

SATURDAY
FEBRUARY 4, 1995

THE PLAIN DEALER

Toddler who lost limbs to infection wins \$6.7 million

By JAMES EWINGER

PLAIN DEALER REPORTER

CLEVELAND — A Cuyahoga County Common Pleas Court jury awarded \$6.7 million to a Youngstown-area family because their toddler son lost all his fingers and legs to a misdiagnosed infection.

The suit was brought by Daniel and Cheryl Skrobut of Petersburg, on behalf of their son, Daniel II, who is 4.

According to the suit, the boy came down with a high fever late in 1990, when he was 10 months old. Dr. Adam Costarella diagnosed it as a virus. In fact, he was suffering from meningococemia, a bacterial infection that attacks the circulatory system, said Mark Hilkert, lawyer for the Skrobut family.

With a proper diagnosis, Hilkert said, Daniel could have received antibiotics that would have spared him the ravages of the infection.

Costarella's defense was that the symptoms indicated a virus.

Cuyahoga County Common Pleas Judge Thomas O. Matia said the boy was brought to court briefly during the two-week trial, but did not testify.

Hilkert told the eight-person jury that \$10 million would be an appropriate award.

The jury came back with \$6.25 million for young Daniel and \$463,586 for his parents for the

'Obviously, we feel they [jurors] reached the wrong decision.'

ANTHONY P. DAPORE,
the doctor's lawyer

expenses they have incurred. Six of the jurors concurred. Civil judgments do not have to be unanimous.

Hilkert said the family sued in Cuyahoga County because Costarella and his corporation, Emergency Professional Services, Inc., have a Middleburg Heights address.

The diagnosis occurred at a Youngstown hospital where Costarella worked in the emergency room, but the hospital was not a defendant.

Anthony P. Dapore, the doctor's lawyer, said he and his client will consider an appeal: "Obviously, we feel they [jurors] reached the wrong decision."

After court was adjourned, some of the jurors came up and hugged the Skrobuts. The boy was not at court yesterday.

Cheryl Skrobut said her son will turn 5 Monday, and start kindergarten in the fall. Daniel Skrobut said his son's prosthetic limbs must be replaced every three years or so as the boy grows.