

NEWSPAPER ARTICLES

INJURED BOY TO RECEIVE INSURANCE SETTLEMENT La Crosse Tribune

A rural Bangor boy injured in a tractor accident in the Town of Medary when he was 8 years old will receive more than \$400,000 in compensation over the course of his life, according to an insurance settlement filed in La Crosse County Circuit Court.

_____, age 13, sustained head injuries resulting in permanent facial paralysis and the loss of hearing in one ear after being run over by a tractor.

The accident happened on a farm owned by _____, where _____ and his family, lived at the time.

A dispute over whether the accident was covered by insurance was settled during a jury trial last October when a La Crosse County Jury determined that insurers were liable.

All claims against _____ were dismissed.

Insurance companies involved in the settlement are: Austin Mutual Insurance Co., Auto Owners Insurance Co., MSI Insurance Co., Town of Barre and Heritage Mutual Insurance Co.

The terms of the settlement call for a \$116,655 lump sum payment, plus a purchase of a structured settlement annuity for \$98,345.00, which will make additional periodic payments to him at various times until he reaches age 63.

“It really sets up a life care plan for the child,” said _____’s attorney Gregory Egan.

He said _____ will be in eighth grade and helps out on his family’s rural Bangor farm.

“This is a really nice La Crosse County family,” Egan said.

The settlement totals \$517,655.00. The lump sum payment reimburses _____’s parents \$10,000.00 for loss of companionship and expenses and pays all outstanding medical and legal bills and purchases health insurance and a computer for _____.

In the event of _____’s death before the \$401.00 in annuity payments are complete, the remaining money would go to his heirs, the settlement said.

The first payment of \$1,000.00 a month begins when _____ is 8 years old on May 20, 2000, for a term of 36 months.

A \$25,000.00 payment is due on his 25th birthday, a \$60,000.00 payment is due on his 30th birthday, a \$150,000.00 payment is due on his 35th birthday and a \$130,000.00 payment is due when _____ reaches age 63.

PRAIRIE DU CHIEN COUPLE GETS \$120,000.00 FROM ACCIDENT
La Crosse Tribune and Prairie du Chien Courier Press

A Crawford County jury awarded \$120,000.00 to a Prairie du Chien couple Wednesday for damages stemming from a car accident.

_____’s claim for damages came from a head on car accident in which _____ suffered severe injuries, including permanent disability to his left foot.

The driver of the striking car, _____, was killed in the crash.

Suing the _____ estate and Rural Mutual Insurance Co., _____ was awarded \$1,200.00 for past medical and hospital expenses, about \$10,00.00 for future medical expenses, \$10,000.00 for past loss of wages, \$37,400.00 for future loss of earning capacity, \$16,500.00 for future wage loss associated with surgery, and \$40,000.00 for both past and future pain and suffering.

_____ was awarded \$5,000.00 for lost companionship of her husband.

The _____ were represented by Attorney Greg Egan of La Crosse. The case was held before Judge Michael Kirchman.

JURY RULES PEDIATRICIAN NEGLIGENT, AWARDS FAMILY 1.15 MILLION
La Crosse Tribune

A La Crosse Family was awarded \$1.15 million by a La Crosse County jury following a week long malpractice case against a retired La Crosse pediatrician.

The jury found Dr. _____ negligent in his care and treatment of _____, age 11, who was diagnosed with congenital hypothyroidism.

Dr. _____ was found negligent for his treatment of _____ from the boy’s birth through age 9 and the jury ruled his negligence resulted in _____ sustaining growth retardation and brain injury.

The jury, which deliberated for five hours Friday before returning with its verdict at 10:15 pm, awarded \$150,000.00 for program support and related care, \$230,606.00 for a loss of earning capacity and \$250,000.00 for his personal injury.

In addition, the jury awarded \$500,000.00 to the parents for loss of society and companionship for injuries to their son and \$19,120.00 for the cost of treating his learning disability and related therapy until he is 18.

