number	Count Description	Count Status	Complaint Number	0001	TORT - MONEY DAMAGES (OVER \$50,000.00)	ACTIVE			
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0001	TORT - MONEY DAMAGES (OVER \$50,000.00)	ACTIVE									

List of Case Events

File Date	Count Number	Description
11-13-2023	0000	AFFIDAVIT (ViewActivityCodeDetail.jsp?caseNumber=2023LA001163&activityTypeCode=7660&countNumber=0000&fileDate=11-13-2023&subNumber=73&version=1) - OF SERVICE
11-02-2023	0000	CASE MGMT CONFERENCE INITIAL SETTING (ViewActivityCodeDetail.jsp?caseNumber=2023LA001163&activityTypeCode=113&countNumber=0000&fileDate=11-02-2023&subNumber=22&version=1)
11-02-2023	0000	APPEARANCE (ViewActivityCodeDetail.jsp?caseNumber=2023LA001163&activityTypeCode=5195&countNumber=0000&fileDate=11-02-2023&subNumber=18&version=1)
11-02-2023	0000	STATUS DATE (ViewActivityCodeDetail.jsp?caseNumber=2023LA001163&activityTypeCode=110&countNumber=0000&fileDate=11-02-2023&subNumber=21&version=1)
11-02-2023	0000	COMPLAINT (ViewActivityCodeDetail.jsp?caseNumber=2023LA001163&activityTypeCode=5350&countNumber=0000&fileDate=11-02-2023&subNumber=19&version=1)
11-02-2023	0000	JURY DEMAND (ViewActivityCodeDetail.jsp?caseNumber=2023LA001163&activityTypeCode=5570&countNumber=0000&fileDate=11-02-2023&subNumber=28&version=1)
11-02-2023	0000	AFFIDAVIT (ViewActivityCodeDetail.jsp?caseNumber=2023LA001163&activityTypeCode=7660&countNumber=0000&fileDate=11-02-2023&subNumber=26&version=1) - OF DAMAGES
11-02-2023	0000	AFFIDAVIT (ViewActivityCodeDetail.jsp?caseNumber=2023LA001163&activityTypeCode=7660&countNumber=0000&fileDate=11-02-2023&subNumber=29&version=1) - FILED
11-02-2023	0000	SUMMONS ISSUED (ViewActivityCodeDetail.jsp?caseNumber=2023LA001163&activityTypeCode=6610&countNumber=0000&fileDate=11-02-2023&subNumber=30&version=1)

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Christopher J. LANCASTER as Special Administrator of the..., 2023 WL 8880517...

2023 WL 8880517 (Ill.Cir.Ct.) (Trial Pleading)

Circuit Court of Illinois,
Eighteenth Judicial Circuit.
Dupage County

Christopher J. LANCASTER as Special Administrator of the Estate of Ernest C. Lancaster, deceased, Plaintiffs,

v.

EDWARD HOSPITAL, an Illinois Corporation, John McAnelly MD individually and as agent of Edward Hospital, Oana Olaru M individually and as agent of Edward Hospital, Nathan Svingen MD individually and as agent of Edward Hospital, Jacqueline Guzman RN individually and as agent of Edward Hospital, Francesco Colella RN individually and as agent of Edward Hospital, Sabrina O'Keefe, RT individually and as agent of Edward Hospital, Carlos T. RN individually and as agent of Edward Hospital, Jacy G. RN individually and as agent of Edward Hospital, Luis A. RN individually and as agent of Edward Hospital, and Sarah Mazzone RN individually and as agent of Edward Hospital, Defendants.

No. 2023LA001163.
December 2, 2023.

Plaintiff Demands Trial by Jury of 12

Complaint at Law

Marker & Crannell, Jonathan P. Crannell, ARDC: 6299565 | DuPage: 247986 | Cook: 42173, Marker & Crannell, Attorneys at Law, P.C., 55 Shuman Blvd., Suite 525, Naperville, IL 60563, Phone: (630) 995-9005 | Fax: (630) 755-4658, Email: JCrannell@Marker-Law.com, Jon Crannell, attorney for plaintiff.

NOW COMES the Plaintiff, CHRIS ANDERSON as Special Administrator of the ESTATE OF ERNEST LANCASTER, deceased, (See Order Appointing Administration attached hereto as **Exhibit A** and Letters of Office attached hereto as **Exhibit B**) by and through his Attorneys, MARKER & CRANNELL, P.C., and for their Complaint against the above-named Defendants, **states** as follows:

FACTS COMMON TO ALL COUNTS

1. On August 21, 2021, ERNEST C. LANCASTER, by and through his Power of Attorney, CHRISTOPHER J. LANCASTER, executed an IDPH Uniform Practitioner Order for **Life** Sustaining **Treatment** (POLST) Form, also commonly referred to as a **DNR**, DNAR, **Advanced Directive**, (hereinafter referred to as "**DNR**"), which is attached to this Complaint as **Exhibit C**.
2. The aforesaid **DNR** was executed following multiple family discussions regarding ERNEST LANCASTER's end-of-life wishes, his religious beliefs, and his desire to die with dignity.
3. The aforesaid **DNR** was developed by the Illinois Department of Health to identify people who do not wish to be resuscitated.
4. The aforesaid **DNR** is legally authorized by 755 ILCS 40/65, so that individuals can make the decision to die without unwanted **medical** intervention and interference, and to avoid being subjected to additional financial burden and unwanted **medical treatment** during the final moments of their **life**.

