

**SETTLEMENT—Nine-year-old boy suffers massive heart attack after physicians fail to diagnose condition**

**MEDICAL MALPRACTICE-PHYSICIAN & SURGEON**  
Physician

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

**ALAMEDA COUNTY SUPERIOR COURT**  
*Confidential v. Confidential*, Oakland.  
Settlement date: 12/19/2005.

**SETTLEMENT RESULT: \$10,994,924**

The mediator was Charles F. Hawkins, Esq.

\$4.35 million (present value) settlement. Includes cash payment of \$2,050,000 and a structured settlement of monthly payments for the life of the minor child, beginning at \$14,630 per month, increasing 2 percent annually, with a 15-year minimum guaranteed payment. Expected annuity payout was \$10,994,924.

**COUNSEL**

Plaintiff: Julia Sherwin, Haddad & Sherwin, Oakland. Michael J. Haddad, Haddad & Sherwin, Oakland. Michael A. Kelly, Walkup, Melodia, Kelly, Wecht & Schoenberger, San Francisco. Khaldoun A. Baghdadi, Walkup, Melodia, Kelly, Wecht & Schoenberger, San Francisco.

Defendant: Chester A. Rogaski Jr., Dunn, Rogaski, Prevolos, Weber & Patterson, Vallejo. William F. Horsey Jr., Dunn, Rogaski, Prevolos, Weber & Patterson, Vallejo.

**FACTS/CONTENTIONS**

According to plaintiff: Minor plaintiff, a nine-year-old boy, had repeated medical visits for hypoxic syncopic episodes caused by Prolonged QT Syndrome, a cardiac condition that defendant health care providers persistently failed to diagnose. Plaintiff ultimately had a massive heart attack and suffered global anoxic brain damage.

Defendants contended that plaintiff, who is deaf, had pre-morbid autism that would have required 24-hour care throughout his life even absent defendants' negligence.

**CLAIMED INJURIES**

According to plaintiff: Plaintiff suffered cardiac arrest and global anoxic ischemic encephalopathy, leaving him bedridden, fed through a g-tube, and requiring 24-hour attendant care for the rest of his life. His parents and brother suffered negligent infliction of emotional distress.

**CLAIMED DAMAGES**

According to plaintiff: Cost of home modifications and caring for the minor child for the rest of his life, emotional distress, pain, and suffering.