Attorney Gregory Egan, who represented the family said “ This was a tragic injury to a wonderful family who have given and will continue to give this child the love and support to be the best that he can be”.

The suit, filed against Medical Protective Insurance Co., and Wisconsin Patients Compensation Fund – liability insurers for Dr. _____ -claimed Dr. _____ correctly diagnosed the rare disorder and began proper treatment with medicine, but failed to change the dosage as the boy grew older, causing permanent growth retardation and brain injury.

Witnesses to the trial included _____, Stephen Lafranchi, a Portland Oregon pediatrician who developed infant screening for the disorder, and Joanne Rovet, a research psychologist for the Hospital of Sick Children in Toronto.

Egan said the disorder, which occurs in one out of every 4,000 babies, can result in cretinism, a condition of deformity and low mental capacity. All babies born in the La Crosse area are now screened for the disorder at birth, Egan said.

PERMANENT INJURY SETTLEMENT RESULTS IN CHARITABLE GIFT
La Crosse Tribune

The settlement of a personal injury claim has resulted in the creation of a charitable unitrust that will benefit Gundersen Medical Foundation of La Crosse.

The settlement was reached in the case of _____ vs. Medical Protective Insurance Company and the Wisconsin Patients Compensation Fund.

_____ of La Crosse made the personal injury claim on behalf of their son _____, who received improper medical treatment.

Part of the funds paid in settlement of this claim will be placed in a charitable remainder unitrust. The trust will provide the child with a lifetime income.

In appreciation for the excellent care _____ has received at Gundersen Clinic, the _____ family has named Gundersen Medical Foundation as the beneficiary of the trust. _____ will realize significant tax savings as a result of the gift.

Gundersen Medical Foundation deeply appreciates the generosity of the _____ family and the outstanding efforts of the family's attorneys, Parke, O'Flaherty, Heim, Egan, Koby & O'Keefe, Ltd.,

SETTLEMENT IS BOY'S FUTURE
La Crosse Tribune, St. Paul Pioneer Press

Four year old _____ has had to go to school since he was six months old to try to catch up with some of the other children his age.

His parents, _____ of La Crescent, believe _____ will never catch up, but they said he has come a long way.

_____ has been diagnosed as suffering from borderline mental retardation, severe brain damage and cerebral palsy, and a seizure disorder, resulting from a lack of oxygen at birth on October 21, 1979.

He has just started talking. His comprehension is better than his speech. Coordination on the right side of his body has been affected by cerebral palsy. When he started to crawl, he crawled on his left side, pulling the right side of his body along with him, _____ said. He still cannot dress himself.

"He may never run or play ball," she said. "We just don't know how he will progress.

The Andersons wanted to find out what went wrong during _____ birth and their inquiries led to a medical malpractice lawsuit and a recent out of court settlement of \$10.3 million.

They said the settlement, approved by La Crosse County Circuit Judge Michael Mulroy a week ago is 'some insurance' for their son's future.

"We feel the settlement will pay for expenses for _____'s future," _____ said. "His medication is a constant expense and he'll have to continue seeing doctors.

"We didn't want to hurt anyone with this, but we thought someone should pay for what happened," she said.

Hearings on the lawsuit filed against two doctors, St. Francis Medical Center and the Skemp-Grandview La Crosse Clinic were scheduled in November and December, but lawyers reached an agreement on a structured settlement which will pay _____ several million dollars starting when he turns 18.

_____ will receive monthly payments of \$2,500 a month when he is 18, with the amounts increasing every year. He will receive \$45,000.00 a month if he lives to be 69.

"We don't think that's too much when it's spread over 50 years," _____ said. "It's something _____ will have to deal with the rest of his life. He'll have a lot of expenses later on, and we don't know if he'll be able to take care of himself or how he will progress."

The settlement will also provide the _____ with a lump sum of money over the years and next month they will begin receiving \$600.00 per month.

They plan to invest the money for their children. The only special thing they are considering is a family trip to Disneyland.