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5. The aforesaid **DNR** was properly executed and in effect at all relevant times to this cause of action.
6. The aforesaid **DNR** specifically ordered, “Do Not Attempt Resuscitation/**DNR**.”
7. As **stated** on the **DNR** attached hereto as **Exhibit C**, a copy of the **DNR** must be sent with the patient whenever transferred or discharged.
8. On November 22, 2021, ERNEST LANCASTER was transferred from his assisted living facility, Harbor Chase, to EDWARD HOSPITAL by ambulance after falling three times in one day.
9. On November 22, 2021, ERNEST LANCASTER had a history of prior stroke, kidney disease, diabetes, hypertension, cerebral vascular accident, abdominal aortic aneurysm, among other diagnoses and ailments.
10. On November 22, 2021, ERNEST LANCASTER was admitted to EDWARD HOSPITAL for testing and observation.
11. On November 22, 2021, when ERNEST LANCASTER was transferred from Harbor Chase to EDWARD HOSPITAL by ambulance, the aforesaid **DNR** accompanied him and was provided to EDWARD HOSPITAL.
12. On November 22, 2021, during the admission process, Defendant, JOHN MCANELLY MD, entered an order that read, “CODE status: full.”
13. On November 23, 2021, in the early morning hours, ERNEST LANCASTER went into cardiac arrest.
14. On November 23, 2021, at approximately 4:50am, Defendants, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and JACQUELINE GUZMAN RN, performed the following resuscitation measures:
 - a. Chest compressions
 - b. Airway assistance using a bag/valve mask
 - c. Airway assistance by suctioning airway
 - d. Defibrillator shock
 - e. Administration of Amiodarone
15. On November 23, 2021, at approximately 5:10am, after 20 minutes of CPR and other resuscitation measures, ERNEST LANCASTER had been resuscitated.
16. ERNEST LANCASTER lived for an additional 593 days following said resuscitation, and passed away on July 9, 2023.

COUNT I MEDICAL NEGLIGENCE - SURVIVAL ACT
ESTATE OF ERNEST LANCASTER V. EDWARD HOSPITAL

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(1-16) Plaintiff adopts and realleges paragraphs 1-16 of “Facts Common to All Counts” as and for paragraphs 1-16 of this Count I as if each were fully **stated** herein.

17. On November 22, 2021, and for a long time prior thereto, Defendant, EDWARD HOSPITAL was an Illinois Corporation operating **medical** facilities, including at or near 801 S. Washington St., in Naperville, DuPage County, Illinois.

18. At all times relevant hereto, Defendants JOHN MCANELLY MD, OANA OLARU MD, and NATHAN SVINGEN MD, were physicians licensed in Illinois to practice **medicine** and were providing **medical care** to ERNEST LANCASTER, as duly authorized agents, apparent agents, servants, and/or employees of Defendant, EDWARD HOSPITAL.

19. JACQUELINE GUZMAN RN, FRANCESCO COLELLA RN, CARLOS T. RN, JACY G. RN, LUIS A. RN, and SARAH MAZZONE RN, were registered nurses licensed in Illinois to practice nursing and were providing **medical care** to ERNEST LANCASTER, as duly authorized agents, apparent agents, servants, and/or employees of Defendant, EDWARD HOSPITAL.

20. SABRINA O'KEEFE, RT was a respiratory therapist licensed in Illinois to practice respiratory **therapy** and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

21. At all times relevant hereto, Defendant, EDWARD HOSPITAL, held itself out, and otherwise informed the public and ERNEST LANCASTER, that it, through its physicians, physician assistants, nurses, therapists, and other healthcare providers, including those named herein as Defendants, who were **acting** as duly authorized agents, apparent agents, servants, and/or employees, had and possessed the requisite skill, competence, knowledge, and personnel to properly **care** for and treat ERNEST LANCASTER.

22. On and subsequent to November 22, 2021, ERNEST LANCASTER was a patient under the **care** of Defendant, EDWARD HOSPITAL, by and through its physicians, physician assistants, nurses, therapists, and other healthcare providers who were **acting** as its duly authorized agents, apparent agents, servants and/or employees, including, but not limited to, those named herein as Defendants.

23. On or November 22, 2021 and thereafter, ERNEST LANCASTER, was evaluated and under the **care** of Defendant, EDWARD HOSPITAL, by and through its physicians, physician assistants, nurses, therapists, and other healthcare providers who were **acting** as its duly authorized agents, apparent agents, servants and/or employees, including, but not limited to, those named herein as Defendants, for falls, dizziness, a fever, possible stroke, and other **medical** ailments.

24. On November 22, 2021, November 23, 2021, and at all times relevant hereto, there was in effect a statute pertaining to the aforesaid **DNR** (a/k/a Department of Public Health Uniform POLST Form) which reads, in relevant part:

Except as otherwise provided by **law**, emergency **medical** service personnel, a health **care** provider, or a health **care** facility, shall comply with a Department of Public Health Uniform POLST form...that: (i) has been executed by an adult; and (ii) is apparent and immediately available.” 755 ILCS 40/65(c)

25. At all times relevant hereto, ERNEST LANCASTER's **DNR** was properly executed by an adult and was apparent and immediately available to Defendant, EDWARD HOSPITAL, by and through its physicians, physician assistants, nurses,

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therapists, and other healthcare providers who were **acting** as its duly authorized agents, apparent agents, servants and/or employees, including, but not limited to, those named herein as Defendants.

26. On November 22, 2021, November 23, 2021, and at all times relevant hereto, it was the duty of Defendant, EDWARD HOSPITAL, by and through its physicians, physician assistants, nurses, therapists, and other healthcare providers who were **acting** as its duly authorized agents, apparent agents, servants and/or employees, including, but not limited to, those named herein as Defendants, to honor their patients' **advanced** healthcare **directives**, including **DNR's**, in accordance with the standard of **care** for healthcare facilities, **medical** practitioners, the aforesaid statute and Illinois common **law**.

27. On November 22, 2021, November 23, 2021, and at all times relevant hereto, it was the duty of Defendant, EDWARD HOSPITAL, by and through its physicians, physician assistants, nurses, therapists, and other healthcare providers who were **acting** as its duly authorized agents, apparent agents, servants and/or employees, including, but not limited to, those named herein as Defendants, to **act** as reasonably careful healthcare providers with respect to the **care** and **treatment** of their patients, including ERNEST LANCASTER.

