

August 11, 2004

Family of dead student suing state, county

Lawsuit alleges that DOE, fire department were negligent

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A Hawaiian Beaches family is suing the state and county over the death of a high school athlete who suffered a seizure and died after basketball practice at Keaau High School last year.

The lawsuit, filed Tuesday by Waimea attorney Jerry M. Hiatt, alleges that the Department of Education and Fire Department personnel who responded were negligent, and that Austin Meyers' death could have been prevented.

The lawsuit alleges that Meyers and his varsity basketball teammates had just finished a two-hour practice Dec. 23, 2003, and were attending a meeting with Head Coach Wade Ishibashi Sr. and Assistant Coach Awe Justo when the 16-year-old junior went into the seizure. According to the complaint, neither coach administered first aid.

"Panic broke out amongst the team and the coaches but an emergency 911 call was not immediately made," the lawsuit alleges.

The coach didn't call Meyers' parents right away, either, because he didn't have their telephone numbers and he didn't have the key to a locked file cabinet that contained student emergency information, the lawsuit alleges.

The complaint doesn't name Ishibashi or Justo as defendants but it alleges that while Meyers was lying on the floor, both coaches left the gymnasium. "Having been abandoned by their coaches, in shock over the collapse of their friend, Austin Meyers' teammates were the first to attempt to administer CPR to Austin Meyers," the suit alleges.

The lawsuit alleges that a parent, identified in the suit as "Mr. Rosen," went into the gym and saw the players standing around Meyers, who was turning blue. He didn't see Ishibashi in the gym.

Rosen prepared to administer CPR but then Ishibashi "appeared and told him to stop, and that he would take care of it," the lawsuit alleges.

About 15 minutes after Meyers collapsed, three firefighters arrived. When they attempted to give Meyers CPR with breathing apparatus, it malfunctioned. To make matters worse, their oxygen tank was empty, the lawsuit alleges. Finally, the firefighters began giving Meyers CPR manually.

The lawsuit also alleges that two paramedics in an ambulance were delayed from getting into the gym because several gates on campus were locked. They reached Meyers 26 minutes after the collapse, gave him advanced life support and took him to the emergency room of Hilo Medical Center at 12:54 p.m. He was pronounced dead 24 minutes later.

The lawsuit alleges that the school was required to have a qualified athletic trainer who knew CPR during any sporting event or practice but that the athletic trainer's position had been vacant for a year.

The suit also cites Keaau High's coaches' handbook, which says a head coach is responsible for developing an emergency response plan. The plan requires procedures for assisting ambulance crews by stationing people "at driveways, parking lots, entry doors and remote hallways."

The lawsuit alleges that Ishibashi took over as head coach two weeks before the student's death and had not yet set up an emergency plan.

Sandy Goya, a communication specialist for the Department of Education, said Tuesday that DOE officials had not seen the lawsuit and had no comment.

The state Attorney General's office didn't immediately respond to a request for a comment Tuesday afternoon.

Corporation Counsel Lincoln Ashida, who represents Hawaii County in lawsuits, said he also had not yet seen the suit. "I was not aware of these allegations but as soon as we're served with the complaint we'll discuss it with the fire chief and answer accordingly," he said.

Meyers' parents, Sue and Arthur Meyers, and his brothers, 24-year-old Nolan Nakata-Meyers and 19-year-old Kenworth Meyers, are named in the suit as plaintiffs, along with Austin Meyers' estate, which is suing over pain and suffering and lost future income.

The suit seeks an unspecified amount of money for the family, including medical expenses, pain and suffering, and attorney's fees and costs.

Nolan Nakata-Meyers told the Tribune-Herald school was very important to his brother. He said Meyers, who played quarterback for the high school football team, planned to play football in college but was also interested in academics.

"He got a lot of recruiting letters," Nolan Meyers said Tuesday. "And he still gets recruiting letters."

His mother said the family had trouble finding out exactly what happened to their son. "We're suing," she said, "because we don't want this to happen to any other child."

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