In their lawsuit, the _____ contended that Drs. _____ and _____ their employers were negligent in connection with _____ birth.

The suit claimed that _____'s birth was not adequately monitored to recognize complications that arose, and adequate medical care, staff and equipment were not provided.

Brent Smith, one of the lawyers representing an insurance company for the doctors, said his clients still contend they were not negligent-and no finding of negligence was made as a result of the out of court settlement.

Greg Egan, lawyer for the _____, said the case represents one of the larger settlements in the state because it is one of the most tragic.

"This child has been deprived of the ability of living life and knowing life as we know" Egan said.

The lawyer said there was no intentional act done by the doctors and the hospital. "It was an honest mistake with tragic consequences," Egan said.

James Curtis, a lawyer for the hospital, said the lawsuit was “hotly contested with expert witnesses on both sides ready to testify.” Curtis said the hospital’s position still is there was no negligence.

The 30 year old Mrs. _____ had a normal pregnancy with _____. She expected a normal birth just like the time seven years ago with the birth of her other son.

But when she got to the hospital the second time, her labor kept stopping.

“Everyone in the hospital was acting strangely and I know something was not right” she said.

_____ was not breathing at birth and both lungs collapsed, she said. The _____ did not know if their son would live so he was baptized at the hospital.

The boy improved and 10 days later he went home with his parents. But problems continued as _____ suffered seizures and at times he was hospitalized.

After almost three years, medication brought the seizures under control. _____’s last seizures occurred a year ago.

“He has been far behind other children like in rolling over, lifting up his head and crawling,” Mrs. _____ said. “He didn’t walk until he was two.”

“But the worst thing were the seizures,” she said. “When they occurred, I just wished that there was something I could have done.”

Teachers have worked on _____’s speech and motor skills. When the family lived in La Crosse, he attended the Coulee Region Infant Development Center. Now the family lives on a farm, and _____ attends the Hiawatha Valley Development Program.

“We’re so fortunate to have such programs available in Wisconsin and Minnesota,” _____ said.

The _____ said they hope others will learn from their experience. There were times when they thought about not pursuing a lawsuit.

“People should realize this can happen to anyone,” _____ said. “People should know their rights and what they can do about them.”

The couple said they are not vindictive, but took the right steps when they thought something was wrong. They said they would have felt worse if they had not done something.

“If we had sat and kept our mouth shut, _____ would have to live off welfare for the rest of his life,” _____ said.

WOMAN SETTLES MALPRACTICE SUIT

La Crosse Tribune

A lawsuit filed last year by a Houston, Minnesota, woman against a retired Skemp Clinic obstetrician has been settled out of court.

The terms of the settlement were not released, according to the documents filed this week in La Crosse County Circuit Court.

The lawsuit, on behalf of _____, Rt. 2, Houston, claimed that _____ performed a tubal ligation surgery on _____ without her consent. _____ lawyer, Gregory J. Egan III, said last year that the surgery was performed following surgery for a Caesarean birth.

_____ claimed that as a result of the surgery she sustained severe and permanent personal injuries.

The lawsuit also named Skemp Clinic and St. Francis Medical Center and their insurers as co-defendants.

MALPRACTICE DEAL TOTALS \$5.1 MILLION

La Crosse Tribune and DesMoines Register

An elderly Waukon, Iowa couple received some peace of mind Monday knowing that proper care will continue for their grandson who has severe brain injuries.

An out of court settlement of \$5.1 million was reached between a former West Union Physician and lawyers representing _____, a 15 year-old with cerebral palsy.

The child was improperly delivered and cared for during the first 24 hours of his life, a law suit against the physician contended.

The settlement was reached Monday in Fayette County Court with an award of \$420,000.00 immediately and \$3,000.00 per month (plus a 3% annual increase) for _____ and his grandparents, who provide his day-to-day care.

For more than a dozen years, the _____ have cared for _____, who permanently needs medical care along with help with everyday functioning such as eating and bathing.