28. Notwithstanding those duties, Defendant, EDWARD HOSPITAL, by and through its physicians, physician assistants, nurses, therapists, and other healthcare providers who were **acting** as its duly authorized agents, apparent agents, servants and/or employees, including, but not limited to, those named herein as Defendants, did commit one or more of the following negligent **acts** or omissions in that they:

- a. Failed to establish, enforce, and/or follow policies and procedures to timely identify and ensure compliance with **advanced** healthcare **directives**, including ERNEST LANCASTER'S **DNR**;
- b. Failed to develop and adhere to a uniform system, practice, or protocol to ensure the **right** of the patient to **direct** all aspects of his personal **care** and **medical treatment**, including the **right** to decline **medical treatment** and/or **direct** that **medical treatment** be withdrawn;
- c. Failed to develop and adhere to a uniform system, practice, or protocol to ensure that a patient's decisions regarding healthcare as expressed in an **advanced directive** (or otherwise) are known, promptly communicated to doctors and nurses, honored and respect;
- d. Failed to timely and properly document and/or communicate ERNEST LANCASTER'S **DNR** in his **medical** chart;
- e. Failed to timely and properly enter ERNEST LANCASTER'S **DNR** as a Physician's Order in the electronic **medical** chart;
- f. Improperly ordered ERNEST LANCASTER'S "Code Status" as "FULL CODE" when in fact ERNEST LANCASTER had a valid **DNR** in place that was apparent and immediately available;
- g. Failed to timely recognize a discrepancy between ERNEST LANCASTER'S **DNR** and the physician's orders in the electronic **medical** chart;
- h. Violated ERNEST LANCASTER'S Patient **Rights** when they disregarded his decisions about his plan of **care** prior to and during the course of his **care, treatment**, and services;
- i. Violated ERNEST LANCASTER'S Patient **Rights** when they disregarded his refusal of **medical treatment**;
- j. Violated ERNEST LANCASTER'S Patient **Rights** when they failed to formulate **advance directives** for the purpose of guiding decisions concerning his healthcare;

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- k. Performed chest compressions on ERNEST LANCASTER in order to resuscitate him in violation of his duly executed **DNR**;
- l. Provided airway assistance using a bag/valve mask on ERNEST LANCASTER to resuscitate him in violation of his duly executed **DNR**;
- m. Provided airway assistance by suctioning ERNEST LANCASTER's airway to resuscitate him in violation of his duly executed **DNR**;
- n. Utilized a defibrillator to shock ERNEST LANCASTER's heart in order to resuscitate him in violation of his duly executed **DNR**;
- o. Administered Amiodarone to ERNEST LANCASTER to resuscitate him in violation of his duly executed **DNR**; and/or
- p. Failed to apply a purple wristband to ERNEST LANCASTER identifying him as a **DNR** patient upon admission in accordance with the FDA's August 16, 2021 Letter to Industry and the American Hospital Association's September 4, 2008 Quality Advisory.

29. In committing one or more of the aforesaid **acts** and/or omissions, Defendant, EDWARD HOSPITAL, by and through its physicians, physician assistants, nurses, therapists, and other healthcare providers who were **acting** as its duly authorized agents, apparent agents, servants and/or employees, including, but not limited to, those named herein as Defendants, violated the standard of **care** in that they failed to **act** with the same degree of knowledge, skill, and ability as an ordinarily careful professional would exercise under similar circumstances.

30. As a **direct** and proximate result of the commission of one or more of the aforesaid **acts** and/or omissions on the part of Defendant, EDWARD HOSPITAL, by and through its physicians, physician assistants, nurses, therapists, and other healthcare providers who were **acting** as its duly authorized agents, apparent agents, servants and/or employees, including, but not limited to, those named herein as Defendants, ERNEST LANCASTER was resuscitated against his wishes which extended his **life** by 593 days wherein ERNEST LANCASTER sustained additional and unnecessary pain, suffering, diminished quality of **life**, emotional distress, and expenses (both living expenses and **medical** expenses).

WHEREFORE, Plaintiff, the ESTATE OF ERNEST LANCASTER, requests judgment against Defendant, EDWARD HOSPITAL, for a sum of money in excess of \$50,000.00 plus the costs of this suit.

**COUNT II MEDICAL NEGLIGENCE - SURVIVAL ACT ESTATE OF ERNEST LANCASTER V.
JOHN MCANELLY MD individually and as agent of EDWARD HOSPITAL and EDWARD HOSPITAL**

(1-16) Plaintiff adopts and realleges paragraphs 1-16 of "Facts Common to All Counts" as and for paragraphs 1-16 of this Count II as if each were fully **stated** herein.

17. On November 22, 2021, and for a long time prior thereto, Defendant, EDWARD HOSPITAL was an Illinois Corporation operating **medical** facilities, including at or near 801 S. Washington St., in Naperville, DuPage County, Illinois.

18. At all times relevant hereto, Defendant, JOHN MCANELLY MD, was a physician licensed in Illinois to practice **medicine** and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

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19. At all times relevant hereto, Defendant, JOHN MCANELLY MD, held himself out, and otherwise informed the public and ERNEST LANCASTER, that he had and possessed the requisite skill, competence, knowledge, and personnel to properly **care** for and treat ERNEST LANCASTER.

20. On and subsequent to November 22, 2021, ERNEST LANCASTER was a patient under the **care** of Defendant, JOHN MCANELLY MD.

21. On or November 22, 2021, and thereafter, ERNEST LANCASTER, was evaluated and under the **care** of Defendant, JOHN MCANELLY MD, including, but not limited to, those named herein as Defendants who were **acting** at the **direction** of Defendant, JOHN MCANELLY MD, for falls, dizziness, a fever, possible stroke, and other **medical** ailments.

22. On November 22, 2021, November 23, 2021, and at all times relevant hereto, there was in effect a statute pertaining to the aforesaid **DNR** (a/k/a Department of Public Health Uniform POLST Form) which reads, in relevant part:

Except as otherwise provided by **law**, emergency **medical** service personnel, a health **care** provider, or a health **care** facility, shall comply with a Department of Public Health Uniform POLST form...that: (i) has been executed by an adult; and (ii) is apparent and immediately available.” 755 ILCS 40/65(c)

23. At all times relevant hereto, ERNEST LANCASTER's **DNR** was properly executed by an adult and was apparent and immediately available to Defendant, JOHN MCANELLY MD, and those individuals who were **acting** at the **direction** of Defendant, JOHN MCANELLY MD.

24. On November 22, 2021, November 23, 2021, and at all times relevant hereto, it was the duty of Defendant, JOHN MCANELLY MD, and those individuals who were **acting** at his **direction**, to honor their patients' **advanced** healthcare **directives**, including **DNR's**, in accordance with the standard of **care** for healthcare facilities, **medical** practitioners, the aforesaid statute and Illinois common **law**.

