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## Disorder lawsuit nets rare plaintiff verdict

### Jury awards \$1.5M to 21-year-old man who has tardive dyskinesia

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In the first reported plaintiff verdict in at least 25 years in a case involving medication that led to tardive dyskinesia, a Cook County jury has awarded \$1.5 million to an autistic man who developed the involuntary movement disorder as a youth.

A high-low limit agreement reached while the jury was deliberating set the highest recovery at \$1 million in damages. The deal also means there will be no appeal or post-trial motions.

Michael Angel was diagnosed with mild to moderate autism as a toddler and around the age of 13 began seeing child psychiatrist Howard Michael Segal for treatment in February 2004. Segal prescribed him Zyprexa, an antipsychotic drug. Angel took the medication and rarely saw Segal for office visits.

"There was a stretch where he (Segal) saw him just once over a two-year period," said Angel's attorney, Francis P. Morrissey of Burke, Wise, Morrissey & Kaveny LLC.

Morrissey said Segal kept

refilling the prescription for about three years, and Angel's mother, Lorrie Angel, believed her son was fine.

In summer 2007, Angel developed facial ticks and uncontrollable tongue thrusting. During an office visit on Aug. 22, 2007, Segal told Lorrie that the medication may be related to the new behaviors. Lorrie took Angel to see a neurologist who diagnosed Angel with tardive dyskinesia.

Filed in Cook County Circuit Court, the lawsuit alleged that Segal failed to monitor the effects of Zyprexa on Angel and failed to diagnose the tardive dyskinesia in a timely manner.

Tardive dyskinesia is a disorder that causes involuntary, random body movements.

Morrissey said Angel had facial ticks, random flailing and developed "red, blistered hands" due to an uncontrollable need to hit himself and objects. Those who suffer from the disease also have a need to move around incessantly, he said. Angel could go from sitting quietly to pacing for hours.

"The trouble with tardive dyskinesia is if you don't catch it soon enough, it becomes irreversible," Morrissey said.

Morrissey argued that if Segal had seen the warning signs earlier, Angel could've been taken off the drugs and the condition wouldn't have become



Francis P. Morrissey



Brian T. Monico

permanent.

"The doctors are trained to see the early onset of tardive dyskinesia," he said. "In this case, Dr. Segal couldn't see it because he wasn't seeing him (Angel) on a regular basis."

Angel, who is now 21, still suffers from the disorder, but the symptoms are controlled by medication.

Angel's mother is relieved that she has gotten some justice for her son, Morrissey said, and she hopes the verdict will provide some public awareness about the effects of antipsychotic drugs on children.

"The defense continues to dispute that the young man continues to suffer from the disease condition tardive dyski-

nesia," said defense attorney Stephen C. Veltman of Pretzel & Stouffer Chtd. "The jury verdict probably reflects the tremendous amount of sympathy the jury felt for a severely autistic child."

Associate Judge Elizabeth M. Budzinski presided over the trial. The verdict was entered on Feb. 11.

Angel was also represented by Brian T. Monico of Burke, Wise, Morrissey & Kaveny.

The defense team for Segal included Veltman and Scott L. Anderson of Pretzel & Stouffer.

The case, which is the first plaintiff verdict involving medicine and the disorder in at least 25 years, according to the Jury Verdict Reporter, is *Lorrie Angel, etc. v. Howard Michael Segal M.D., et al.*, No. 09 L 3496 C.