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The ring  of truth

wc Lake County, Illinois

HIGHLAND PARK

Hospital ordered to pay millions

■ **Delivery gone bad:** Jury awards boy born with brain damage more than \$18 million

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Following eight hours of deliberation, a Lake County Circuit Court jury awarded \$18.6 million to a boy who was born with brain damage due to negligence by Highland Park Hospital and a nurse who works there.

As part of a deal struck by attorneys involved in the case — which states there cannot be post-trial motions or verdict appeals — the hospital will not pay beyond the \$11 million covered by its insurance carrier.

Jurors reached their verdict late Monday following a two-week trial in Circuit Judge Jack Hoogasian's courtroom. The boy's attorney had asked for \$21.4 million.

Moises Rojas and Kimberly Bolduan of Highland Park filed a lawsuit against the hospital and Deerfield obstetrician Cheryl Perlis in March 1995. The jury found Perlis not guilty of negligence.

It was found that Highland Park Hospital nurse Mary Pat Schmidt did not notify Perlis of possible fetal distress during Bolduan's last hour of pregnancy and failed to perform procedures that could have prevented the boy's brain injury. Moises Rojas Jr. was born Aug. 7, 1993.

Moises Jr. suffers from cerebral palsy. Experts said his intelligence is normal, but he only can communicate by nodding his head.

Several jurors wept as Moises Jr.'s hardships were described by Robert Baizer, one of the family's attorneys, during his closing argument Monday. They also cried when Baizer showed video of the physically handicapped boy trying to enter a school bus.

"It was a very, very emotional trial," Baizer said Tuesday.

After the verdict was read, some jurors asked Baizer and his partner, Joseph Kolar, if they could keep in touch to see how Moises Jr. is faring as he grows up.

Highland Park Hospital attorney Michael Henrick alleged that Perlis, not Schmidt, was negligent. In his final statement to the jury, Henrick also said Baizer's claims that Moises Jr. would need medical care and multiple therapies five days a week were exaggerated.

"The amount of money that's being asked here is an exorbitant amount of money," said Henrick.

Perlis' attorney, Joseph Switzer, said the doctor did not commit any

wrongdoing. He said Perlis was away from the delivery room with another patient when Bolduan experienced fetal distress and "one telephone call" by Schmidt could have corrected the situation.

Although found innocent, Perlis' insurer still must pay \$250,000 because of an agreement hatched before the trial ended. It also was agreed the boy would get a minimum of \$3.25 million if the verdict went against him.

Moises Jr. will receive a \$1 million payment Monday with the balance to follow over the next six weeks. Baizer said a financial expert will be a legal trustee of Moises Jr.'s money, which initially will be used for his therapies and a handicapped-accessible home.

Highland Park Hospital does not deserve a negative reputation because of the verdict, said Baizer.

"Usually, when you take your eye off the road, you don't hit a little kid," he said.