

Kauai stroke victim wins malpractice award

By Jan Tenbruggencate
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LIHUE, Kauai – the former director of the National Tropical Botanical Gardens on Kauai, who was paralyzed by a 1992 stroke, has won the largest malpractice verdict ever issued on Kauai.

A jury on Dec. 11 returned a \$2.693 million award to William Theobald against his former personal physician, Dr. Thomas Harrison.

Theobald was suffering from mild stroke symptoms on July 13, 1992. That stroke primarily affected his speech.

A co-worker, Marc Code, took him to Harrison's Kalaheo office on the afternoon of July 13. Code and Theobald testified that Harrison told him to go to Wilcox Hospital the next morning for diagnostic tests.

Harrison testified he told Theobald to go to the hospital immediately, but that Theobald refused. However, Harrison's notes did not reflect that con-

versation.

Honolulu lawyer Jerry Hiatt, who with co-counsel Carl Osaki represented Theobald, said Theobald suffered a major stroke at his home two hours after seeing Harrison. It left the botanist paralyzed on his entire left side, unable to read and able to speak only with difficulty.

Hilo attorney Gary Hagerman, who represented Harrison and his insurance company, Medical Insurance Exchange of California, presented evidence that Harrison did urge Theobald to go to the hospital, and also that even if Theobald had gone, the stroke he suffered would not have been prevented.

"I can only look at it as a sympathy verdict," Hagerman said.

Hagerman said he will file several post-verdict motions, and is likely to appeal the verdict if a new trial or a directed verdict in Harrison's favor is not granted.