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Boy, 4, awarded \$11 million in medical malpractice case

By Andrew Buchanan
TRIBUNE STAFF WRITER

A 4-year-old Highland boy who suffers from cerebral palsy has won an \$11 million award from Highland Park Hospital for brain injuries he suffered at birth.

It was the largest jury award in Lake County history and one of the largest medical malpractice jury verdicts the state has ever seen.

Attorneys for the family of Moises Rojas Jr. said the money will go toward the boy's therapy and treatment. The child has been forced to forgo therapy sessions because of the expense.

"This gives them hope for Moises," said family attorney Bob Baizer.

Following a two-week trial before Circuit Judge Jack Hoogasian, the jury came back Monday night with an \$18.6 million verdict against the hospital. The award was capped at \$11 million, however, under an agreement struck by the two sides before the jury's return, Baizer said.

The hospital said the money would be paid out by its insurance company. Highland Park Hospital President and chief executive Ronald Spaeth said in a brief statement about the case:

"Highland Park Hospital sincerely regrets this unfortunate 1993 occurrence and extends its sympathy to the family. We have always prided ourselves on providing outstanding services, medical staff and facilities. We reaffirm our commitment to enhancing our clinical procedures and toward providing the highest level of care to our patients."

Disbursement of the award will be supervised by the court and will go solely to the needs of Moises, Baizer said. The boy has been receiving just two therapy ses-

sions per week when he should be getting treatment daily, according to Baizer.

"He's been needing these services for the last three years and hasn't been receiving them," he said.

Although he cannot walk or talk, Moises has normal mental abilities and "a smile that captivates you," Baizer said. "The jury fell in love with him."

The Rojas family sued the hospital following Moises' birth on Aug. 7, 1993. The family argued that obvious signs of fetal distress were ignored or overlooked by hospital staff during the delivery.

Specifically, a fetal monitor indicated the fetus was having trouble getting oxygen, but no action was taken to remedy the situation, Baizer said.

Although the jury exonerated Dr. Cheryl Perlis, who presided over the delivery and was the second defendant in the suit, they found that negligence by the hospital caused Moises' physical disabilities.

While the jury deliberated Monday, the two sides hammered out what is termed a "high-low" agreement, which set a minimum and maximum payout regardless of the verdict, Baizer and hospital officials said.

If the jury had ruled in the hospital's favor, Moises still would have received \$2.95 million. Moises will receive \$250,000 under a similar deal with Perlis.

The agreement also stipulates that the hospital cannot appeal the jury's verdict or file post-trial motions in an attempt to alter the award, according to Baizer and the hospital.

Attorneys representing the hospital did not return phone calls Tuesday.

According to the Illinois Jury Verdict Reporter, an offshoot of the Chicago Daily Law Bulletin that compiles data on jury verdicts in the state, the jury award was the largest in Lake County history.

The next largest award went to Ron Morris, the former Chicago Bears wide receiver who in 1995 received \$5.29 million for damage caused to his left knee during routine arthroscopic surgery.

The Rojas family was not available to comment Tuesday, but according to Baizer they had already set up speech therapy sessions for Moises.

Moises has three older sisters, ages 6, 7 and 8, and both parents work at Sunset Foods in Highland Park, Baizer said. The family had struggled to pay Moises' medical and therapy bills.

"Like all parents, they have dedicated their lives to their children, and they are really consumed by Moises," Baizer said. "I think they're a little overwhelmed right now. All of a sudden their little boy is going to get better."