25. On November 22, 2021, November 23, 2021, and at all times relevant hereto, it was the duty of Defendant, JOHN MCANELLY MD, to **act** as a reasonably careful physician with respect to the **care** and **treatment** of his patients, including ERNEST LANCASTER.

26. Notwithstanding those duties, Defendant, JOHN MCANELLY MD, did commit one or more of the following negligent **acts** or omissions in that he:

a. Failed to establish, enforce, and/or follow policies and procedures to timely identify and ensure compliance with **advanced** healthcare **directives**, including ERNEST LANCASTER'S **DNR**;

b. Failed to develop and adhere to a uniform system, practice, or protocol to ensure the **right** of the patient to **direct** all aspects of his personal **care** and **medical treatment**, including the **right** to decline **medical treatment** and/or **direct** that **medical treatment** be withdrawn;

c. Failed to develop and adhere to a uniform system, practice, or protocol to ensure that a patient's decisions regarding healthcare as expressed in an **advanced directive** (or otherwise) are known, promptly communicated to doctors and nurses, honored and respect;

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- d. Failed to timely and properly document and/or communicate ERNEST LANCASTER'S **DNR** in his **medical** chart;
 - e. Failed to timely and properly enter ERNEST LANCASTER'S **DNR** as a Physician's Order in the electronic **medical** chart;
 - f. Improperly ordered ERNEST LANCASTER'S "Code Status" as "FULL CODE" when in fact ERNEST LANCASTER had a valid **DNR** in place that was apparent and immediately available;
 - g. Failed to timely recognize a discrepancy between ERNEST LANCASTER'S **DNR** and the physician's orders in the electronic **medical** chart;
 - h. Violated ERNEST LANCASTER'S Patient **Rights** when they disregarded his decisions about his plan of **care** prior to and during the course of his **care**, **treatment**, and services;
 - i. Violated ERNEST LANCASTER'S Patient **Rights** when they disregarded his refusal of **medical treatment**;
 - j. Violated ERNEST LANCASTER'S Patient **Rights** when they failed to formulate **advance directives** for the purpose of guiding decisions concerning his healthcare;
 - k. Ordered or performed chest compressions on ERNEST LANCASTER in order to resuscitate him in violation of his duly executed **DNR**;
 - l. Ordered or provided airway assistance using a bag/valve mask on ERNEST LANCASTER to resuscitate him in violation of his duly executed **DNR**;
 - m. Ordered or provided airway assistance by suctioning ERNEST LANCASTER's airway to resuscitate him in violation of his duly executed **DNR**;
 - n. Ordered or utilized a defibrillator to shock ERNEST LANCASTER's heart in order to resuscitate him in violation of his duly executed **DNR**;
 - o. Ordered or administered Amiodarone to ERNEST LANCASTER to resuscitate him in violation of his duly executed **DNR**; and/or
 - p. Failed to apply a purple wristband to ERNEST LANCASTER identifying him as a **DNR** patient upon admission when the standard of **care** required such identification.
27. In committing one or more of the aforesaid **acts** and/or omissions, Defendant, JOHN MCANELLY MD, violated the standard of **care** in that he failed to **act** with the same degree of knowledge, skill, and ability as an ordinarily careful professional would exercise under similar circumstances.
28. As a **direct** and proximate result of the commission of one or more of the aforesaid **acts** and/or omissions on the part of Defendant, JOHN MCANELLY MD, ERNEST LANCASTER was resuscitated against his wishes which extended his **life** by 593 days wherein ERNEST LANCASTER sustained additional and unnecessary pain, suffering, diminished quality of **life**, emotional distress, and expenses (both living expenses and **medical** expenses).

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WHEREFORE, Plaintiff, the ESTATE OF ERNEST LANCASTER, requests judgment against Defendant, EDWARD HOSPITAL, for a sum of money in excess of \$50,000.00 plus the costs of this suit.

**COUNT III MEDICAL NEGLIGENCE - SURVIVAL ACT ESTATE OF ERNEST LANCASTER v.
OANA OLARU MD individually and as agent of EDWARD HOSPITAL and EDWARD HOSPITAL**

(1-16) Plaintiff adopts and realleges paragraphs 1-16 of "Facts Common to All Counts" as and for paragraphs 1-16 of this Count III as if each were fully **stated** herein.

17. On November 22, 2021, and for a long time prior thereto, Defendant, EDWARD HOSPITAL was an Illinois Corporation operating **medical** facilities, including at or near 801 S. Washington St., in Naperville, DuPage County, Illinois.

18. At all times relevant hereto, Defendant, OANA OLARU MD, was a physician licensed in Illinois to practice **medicine** and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

19. At all times relevant hereto, Defendant, OANA OLARU MD, held herself out, and otherwise informed the public and ERNEST LANCASTER, that she had and possessed the requisite skill, competence, knowledge, and personnel to properly **care** for and treat ERNEST LANCASTER.

20. On and subsequent to November 22, 2021, ERNEST LANCASTER was a patient under the **care** of Defendant, OANA OLARU MD.

21. On or November 22, 2021, and thereafter, ERNEST LANCASTER, was evaluated and under the **care** of Defendant, OANA OLARU MD, including, but not limited to, those named herein as Defendants who were **acting** at the **direction** of Defendant, JOHN MCANELLY MD, for falls, dizziness, a fever, possible stroke, and other **medical** ailments.

22. On November 22, 2021, November 23, 2021, and at all times relevant hereto, there was in effect a statute pertaining to the aforesaid **DNR** (a/k/a Department of Public Health Uniform POLST Form) which reads, in relevant part:

Except as otherwise provided by **law**, emergency **medical** service personnel, a health **care** provider, or a health **care** facility, shall comply with a Department of Public Health Uniform POLST form...that: (i) has been executed by an adult; and (ii) is apparent and immediately available." 755 ILCS 40/65(c)

23. At all times relevant hereto, ERNEST LANCASTER's **DNR** was properly executed by an adult and was apparent and immediately available to Defendant, OANA OLARU MD, and those individuals who were **acting** at the **direction** of Defendant, OANA OLARU MD.

