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## **\$6 MILLION PAYOUT**

**UCDMC malpractice case settled.**

**BOY WAS LEFT WITH CEREBRAL PALSY FOLLOWING BIRTH.**

A 4-year-old boy with cerebral palsy sat in his wheelchair in awe and wonderment looking around a Sacramento courtroom's dim interior Friday while a judge approved a \$5.75 million settlement on his behalf.

Cannon Hoops got \$1.75 million up front and another \$4 million in annuities that are expected to pay for his medical and assistive care as well as future lost earnings over the rest of his life. The money was awarded by the University of California Board of Regents as a result of injuries the boy suffered when he was born in the UC Davis Medical Center.

His parents also have been awarded \$250,000 to waive any future wrongful death claims in the event their only son does not survive. The total of \$6 million is the largest amount the university has ever agreed to pay to settle a medical malpractice case, said the family's Beverly Hills lawyer, Bruce G. Fagel, who is a physician. He attributed his information on the record amount to statements made to him by DC lawyers.

Outside court, the boy's father, Leonard Hoops, said, "I feel good that from a pure cost perspective, (Cannon) should be able to be taken care of. And he's medically stable and we expect him to have a fairly long and fulfilling life, we hope."

Sacramento attorney Leo H. Schuering Jr., who represented the university, declined to comment. In his court papers, Schuering compiled a list of denials and defenses in his answer to the Hoops family's complaint. One of them was that the "comparative negligence" of the boy's parents contributed to his injuries and that they gave their "informed consent" to the hospital's practices at the time their son was born.

In a written statement, medical center spokeswoman Carole Gan confirmed the case was resolved by the regents with a “negotiated settlement taking into account the best interests of all parties.”

“This is a regrettable and unfortunate case for everyone involved, and the University of California has taken this matter very seriously and wants to express our concern for the patient and family,” the statement said.

According to Fagel, Cannon Hoops suffered “severe and permanent” neurological injuries as a result of a lack of oxygen to his brain during his Dec. 1, 2004, birth at the medical center.

Fagel said the boy's fetal monitor strip “showed distress in the baby” just before he was born but that the attending medical personnel “all ignored or didn't recognize or realize it - no one spoke up or said anything - and they all blindly proceeded to go through a normal vaginal delivery.”

“The baby came out blue, not breathing, and it then took a while for the physicians to recognize there was a problem,” Fagel said. The plaintiffs' lawyer said that if the doctors had delivered the baby by Caesarean section, it “would have prevented the whole problem.”

Fagel’s fee is \$919,600, plus another \$100,000 in expenses, according to court documents. In Sacramento Superior Court on Friday, Judge David I. Brown said Cannon “looks like a nice, sweet boy.” His mother, Dorene Hoops, said her son has spastic quadriplegia, but that he's crawling and the family is “still very hopeful.”

“He says 'momma' and 'dadda,' and every once in a while he will say 'I did it' when he does something mischievous,” she said.

His father said in court that Cannon has undergone clinical trials on stem cell fusion at Duke University.

Dressed in a blue vest over a white shirt and wearing glasses to correct nearsightedness in one eye and farsightedness in the other, Cannon smiled and made noises outside court and extended his left hand to greet people.

“He’s really a sweet kid, and we still call him our bundle of joy,” said Leonard Hoops, the executive vice president and chief customer officer for

the San Francisco Convention and Visitors Bureau, “It goes back and forth between the joy of having a child who is as sweet and happy as he is to the frustration of, he doesn’t really talk or walk.

“You go to birthday parties and you see all the other kids running around and your little boy struggles,” Hoops added.

“At the same time, it’s really opened our documents eyes to a whole world of people who have challenges just like Cannon. It’s unfortunate, but it’s reality.”

The boy undergoes speech, physical, aqua and several other forms of therapy.

The original complaint in the case named three doctors as defendants. All three - Richard Clement Graves, Cheryl Ann Walker and Bhoomi Manoj Brahmbhatt - were later dropped from the legal action, Fagel said.

According to California Medical Board online records, the renewal fee on Graves’ license - which was set to expire on Sept. 30 - has not been paid and “no practice is permitted” on his part.

Since Cannon’s birth, Walker was placed on five years’ probation by the medical board for failing to note on her license application that she has twice been convicted of misdemeanor petty theft, in 1983 and 1998, records showed. She left the medical center in 2006, according to spokeswoman Gan.

The records showed no actions taken against Brahmbhatt, who left UC Davis in 2007 and is practicing in San Diego, according to the hospital and the medical board.

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