“They are subjects for canonization” said La Crosse lawyer, Greg Egan, who represented _____ and his grandparents.

“It is difficult to compensate someone who takes in a child needing this kind of care.”

_____ needs skilled and semi-skilled care for his day-to-day needs, special schooling, medical care and medication.

If _____ dies prior to reaching age 71, the total settlement would be for less money. The payments are to maintain necessary daily care of _____ who has irreversible damage to the central nervous system and is permanently disabled.

A malpractice suit against physician _____, and the Evangelical Lutheran Good Samaritan Society alleged that _____ did not receive proper care at Palmer Memorial Hospital in West Union.

The lawsuit against _____, settled before it went to a jury, alleged that due to lack of proper care _____ became permanently and profoundly disabled and that the injuries to his brain will prevent him from carrying on normal functions of life.

It was alleged that _____ was negligent by not providing ordinary care under the circumstances of birth. According to Egan, forceps were used during delivery because of the position of the child.

Egan said that the _____ are both in their late 60's and that provisions are being made to provide care for _____ if they are not able to maintain care as they get older.

"The _____ are good Christian people and this was a family member" Egan said. "They felt taking him in was the right thing to do."

The couple did not seek financial damages until about two years ago, according to Egan.

BOY, 4, WINS COMPENSATION FOR LOSS OF COMPANIONSHIP **La Crosse Tribune**

A 4-year old boy will receive a \$3,000.00 payment for the 'loss of society and companionship' with his father who was hurt in a car accident, according to a settlement approved Tuesday.

_____ suffered upper back, shoulder and neck injuries when his car was struck from behind by a car driven by _____ in West Salem.

Neither _____ wife, Sue, nor their son, _____ who were in the car at the time of the accident, was injured.

_____ and _____ insurance company, GEICO, reached an \$118,000.00 settlement on the damages, including medial expenses and a claim of "loss of society and companionship" by _____.

But \$3,000.00 was specifically designated for _____.

The complaint said that "..._____ will be unable to engage in certain recreational pursuits with his son, _____ because of the injuries.

Some of those activities include throwing a baseball with his left hand, playing volleyball and tennis and shooting a bow and arrow.

“The combination of . . . many factors may have an adverse effect on _____’s relationship with his son” the complaint said, “and that accordingly, _____ is entitled to some compensation for the loss of society and companionship of his father between the date of the accident and the time that (the boy) reaches the age of maturity,

Lawyer Greg Egan, representing the family, and the insurance company’s lawyer, Brent Smith, said “Society and companionship” compensation for a child is unusual but may signal similar settlements in the future.

DOCTORS PRAISE, LAWYERS RIP MALPRACTICE BILL

[La Crosse Tribune](#), [Feb 03, 1995](#) by [Mial, Richard](#)

Two La Crosse physicians are pleased with medical malpractice caps which passed the State Assembly Thursday, but a trial lawyer says the bill will "penalize victims."

State representatives passed a \$350,000 limit on awards for pain and suffering. The bill, which does not affect economic damages for malpractice, passed by a 64-33 vote.

The bill was supported by the medical community and opposed by trial attorneys.

Thomas Grau, a physician who heads the St. Francis-Mayo Family Practice Residency, said he was pleased with the bill's passage, something that the State Medical Society of Wisconsin has pushed for years. But he said it's important for people to realize that only settlements for pain and suffering were capped -- not economic damages such as future wages or medical costs.

"Patients who are wrongfully injured are due for compensation," he said.

Gregory Egan III, a trial lawyer in La Crosse, said the bill "confers a benefit on a group of wrongdoers at the expense of seriously injured people and society as a whole."

Besides pain and suffering, noneconomic damages could include mental stress and loss of society and companionship in the case of injury to a spouse.

Between 1986 and 1991, there was a \$1 million cap on pain and suffering. That ceiling was removed in 1991.

