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Women protest baby's death

□ Mother files lawsuit against doctor who delivered her child

By Chris Loos
Tribune-Herald

Seven women waved signs outside the office of a Kona obstetrician Wednesday, protesting last year's death of a newborn baby.

The protest coincided with a malpractice lawsuit by the baby's mother, Carol Roberts, against Dr. Russell Rees and Kona Community Hospital.

"I think that people have a right to



Photos courtesy Carol Roberts
Arabella lies in her bed at Kapiolani Medical Center during the summer of 2002.

know what kind of doctor he is or what kind of doctor he's become," Roberts said.

The lawsuit, filed Tuesday in Circuit

Court by Waimea attorney Jerry Hiatt, alleges that Rees waited too long to deliver the baby and to resuscitate it, causing permanent brain injury and eventual death.

"Obviously it completely devastated me," Roberts said. "I don't even know how to explain the emotional damage that it's caused. I have two other children that were also greatly affected and the three of us are going to counseling still."

"It's something that I would not wish on anyone, which is why we're picketing and why we're suing and letting people know."

See **PROTEST**,
Page 6



Carol Roberts, holding her baby, Arabella, is comforted by her friend, Dionne Dinson, at Kapiolani Medical Center in Honolulu last summer.

PROTEST: Suit says woman not warned of risk

From Page 1

According to the lawsuit, Roberts wasn't adequately warned of the risks of a process called VBAC, giving birth by vaginal delivery after having a previous Caesarean section.

The lawsuit alleges that when Roberts went into labor on June 28, 2002, the doctor was required by hospital rules to have an operating room and staff standing by in case she needed a Caesarean delivery.

Instead, the lawsuit alleges, Rees let the only operating room team perform another procedure while trying to induce labor in Roberts.

Rees also allegedly harmed the fetus by improperly continuing to use a drug for inducing contractions after a fetal monitor showed that the contractions were causing the baby to lose oxygen.

When Roberts asked if she could go into the operating room

for a Caesarean section, Rees allegedly told her to keep trying to deliver the baby through labor. The lawsuit alleges that the doctor didn't take Roberts into the operating room until more than an hour after he should have to ensure the health of the baby.

Although the baby was born brain damaged from lack of oxygen and was likely to die, Rees told Roberts it was "fine" and then performed a tubal ligation on Roberts. The lawsuit charges Rees with battery for allegedly sterilizing Roberts without consent.

The baby, Arabella, was moved to Kapiolani Medical Center on Oahu, where she had seizures and suffered from dysfunctional heart, liver and kidneys. The following week she was taken off life support and died.

The lawsuit alleges that at least one witness who saw Rees the

day he delivered Roberts' baby thought he was acting "impaired."

According to the lawsuit, Kona Community Hospital has an "unusually high incidence" of fetal deaths and fetal distress.

The hospital has stopped doing VBAC deliveries, the lawsuit alleges. "This constitutes an admission that they were unable to consistently perform such deliveries within the standard of care."

According to the complaint, the hospital didn't provide proper care by allowing Rees to practice there and by failing to intervene in Roberts' case.

Kona Community Hospital spokeswoman Cheryl Holdcroft said the hospital cannot discuss the case for legal reasons.

"The files have been closed because of the lawsuit so we can't make any comment about it," she said. "Once the lawsuit is filed, we have to put a gag

order on everything."

She added that Rees is a "fully accredited member" of the hospital's medical staff.

Rees did not return phone calls left by the Tribune-Herald at his office.

Last month the state Department of Commerce and Consumer Affairs found Rees and Kona Community Hospital negligent in the baby's death and recommended they pay Roberts \$825,000. They never offered anything, Roberts said, so she sued.

Roberts called her baby's death "completely unnecessary."

"She was healthy, she was 8 pounds 1 ounce, she was a big girl and she was beautiful," Roberts said. "She suffered for eight days and I guarantee you, my suffering will never end."

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