24. On November 22, 2021, November 23, 2021, and at all times relevant hereto, it was the duty of Defendant, OANA OLARU MD, and those individuals who were **acting** at his **direction**, to honor their patients' **advanced** healthcare **directives**, including **DNR's**, in accordance with the standard of **care** for healthcare facilities, **medical** practitioners, the aforesaid statute and Illinois common **law**.

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25. On November 22, 2021, November 23, 2021, and at all times relevant hereto, it was the duty of Defendant, OANA OLARU MD, to **act** as a reasonably careful physician with respect to the **care** and **treatment** of her patients, including ERNEST LANCASTER.

26. Notwithstanding those duties, Defendant, OANA OLARU MD, did commit one or more of the following negligent **acts** or omissions in that she:

a. Failed to establish, enforce, and/or follow policies and procedures to timely identify and ensure compliance with **advanced** healthcare **directives**, including ERNEST LANCASTER'S **DNR**;

b. Failed to develop and adhere to a uniform system, practice, or protocol to ensure the **right** of the patient to **direct** all aspects of his personal **care** and **medical treatment**, including the **right** to decline **medical treatment** and/or **direct** that **medical treatment** be withdrawn;

c. Failed to develop and adhere to a uniform system, practice, or protocol to ensure that a patient's decisions regarding healthcare as expressed in an **advanced directive** (or otherwise) are known, promptly communicated to doctors and nurses, honored and respect;

d. Failed to timely and properly document and/or communicate ERNEST LANCASTER'S **DNR** in his **medical** chart;

e. Failed to timely and properly enter ERNEST LANCASTER'S **DNR** as a Physician's Order in the electronic **medical** chart;

f. Improperly ordered ERNEST LANCASTER'S "Code Status" as "FULL CODE" when in fact ERNEST LANCASTER had a valid **DNR** in place that was apparent and immediately available;

g. Failed to timely recognize a discrepancy between ERNEST LANCASTER'S **DNR** and the physician's orders in the electronic **medical** chart;

h. Violated ERNEST LANCASTER'S Patient **Rights** when they disregarded his decisions about his plan of **care** prior to and during the course of his **care, treatment**, and services;

i. Violated ERNEST LANCASTER'S Patient **Rights** when they disregarded his refusal of **medical treatment**;

j. Violated ERNEST LANCASTER'S Patient **Rights** when they failed to formulate **advance directives** for the purpose of guiding decisions concerning his healthcare;

k. Ordered or performed chest compressions on ERNEST LANCASTER in order to resuscitate him in violation of his duly executed **DNR**;

l. Ordered or provided airway assistance using a bag/valve mask on ERNEST LANCASTER to resuscitate him in violation of his duly executed **DNR**;

m. Ordered or provided airway assistance by suctioning ERNEST LANCASTER's airway to resuscitate him in violation of his duly executed **DNR**;

n. Ordered or utilized a defibrillator to shock ERNEST LANCASTER's heart in order to resuscitate him in violation of his duly executed **DNR**;

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o. Ordered or administered Amiodarone to ERNEST LANCASTER to resuscitate him in violation of his duly executed **DNR**; and/or

p. Failed to apply a purple wristband to ERNEST LANCASTER identifying him as a **DNR** patient upon admission when the standard of **care** required such identification.

27. In committing one or more of the aforesaid **acts** and/or omissions, Defendant, OANA OLARU MD, violated the standard of **care** in that she failed to **act** with the same degree of knowledge, skill, and ability as an ordinarily careful professional would exercise under similar circumstances.

28. As a **direct** and proximate result of the commission of one or more of the aforesaid **acts** and/or omissions on the part of Defendant, OANA OLARU MD, ERNEST LANCASTER was resuscitated against his wishes which extended his **life** by 593 days wherein ERNEST LANCASTER sustained additional and unnecessary pain, suffering, diminished quality of **life**, emotional distress, and expenses (both living expenses and **medical** expenses).

WHEREFORE, Plaintiff, the ESTATE OF ERNEST LANCASTER, requests judgment against Defendant, OANA OLARU MD, for a sum of money in excess of \$50,000.00 plus the costs of this suit.

**COUNT IV MEDICAL NEGLIGENCE - SURVIVAL ACT ESTATE OF ERNEST LANCASTER v.
NATHAN SVINGEN MD individually and as agent of EDWARD HOSPITAL and EDWARD HOSPITAL**

(1-16) Plaintiff adopts and realleges paragraphs 1-16 of "Facts Common to All Counts" as and for paragraphs 1-16 of this Count IV as if each were fully **stated** herein.

17. On November 22, 2021, and for a long time prior thereto, Defendant, EDWARD HOSPITAL was an Illinois Corporation operating **medical** facilities, including at or near 801 S. Washington St., in Naperville, DuPage County, Illinois.

18. At all times relevant hereto, Defendant, NATHAN SVINGEN MD, was a physician licensed in Illinois to practice **medicine** and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

19. At all times relevant hereto, Defendant, NATHAN SVINGEN MD, held himself out, and otherwise informed the public and ERNEST LANCASTER, that he had and possessed the requisite skill, competence, knowledge, and personnel to properly **care** for and treat ERNEST LANCASTER.

20. On and subsequent to November 22, 2021, ERNEST LANCASTER was a patient under the **care** of Defendant, NATHAN SVINGEN MD.

21. On or November 22, 2021, and thereafter, ERNEST LANCASTER, was evaluated and under the **care** of Defendant, NATHAN SVINGEN MD, including, but not limited to, those named herein as Defendants who were **acting** at the **direction** of Defendant, NATHAN SVINGEN MD, for falls, dizziness, a fever, possible stroke, and other **medical** ailments.

22. On November 22, 2021, November 23, 2021, and at all times relevant hereto, there was in effect a statute pertaining to the aforesaid **DNR** (a/k/a Department of Public Health Uniform POLST Form) which reads, in relevant part:

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Except as otherwise provided by **law**, emergency **medical** service personnel, a health **care** provider, or a health **care** facility, shall comply with a Department of Public Health Uniform POLST form...that: (i) has been executed by an adult; and (ii) is apparent and immediately available.” 755 ILCS 40/65(c)

23. At all times relevant hereto, ERNEST LANCASTER'S **DNR** was properly executed by an adult and was apparent and immediately available to Defendant, NATHAN SVINGEN MD, and those individuals who were **acting** at the **direction** of Defendant, NATHAN SVINGEN MD.

