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## Jury awards woman \$364,000 in malpractice suit

**The Finley Hospital:  
Dubuquer says staff's  
negligence caused her  
husband's death**

By KYLIE GREENE  
TH staff writer

A 58-year-old Dubuque woman was awarded more than \$350,000 last week in a malpractice suit against The Finley Hospital.

Phyllis Wolbers, of 1395 W. Fifth St., received a \$364,000 judgment, plus interest and court costs on Thursday.

The verdict came five years to the day Wolbers' husband entered Finley hospital. Samuel Wolbers died on May 19, 1997, at the age of 58.

Phyllis Wolbers said the judgment will bring closure to her and her family. The Wolbers were married for 36 years and have three children.

"I was happy with the verdict because I think they were the cause of my husband's death," Wolbers told the Telegraph Herald. "I am glad the jury could see that."

Finley President and Chief Executive Officer John Knox said that during Samuel Wolbers' hospital stay, "Finley did everything in its power to provide high-quality care."

"We are disappointed in this ruling," he said.

Knox said the hospital has not yet filed an appeal.

"We are reviewing that option," he added.

Following a week of testimony, jurors found the hospital negligent and Wolbers was awarded damages for her husband's pain and suffering, burial expenses and loss of spousal support.

The lawsuit, which initially named Dr. Joseph Jenkins and Dubuque Surgery, P.C., as defendants, claimed that Finley nursing and respiratory therapy staff were negligent while Wolbers was under their care.

Wolbers had surgery to unplug an

artery on May 16, 1997. Following the procedure, performed by Jenkins, Wolbers suffered a stroke and a second surgery had to be done the same day, according to the lawsuit.

He was in the intensive care unit until May 18, when he was transferred to a regular nursing area. The lawsuit states that he complained to the nursing and respiratory therapy staff that he was having difficulty breathing.

Shortly before 5 a.m. May 19, Wolbers died. This was after suffering great pain, discomfort and anxiety, the lawsuit charged.

Attorneys for Finley argued during the case that the staff did all it could to help Wolbers. He had been a smoker for more

than 30 years and was told of the risks of the surgery beforehand, jurors were told during opening arguments.

The lawsuit stated Finley staff was negligent in one or more of the following ways:

✓ Nurses and respiratory therapy staff failed to use "reasonable skill and care" to treat and cure Wolbers' breathing difficulties.

✓ Nurses administered prescription medication to Wolbers without a prescription from a physician, or for purposes other than those for which the medication was prescribed.

✓ Nurses violated protocol in treating Wolbers for his complaints.

— Erik Hogstrom contributed