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Jury: Prison worker must pay \$12M

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A federal jury awarded \$12 million to a former inmate who was left permanently brain damaged after prison personnel ignored his repeated requests for his anti-seizure medications.

The jury ordered David Barnes to pay \$11 million in actual damages and an additional \$1 million in punitive damages to Ray A. Fox.

The jury found that Barnes, who worked as a medical technician at Stateville Correctional Center, was deliberately indifferent to Fox's serious medical needs.

Jurors returned their verdict following a trial in Chief U.S. District Judge James F. Holderman's court.

A lawsuit filed on Fox's behalf by his mother, Rose, said he was found unconscious on the floor of his cell in October 2007.

Fox suffered a seizure, head trauma and intracranial hemorrhaging, the suit said. It said he also had pneumonia. After undergoing brain surgery, Fox remained in a coma for several weeks, the suit said.

It said Fox emerged from the coma with brain damage that left

him with a mental disability and partially blind. He also suffered other physical and emotional injuries, the suit said. It said Fox requires around-the-clock care.

The suit alleged that Fox had not received the anti-seizure medications he required for epilepsy for days before he fell unconscious.

During that time, correctional officers and medical personnel rejected Fox's repeated requests for his medications and for medical attention, the suit alleged.

It alleged that prison staff members continued to ignore Fox's pleas for help after he began vomiting and suffering from headaches, diarrhea and the shakes.

Staff members failed to assist Fox after he had a seizure and suffered head trauma, the suit alleged. The suit alleged Fox received no medical care until after he fell unconscious.

At trial, Barnes and another medical technician argued it was not clear that seizures caused Fox's aneurysm.

The jury returned a verdict in favor of Barnes' co-defendant. Other defendants named in the suit settled out of court.

The jury returned its verdict late Friday in *Ray A. Fox v. David*



James F. Holderman

Barnes, et al., No. 09 C 5453.

Fox's attorney, Michael Kanovitz of Loevy & Loevy, said Fox was four months away from a parole hearing when he got the aneurysm.

"They turned it into a life sentence of brain damage," Kanovitz said.

Barnes and his co-defendant were represented by Assistant Illinois Attorneys General James P. Doran and Christopher E. Walter.

A representative for the state could not be reached for comment.