24. On November 22, 2021, November 23, 2021, and at all times relevant hereto, it was the duty of Defendant, NATHAN SVINGEN MD, and those individuals who were **acting** at his **direction**, to honor their patients' **advanced** healthcare **directives**, including **DNR's**, in accordance with the standard of **care** for healthcare facilities, **medical** practitioners, the aforesaid statute and Illinois common **law**.

25. On November 22, 2021, November 23, 2021, and at all times relevant hereto, it was the duty of Defendant, NATHAN SVINGEN MD, to **act** as a reasonably careful physician with respect to the **care** and **treatment** of his patients, including ERNEST LANCASTER.

26. Notwithstanding those duties, Defendant, NATHAN SVINGEN MD, did commit one or more of the following negligent **acts** or omissions in that he:

- a. Failed to establish, enforce, and/or follow policies and procedures to timely identify and ensure compliance with **advanced** healthcare **directives**, including ERNEST LANCASTER'S **DNR**;
- b. Failed to develop and adhere to a uniform system, practice, or protocol to ensure the **right** of the patient to **direct** all aspects of his personal **care** and **medical treatment**, including the **right** to decline **medical treatment** and/or **direct** that **medical treatment** be withdrawn;
- c. Failed to develop and adhere to a uniform system, practice, or protocol to ensure that a patient's decisions regarding healthcare as expressed in an **advanced directive** (or otherwise) are known, promptly communicated to doctors and nurses, honored and respect;
- d. Failed to timely and properly document and/or communicate ERNEST LANCASTER'S **DNR** in his **medical** chart;
- e. Failed to timely and properly enter ERNEST LANCASTER'S **DNR** as a Physician's Order in the electronic **medical** chart;
- f. Improperly ordered ERNEST LANCASTER'S “Code Status” as “FULL CODE” when in fact ERNEST LANCASTER had a valid **DNR** in place that was apparent and immediately available;
- g. Failed to timely recognize a discrepancy between ERNEST LANCASTER'S **DNR** and the physician's orders in the electronic **medical** chart;
- h. Violated ERNEST LANCASTER'S Patient **Rights** when they disregarded his decisions about his plan of **care** prior to and during the course of his **care, treatment**, and services;

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- i. Violated ERNEST LANCASTER'S Patient **Rights** when they disregarded his refusal of **medical treatment**;
- j. Violated ERNEST LANCASTER'S Patient **Rights** when they failed to formulate **advance directives** for the purpose of guiding decisions concerning his healthcare;
- k. Ordered or performed chest compressions on ERNEST LANCASTER in order to resuscitate him in violation of his duly executed **DNR**;
- l. Ordered or provided airway assistance using a bag/valve mask on ERNEST LANCASTER to resuscitate him in violation of his duly executed **DNR**;
- m. Ordered or provided airway assistance by suctioning ERNEST LANCASTER's airway to resuscitate him in violation of his duly executed **DNR**;
- n. Ordered or utilized a defibrillator to shock ERNEST LANCASTER's heart in order to resuscitate him in violation of his duly executed **DNR**;
- o. Ordered or administered Amiodarone to ERNEST LANCASTER to resuscitate him in violation of his duly executed **DNR**; and/or
- p. Failed to apply a purple wristband to ERNEST LANCASTER identifying him as a **DNR** patient upon admission when the standard of **care** required such identification.

27. In committing one or more of the aforesaid **acts** and/or omissions, Defendant, NATHAN SVINGEN MD, violated the standard of **care** in that he failed to **act** with the same degree of knowledge, skill, and ability as an ordinarily careful professional would exercise under similar circumstances.

28. As a **direct** and proximate result of the commission of one or more of the aforesaid **acts** and/or omissions on the part of Defendant, NATHAN SVINGEN MD, ERNEST LANCASTER was resuscitated against his wishes which extended his **life** by 593 days wherein ERNEST LANCASTER sustained additional and unnecessary pain, suffering, diminished quality of **life**, emotional distress, and expenses (both living expenses and **medical** expenses).

WHEREFORE, Plaintiff, the ESTATE OF ERNEST LANCASTER, requests judgment against Defendant, NATHAN SVINGEN MD, for a sum of money in excess of \$50,000.00 plus the costs of this suit.

COUNT V MEDICAL NEGLIGENCE - SURVIVAL ACT ESTATE OF ERNEST LANCASTER V. JACQUELINE GUZMAN RN individually and as agent of Edward Hospital, FRANCESCO COLELLA RN individually and as agent of Edward Hospital, SABRINA O'KEEFE, RT individually and as agent of Edward Hospital, CARLOS T. RN individually and as agent of Edward Hospital, JACY G. RN individually and as agent of Edward Hospital, LUIS A. RN individually and as agent of Edward Hospital, AND SARAH MAZZONE RN individually and as agent of Edward Hospital, and EDWARD HOSPITAL

(1-16) Plaintiff adopts and realleges paragraphs 1-16 of "Facts Common to All Counts" as and for paragraphs 1-16 of this Count V as if each were fully **stated** herein.

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17. On November 22, 2021, and for a long time prior thereto, Defendant, EDWARD HOSPITAL was an Illinois Corporation operating **medical** facilities, including at or near 801 S. Washington St., in Naperville, DuPage County, Illinois.

18. At all times relevant hereto, Defendant, JACQUELINE GUZMAN RN, was a registered nurse licensed in Illinois to and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

19. At all times relevant hereto, Defendant, FRANCESCO COLELLA RN, was a registered nurse licensed in Illinois to and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

20. At all times relevant hereto, Defendant, SABRINA O'KEEFE, RT, was a respiratory **care** practitioner licensed in Illinois to and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

21. At all times relevant hereto, Defendant, CARLOS T. RN, was a registered nurse licensed in Illinois to and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

22. At all times relevant hereto, Defendant, JACY G. RN, was a registered nurse licensed in Illinois to and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

23. At all times relevant hereto, Defendants, LUIS A. RN, was a registered nurse licensed in Illinois to and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

24. At all times relevant hereto, Defendants, SARAH MAZZONE RN, was a registered nurse licensed in Illinois to and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

25. At all times relevant hereto, Defendants JACQUELINE GUZMAN RN, FRANCESCO COLELLA RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and SARAH MAZZONE RN, held themselves out, and otherwise informed the public and ERNEST LANCASTER, that they had and possessed the requisite skill, competence, knowledge, and personnel to properly **care** for and treat ERNEST LANCASTER.

