

The Miami Herald

\$4 million is awarded in negligence lawsuit

Infant boy left brain-damaged

By PETER VILBIG
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Derrick Ajoku, 3, lies blind and unresponsive in a Pompano Beach hospital, unaware that he has won millions of dollars from a lawsuit charging that negligence by three doctors at Memorial Hospital in Hollywood left him irreversibly brain-damaged.

Derrick and his parents, Olan and Dorcas Ajoku, won \$4 million last Friday when Cigna Health Plan and Dr. Richard Wolff, a Cigna doctor who treated Derrick, agreed to an out-of-court settlement, and lawyers in the case.

Dr. Sam Panyol, the emergency room doctor, and Dr. Stanley Newman, who both treated the boy, and Memorial Hospital haven't settled. They are scheduled to face a jury in November.

In the Broward Circuit Court suit, Olan Ajoku, a Nigerian student, and his wife, who works in a Hollywood nursing home, allege that the three doctors treated their son in October 1984 for an earache and failed to recognize that the boy was suffering from meningitis.

As a result their child suffered "severe irreversible brain damage, the suit said, as well as blindness and paralysis.

The child is being cared for at the Renard Children's Center in Pompano Beach, one of the Ajokus' attorneys, Howard Teinberg, said.

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said

The doctors don't dispute the seriousness of the child's condition, but they maintain in court records that the couple didn't follow the treatments prescribed for their child.

"Dr. Wolff told her to bring the baby back if the baby had any unusual problems," said Victor Womack, Cigna's attorney. Despite that warning, two weeks passed before the baby was brought back, he said.

Ajoku, who is studying criminal justice at Florida International University, said Friday that the settlement and the possible outcome of the upcoming trial were little consolation.

"I think I'm not going to be relieved in life with my baby like that," said Ajoku, who lives in North Dade. "If they'd give my

baby back like he was before, I'd give back the money."

The outraged wife, who lives in Hollywood, could not be reached for comment.

In the settlement, Cigna agreed to pay \$4 million in insurance policies, with an immediate payment of \$1.4 million. A second policy will pay the boy \$8,000 per month for the rest of his life.

A third policy will guarantee him a series of escalating payments every three years, totaling \$1.1 million by the year 2018.

If Derrick lives to be 72, he will have received more than \$23 million from the policies, said Alan Goldfarb, one of his attorneys.

Goldfarb said almost all the money will be placed in trust for the boy.

Of the first \$1.4 million payment, Goldfarb and Teinberg will receive \$413,800. Their total fee, to be paid over three years, will be \$1.6 million.