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## Doctor pushed pellet into boy's brain, says suit

Parents claim 12-year-old son has severe brain injury

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The parents of a boy shot in the head with a pellet gun are suing Kona Community Hospital for allegedly pushing the pellet farther into his head and damaging his brain.

The lawsuit was filed Tuesday in Circuit Court in Kona by Waimea attorney Jerry Hiatt.

The public affairs director for Hawaii Health Systems Corporation, which runs the state's hospitals, was unable to respond Friday to the lawsuit's specific allegations.

"At this point we have not received a copy of the complaint," Miles Takaaze said. "We anticipate that the court will find that the hospital did nothing wrong and provided the patient with the most appropriate care possible."

The lawsuit alleges that a young friend thought the pellet gun was unloaded when he fired it at 12-year-old Silva "Kaipo" Kaupu III on Dec. 6, 2003, at the Pangola Coffee Farm near Kailua-Kona.

The suit says the pellet hit Kaupu between his eyebrows and that the wound bled a little until someone applied a cloth. But, according to the complaint, the injury didn't hurt or bleed when Kaupu's parents drove him to the emergency room a few minutes later.

After the accident, Kaupu reportedly was alert, coherent and able to walk.

The lawsuit alleges that the hospital should have performed a CT scan immediately to determine the location of the pellet and what damage it caused. Instead, according to the lawsuit, Dr. Michael W. Beshoner only requested a facial X-ray, which showed the pellet was in the boy's brain.

According to the lawsuit, Beshoner should have referred Kaipo to a neurosurgeon or neurologist but instead used forceps to probe the entry wound.

"Suddenly, during Dr. Beshoner's probing, Kaipo screamed out in pain," the lawsuit alleges. "Simultaneously, a large quantity of blood spurged out of the entry wound and over Kaipo's face and chest."

The doctor ordered a CT scan and another X-ray, which allegedly showed that his probing pushed the pellet 3 centimeters deeper into the boy's brain.

The lawsuit alleges that the probing caused a severe brain injury and that any brain injury from the initial gunshot wound was minor by comparison.

The family is suing the doctor, the state, the hospital, the company that provides emergency room services and its president.

"Defendants essentially performed brain surgery on Kaipo in the (Kona Community Hospital) E.R., without proper anesthesia, without proper surgical facilities or antiseptic conditions, without proper staff, without necessary imaging studies and without a proper specialist in neurosurgery," the lawsuit alleges.

The boy's parents, Silva Kaupu Jr. and Marie Kaupu are asking for an unspecified amount of money for emotional distress, loss of companionship and economic loss.

Beshoner's attorney, Elton John Bain, said Friday he couldn't comment because he hasn't yet seen the lawsuit.

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