26. On and subsequent to November 22, 2021, ERNEST LANCASTER was a patient under the **care** of Defendants, Defendants JACQUELINE GUZMAN RN, FRANCESCO COLELLA RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and SARAH MAZZONE RN.

27. On or November 22, 2021, and thereafter, ERNEST LANCASTER, was evaluated and under the **care** of Defendants, Defendants JACQUELINE GUZMAN RN, FRANCESCO COLELLA RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and SARAH MAZZONE RN, for falls, dizziness, a fever, possible stroke, and other **medical** ailments.

28. On November 22, 2021, November 23, 2021, and at all times relevant hereto, there was in effect a statute pertaining to the aforesaid **DNR** (a/k/a Department of Public Health Uniform POLST Form) which reads, in relevant part:

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Except as otherwise provided by **law**, emergency **medical** service personnel, a health **care** provider, or a health **care** facility, shall comply with a Department of Public Health Uniform POLST form...that: (i) has been executed by an adult; and (ii) is apparent and immediately available.” 755 ILCS 40/65(c)

29. At all times relevant hereto, ERNEST LANCASTER'S **DNR** was properly executed by an adult and was apparent and immediately available to Defendants, Defendants JACQUELINE GUZMAN RN, FRANCESCO COLELLA RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and SARAH MAZZONE RN.

30. On November 22, 2021, November 23, 2021, and at all times relevant hereto, it was the duty of Defendants, Defendants JACQUELINE GUZMAN RN, FRANCESCO COLELLA RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and SARAH MAZZONE RN, to honor their patients' **advanced** healthcare **directives**, including **DNR's**, in accordance with the standard of **care** for healthcare facilities, **medical** practitioners, the aforesaid statute and Illinois common **law**.

31. On November 22, 2021, November 23, 2021, and at all times relevant hereto, it was the duty of Defendants, Defendants JACQUELINE GUZMAN RN, FRANCESCO COLELLA RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and SARAH MAZZONE RN, to **act** as a reasonably careful professional with respect to the **care** and **treatment** of their patients, including ERNEST LANCASTER.

32. Notwithstanding those duties, Defendants, Defendants JACQUELINE GUZMAN RN, FRANCESCO COLELLA RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and SARAH MAZZONE RN, did commit one or more of the following negligent **acts** or omissions in that they:

- a. Failed to establish, enforce, and/or follow policies and procedures to timely identify and ensure compliance with **advanced** healthcare **directives**, including ERNEST LANCASTER'S **DNR**;
- b. Failed to develop and adhere to a uniform system, practice, or protocol to ensure the **right** of the patient to **direct** all aspects of his personal **care** and **medical treatment**, including the **right** to decline **medical treatment** and/or **direct** that **medical treatment** be withdrawn;
- c. Failed to develop and adhere to a uniform system, practice, or protocol to ensure that a patient's decisions regarding healthcare as expressed in an **advanced directive** (or otherwise) are known, promptly communicated to doctors and nurses, honored and respect;
- d. Failed to timely and properly document and/or communicate ERNEST LANCASTER'S **DNR** in his **medical** chart;
- e. Failed to timely and properly enter ERNEST LANCASTER'S **DNR** as a Physician's Order in the electronic **medical** chart;
- f. Improperly ordered ERNEST LANCASTER'S “Code Status” as “FULL CODE” when in fact ERNEST LANCASTER had a valid **DNR** in place that was apparent and immediately available;
- g. Failed to timely recognize a discrepancy between ERNEST LANCASTER'S **DNR** and the physician's orders in the electronic **medical** chart;

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- h. Violated ERNEST LANCASTER'S Patient **Rights** when they disregarded his decisions about his plan of **care** prior to and during the course of his **care, treatment**, and services;
- i. Violated ERNEST LANCASTER'S Patient **Rights** when they disregarded his refusal of **medical treatment**;
- j. Violated ERNEST LANCASTER'S Patient **Rights** when they failed to formulate **advance directives** for the purpose of guiding decisions concerning his healthcare;
- k. Ordered or performed chest compressions on ERNEST LANCASTER in order to resuscitate him in violation of his duly executed **DNR**;
- l. Ordered or provided airway assistance using a bag/valve mask on ERNEST LANCASTER to resuscitate him in violation of his duly executed **DNR**;
- m. Ordered or provided airway assistance by suctioning ERNEST LANCASTER's airway to resuscitate him in violation of his duly executed **DNR**;
- n. Ordered or utilized a defibrillator to shock ERNEST LANCASTER's heart in order to resuscitate him in violation of his duly executed **DNR**;
- o. Ordered or administered Amiodarone to ERNEST LANCASTER to resuscitate him in violation of his duly executed **DNR**; and/or
- p. Failed to apply a purple wristband to ERNEST LANCASTER identifying him as a **DNR** patient upon admission when the standard of **care** required such identification.

33. In committing one or more of the aforesaid **acts** and/or omissions, Defendants, JACQUELINE GUZMAN RN, FRANCESCO COLELLA RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and SARAH MAZZONE RN,, violated the standard of **care** in that they failed to **act** with the same degree of knowledge, skill, and ability as an ordinarily careful professional would exercise under similar circumstances.

34. As a **direct** and proximate result of the commission of one or more of the aforesaid **acts** and/or omissions on the part of Defendants, JACQUELINE GUZMAN RN, FRANCESCO COLELLA RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and SARAH MAZZONE RN, ERNEST LANCASTER was resuscitated against his wishes which extended his **life** by 593 days wherein ERNEST LANCASTER sustained additional and unnecessary pain, suffering, diminished quality of **life**, emotional distress, and expenses (both living expenses and **medical** expenses).

WHEREFORE, Plaintiff, the ESTATE OF ERNEST LANCASTER, requests judgment against Defendants, JACQUELINE GUZMAN RN, FRANCESCO COLELLA RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and SARAH MAZZONE RN, for a sum of money in excess of \$50,000.00 plus the costs of this suit.

