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## Woman gets \$1.1M in med-mal settlement over ankle injury

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A paralegal whose incorrect diagnosis exacerbated a broken ankle received \$1.165 million in a settlement after suing in Cook County Circuit Court.

Debra Jackson was in a car crash in 2017 and taken to an emergency room. She was diagnosed with a sprained ankle and told to follow up with an orthopedist.

She sought treatment by an orthopedist with Specialty Physicians of Illinois in Olympia Fields. She was put under the care of nurse practitioner Robin Major, who diagnosed her with a sprain and allowed her to continue bear weight and perform activities.

However, X-rays confirmed Jackson had an ankle fracture. Over the course of the following year, the defendants continued to diagnose Jackson with and treat her for an ankle sprain, despite the X-rays confirming the fracture, Jackson claimed.

Her ankle did not improve. The defendants referred her to a physician outside of their practice who immediately diagnosed her with a fracture. She was told she would need ankle surgery to correct the deformity that had developed due to the incorrect diagnosis and treatment.

She underwent two surgeries to correct the damage.

Jackson sued in Cook County Circuit Court in 2020, naming Specialty Physicians of Illinois, LLC and Franciscan Alliance, Inc. — a foreign corporation that operates and manages the medical office — as defendants, along with Major and William Payne, an orthopedic surgeon at the facility.

The complaint states that the defendants' actions caused Jackson "permanent and irreversible physical and medical damage" as well causing her to "incur medical expenses and wage loss, and to endure permanent pain, suffering, disfigurement and disability."

The defendants claimed that Jackson had a congenital abnormality that would have resulted in the deformity regardless of any malpractice and that her ankle was not originally fractured. They claimed a subsequent intervening incident occurred and caused the fracture.

Regina P. Etherton, lead attorney for the plaintiff, said her team sent a policy limit settlement demand, and the defense requested mediation in response. The policy limit was paid after Jackson's deposition was taken.

Etherton said the money will help Jackson readapt to her position as a paralegal, as she had to take intermittent time off after the initial injury and her subsequent surgeries, and ease her commute.

"She was very concerned about maintaining her employment," Etherton said.

The settlement was finalized Wednesday.

David Horan of Regina P. Etherton and Associates, LLC also represented Jackson.

The defendants were represented by Lisa L. Curshellas and Kirstin M. Erickson of Cunningham, Meyer, Vedrine, P.C. Erickson is no longer with the firm. Curshellas could not be reached for comment.

The case is *Debra Jackson v. Robin Major, N.P., et al*, No. 20 L 005311.

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