State Rep. Mark Meyer, D-La Crosse, who voted for the bill, said he believes high malpractice settlements help contribute to a lack of medical care available in certain parts of the state --a point that Egan disputed.

Meyer said that in the past five years the number of health provider shortage areas increased from 39 to 58.

A health provider shortage area, as defined by the state, is one with fewer than one physician for every 2,500 people.

"I believe there is a direct linkage between malpractice and the ability to provide health care," Meyer said.

All other area legislators voted for the bill, including Republicans Terry Musser of Black River Falls, Mike Huebsch of Onalaska and DuWayne Johnsrud of Eastman, along with Democrat Barbara Gronemus of Whitehall.

Gary Bryant, a rheumatologist at Gundersen Clinic and a member of the Medical Society's government affairs commission, said several studies have shown that the cost of care is

driven up by defensive medicine. "Open-ended non-medical damage caps went a lone way toward continuing the spiral of malpractice premiums," Bryant said.

Grau of St. Francis said actuaries have estimated that the amount of money doctors must pay into the Patient Compensation Fund could drop by 16 percent if the bill passes the Senate and is signed into law.

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New Report Shows Malpractice Insurers Price-Gouging Doctors and Driving Up Cost of Care

Report faults excessive premiums, not so-called “malpractice crisis”

(Washington, DC)— The American Association for Justice (AAJ) today released a report revealing the medical malpractice insurance industry has been price-gouging doctors through excessive premiums and needlessly contributing to the growing cost of healthcare.

Written by former Missouri Insurance Commissioner Jay Angoff, the study is based on recent annual reports from the top 15 medical malpractice insurers as rated by A.M. Best. The report shows that these insurers artificially raised doctors’ premiums and misled the public about the nature of malpractice claims – asserting that a so-called “malpractice crisis” exists. The report puts the lie to that claim.

According to the study:

- The medical malpractice insurers saw losses and projected losses plummet by 48% over the period 2003-2006.
- These incurred losses have declined every year for the past five years.
- These insurers’ 2006 surplus is 43% greater than their surplus in 2003 – five times the state-minimum surplus for insurer stability.
- Only three of the 15 leading insurers issued dividends to doctors in 2006.

“Medical malpractice insurance companies have been price-gouging doctors, padding their pockets with excessive premiums and driving up the cost of healthcare,” said Jon Haber, AAJ Chief Executive Officer. “Cynically, these same insurance companies have been blaming high premiums on a so-called ‘malpractice crisis’ that doesn’t exist. We have an insurance crisis, not a medical malpractice crisis.”

The new report also demonstrates the difference between two types of losses in the insurance industry – incurred losses and paid losses. The industry evaluates its performance based on incurred losses (which include projections of future payments) and not paid losses (which are actual claims payments). This report takes into account both paid and incurred losses, and shows that although both have decreased, malpractice rates for doctors continue to increase. “No matter how you look at it, doctors and patients are getting ripped off by the insurance industry,” said Haber.

AAJ calls for a thorough and immediate review of the insurance industry’s unscrupulous price-gouging and its effect on Americans’ access to a safe, affordable healthcare system.

Medical Malpractice Jury Verdicts In Wisconsin

Year	# of Verdicts	Plaintiff	Defense	% Defense Verdicts
1989	32	11	21	67
1990	29	7	22	76
1991	26	8	18	69
1992	60	15	45	75
1993	41	8	33	80
1994	35	4	31	89
1995	41	17	24	59
1996	40	10	30	75
1997	33	11	22	67
1998	23	9	14	61
1999	25	11	14	56
2000	24	7	17	71
2001	21	8	13	62
2002	26	7	19	73
2003	18	6	12	67
2004	23	4	19	83
2005	21	3	18	86
Totals	518	146	372	72

Source: State of Wisconsin Medical Mediation Panels

America's Civil Justice System: Fighting for Justice and Holding Wrongdoers Accountable

As attorneys, who are members of the American Association for Justice, we work to make sure any person who is injured by the misconduct and negligence of others can get justice in the courtroom, even when taking on the most powerful interests.

