

# Metro

The Orange County Register • Tuesday, April 13, 1999

3

EDITORIALS 6

OPINION 7

OBITUARIES 5

POLICE & COURTS 4

## FAMILY WINS \$6.8 MILLION SUIT



LEONARD ORTIZ/The Orange County Register

Helen and Curt Scott, former Santa Ana residents, are shown with daughter Madison, 2, on Monday. The child, born premature in 1996, is totally blind because of retinal scarring. Five percent of surviving premature babies have sight problems.

## St. Joseph official found negligent

**COURTS:**  
A family wins because a follow-up eye exam was not performed on their daughter, who went blind.

By JOHN McDONALD  
The Orange County Register

An Orange County jury returned a \$6.8 million verdict Monday against the special-care nursery director at St. Joseph Hospital, found negligent for failing to make sure a follow-up eye exam was performed on a premature baby who went blind.

The medical-malpractice lawsuit was brought against neonatologist Dr. Robert Hillyard by the parents of Madison Scott, born three months premature in August 1996. She is now totally blind because of retinal scarring, but her sight could have been saved with laser surgery if the

problem had been detected in time.

It appears to be the largest jury award in California for a case involving blindness as the primary injury since at least 1991, said Todd Wolfe, president of Trials Digest Publishing, an Oakland based civil-jury reporting service.

"This verdict will prevent premature babies across America from going blind on a treatable, curable disease instead of falling through the cracks in their HMO provided care," said Mark O. Hiepler, a Ventura lawyer representing the Scott family and a frequent critic of HMO practices. Hillyard treated the infant as

part of an HMO care plan. Hiepler said 5 percent of surviving premature babies have sight problems.

Tony Discoe, Hillyard's lawyer, said he will argue in future hearings that the verdict against the doctor be reduced. Other defendants in the case have settled out of court for more than \$1 million, Discoe said. He said the jury found his client 42 percent responsible. The other parties who settled out of court were found 58 percent responsible.

Discoe believes his client will have to pay \$850,000 after hearings and adjustments to the ver-

Please see **LAWSUIT** Page 2

## LAWSUIT

FROM 1  
dict.

Helen and Curt Scott, the youngster's parents, wept when the verdict was read.

The child received an initial eye examination but never got a follow-up exam, according to the parents.

"He never told us about the urgency of having the exam," said Curt Scott, 34, a computer manager for a trucking firm.

Scott and his wife, Helen, a former preschool teacher, lived in Santa Ana in August 1996 when Maddy, their only child, was unexpectedly born premature at St. Joseph Hospital in Orange.

As part of the 10-day trial, the couple presented a video of their child's everyday life

"It showed how her typical day is different than other children," Scott said. "Every day she bumps into walls and tables. She gets banged up. She tries to retreat into a corner. Except when she is holding hands, she never runs."

The family recently moved to Cambria.

The verdict broke down this way: damages of \$40,000 for pain and suffering to date; damages

of \$500,000 for pain and suffering in the future; damages of \$1.3 million for medical and rehabilitation costs to date; and damages of \$5 million for medical and rehabilitation costs in the future.

Superior Court Judge H. Warren Siegel ordered a hearing for Friday on the award. State law requires that the \$500,000 pain-and-suffering portion be reduced to an amount no more than \$250,000.