COUNT VI MEDICAL BATTERY - SURVIVAL ACT ESTATE OF ERNEST LANCASTER v. OLAU OLARU MD, individually and as agent of Edward Hospital, JACQUELINE GUZMAN RN individually and as agent of Edward Hospital, SABRINA O'KEEFE, RT individually and as agent of Edward Hospital,

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CARLOS T. RN individually and as agent of Edward Hospital, JACY G. RN individually and as agent of Edward Hospital, LUIS A. RN individually and as agent of Edward Hospital, and EDWARD HOSPITAL

(1-16) Plaintiff adopts and realleges paragraphs 1-16 of “Facts Common to All Counts” as and for paragraphs 1-16 of this Count VI as if each were fully **stated** herein.

17. On November 22, 2021, and for a long time prior thereto, Defendant, EDWARD HOSPITAL was an Illinois Corporation operating **medical** facilities, including at or near 801 S. Washington St., in Naperville, DuPage County, Illinois.

18. At all times relevant hereto, Defendant, OANA OLARU MD, was a physician licensed in Illinois to practice **medicine** and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

19. At all times relevant hereto, Defendant, JACQUELINE GUZMAN RN, was a registered nurse licensed in Illinois to and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

20. At all times relevant hereto, Defendant, SABRINA O'KEEFE, RT, was a respiratory **care** practitioner licensed in Illinois to and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

21. At all times relevant hereto, Defendant, CARLOS T. RN, was a registered nurse licensed in Illinois to and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

22. At all times relevant hereto, Defendant, JACY G. RN, was a registered nurse licensed in Illinois to and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

23. At all times relevant hereto, Defendants, LUIS A. RN, was a registered nurse licensed in Illinois to and was providing **medical care** to ERNEST LANCASTER, as a duly authorized agent, apparent agent, servant, and/or employee of Defendant, EDWARD HOSPITAL.

24. At all times relevant hereto, Defendants OANA OLARU MD, JACQUELINE GUZMAN RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and EDWARD HOSPITAL held themselves out, and otherwise informed the public and ERNEST LANCASTER, that they had and possessed the requisite skill, competence, knowledge, and personnel to properly **care** for and treat ERNEST LANCASTER.

25. On and subsequent to November 22, 2021, ERNEST LANCASTER was a patient under the **care** of Defendants OANA OLARU MD, JACQUELINE GUZMAN RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and EDWARD HOSPITAL.

26. On or November 22, 2021, and thereafter, ERNEST LANCASTER, was evaluated and under the **care** of Defendants OANA OLARU MD, JACQUELINE GUZMAN RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and EDWARD HOSPITAL, for falls, dizziness, a fever, possible stroke, and other **medical** ailments.

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27. On November 22, 2021, November 23, 2021, and at all times relevant hereto, there was in effect a statute pertaining to the aforesaid **DNR** (a/k/a Department of Public Health Uniform POLST Form) which reads, in relevant part:

Except as otherwise provided by **law**, emergency **medical** service personnel, a health **care** provider, or a health **care** facility, shall comply with a Department of Public Health Uniform POLST form...that: (i) has been executed by an adult; and (ii) is apparent and immediately available.” 755 ILCS 40/65(c)

28. At all times relevant hereto, ERNEST LANCASTER's **DNR** was properly executed by an adult and was apparent and immediately available to Defendants, Defendants OANA OLARU MD, JACQUELINE GUZMAN RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and EDWARD HOSPITAL.

29. On November 22, 2021, November 23, 2021, and at all times relevant hereto, it was the duty of Defendants OANA OLARU MD, JACQUELINE GUZMAN RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and EDWARD HOSPITAL, to honor their patients' **advanced** healthcare **directives**, including **DNR's**, in accordance with the standard of **care** for healthcare facilities, **medical** practitioners, the aforesaid statute and Illinois common **law**.

30. Against ERNEST LANCASTER's wishes as explicitly **stated** in his **DNR**, Defendants OANA OLARU MD, JACQUELINE GUZMAN RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and EDWARD HOSPITAL did commit **Medical** Battery when they:

- a. Ordered or performed chest compressions on ERNEST LANCASTER in order to resuscitate him in violation of his duly executed **DNR**;
- b. Ordered or provided airway assistance using a bag/valve mask on ERNEST LANCASTER to resuscitate him in violation of his duly executed **DNR**;
- c. Ordered or provided airway assistance by suctioning ERNEST LANCASTER's airway to resuscitate him in violation of his duly executed **DNR**;
- d. Ordered or utilized a defibrillator to shock ERNEST LANCASTER's heart in order to resuscitate him in violation of his duly executed **DNR**; and/or
- e. Ordered or administered Amiodarone to ERNEST LANCASTER to resuscitate him in violation of his duly executed **DNR**.

34. The aforesaid **acts** involved the intentional touching of ERNEST LANCASTER'S person against his will, without his consent, and in **direct** violation of his explicit **advanced directives** as contained in his **DNR**.

35. The aforesaid **acts** involved the intentional administration of **medical treatment** to ERNEST LANCASTER without his consent, against his will, and in **direct** violation of his explicit **advanced directives** as contained in his **DNR**.

35. As a **direct** and proximate result of the commission of one or more of the aforesaid **acts** and/or omissions on the part of Defendants OANA OLARU MD, JACQUELINE GUZMAN RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and EDWARD HOSPITAL, ERNEST LANCASTER was resuscitated against his wishes which extended his **life**

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by 593 days wherein ERNEST LANCASTER sustained additional and unnecessary pain, suffering, diminished quality of **life**, emotional distress, and expenses (both living expenses and **medical** expenses).

WHEREFORE, Plaintiff, the ESTATE OF ERNEST LANCASTER, requests judgment against Defendants OANA OLARU MD, JACQUELINE GUZMAN RN, SABRINA O'KEEFE, RT, CARLOS T. RN, JACY G. RN, LUIS A. RN, and EDWARD HOSPITAL, for a sum of money in excess of \$50,000.00 plus the costs of this suit.

Respectfully submitted,

MARKER & CRANNELL

By: <<signature>>

Jon Crannell, attorney for Plaintiff

Jonathan P. Crannell

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