This is more important now than ever because the drug and oil industries, big insurance companies and other large corporations dominate our political process - and thus, people cannot depend on the political system to hold corporations accountable. When corporations and their CEOs act irresponsibly by delaying or refusing to pay fair and just insurance claims, producing unsafe products, polluting our environment or swindling their employees and shareholders, the last resort for Americans to hold them accountable is in our courts.

We are committed to strengthening the civil justice system so that deserving individuals can get justice and wrongdoers are held accountable. We oppose efforts to weaken basic legal protections and further stack the deck against every day Americans. All Americans benefit when the individuals attorneys represent have a fair chance to get justice through our civil justice system.

As attorneys, we work to make sure any person who is injured by the misconduct and negligence of others can get justice in the courtroom, even when taking on the most powerful interests.

- Insurance companies and big corporations can afford the best defense money can buy; plaintiffs' attorneys level the playing field in the courtroom so that any person can get justice and hold a wrongdoer accountable.
- Attorneys every day help and serve deserving people who are seeking justice.

This is more important now than ever, because the drug and oil industries, big insurance companies and other large corporations dominate our political process - and thus, people cannot depend on the political system to hold corporations accountable.

- Powerful interests have spent millions of dollars electing candidates and lobbying Congress and state legislatures; as a result, they wield tremendous political power. People can no longer rely on the political system to hold corporations accountable.
- While pretending to be advocates for consumers and patients, the goal of these special interests, and the elected officials who support them, is to limit the rights of individuals to get justice and hold wrongdoers accountable.
- In an effort to limit their responsibility, these powerful interests have created phony organizations and think tanks and launched an aggressive, long-term misinformation campaign about the civil justice system.
- Some in Congress, carrying water for their special interest friends, are using the federal legislative and regulatory processes to limit states' rights to decide what issues should be decided by local juries.
- Without public hearing or debate, these powerful interests have slipped loopholes into important legislation and regulations that provide blanket immunity for even foreign corporations and wrongdoers that commit gross negligence.

When corporations and their CEOs act irresponsibly by delaying or refusing to pay fair and just insurance claims, producing unsafe products, polluting our environment or swindling their employees, the last resort for Americans to hold them accountable is in our courts.

- Too often, insurance companies and corporate CEOs put profits ahead of the health and safety of the public. When they do, the only place for many to get justice or hold wrongdoers accountable is in our courts.
 - o **Dangerous Drugs:** Merck knowingly marketed its unsafe drug, Vioxx, and even hid the dangers from the public and doctors asking about its safety. Merck was forced to take the drug off the market and the civil justice system has held the drugmaker accountable for its negligence.
 - o **Unsafe Cribs:** A court case forced Bassett Furniture, a baby crib manufacturer, to take its defective product off the market after nine children died.
 - o **Flammable Pajamas:** A manufacturer was forced to make children's

- pajamas safer after a jury found the sleepwear highly flammable.
- o **Deadly Asbestos:** For decades, corporations knowingly exposed people to asbestos and hid the fact that it caused deadly cancer. Plaintiff's attorneys have helped innocent victims and their family members get justice and hold negligent corporations accountable.
 - o **Insurance Companies:** Too often, insurance companies refuse to pay fair and just claims to homeowners, as well as in auto accident, soft tissue, medical negligence or other cases. When they do, the only way to hold them accountable is in our courts.

We are committed to strengthening the civil justice system so that deserving individuals can get justice and wrongdoers are held accountable.

- As Plaintiffs' attorneys we are committed to improving the civil justice system and ensuring that every person can get justice and hold wrongdoers accountable.

We oppose efforts to weaken basic legal protections and further stack the deck against every day Americans. All Americans benefit when the individuals attorneys represent have a fair chance to get justice through our legal system.

- We will fight the efforts of big corporations and their CEOs seeking to evade responsibility.

