

## **THE HERALD, November 29, 1994**

### **Broward Edition**

**“Standoff over money may be ending for Broward boy hospitalized 10 years.”**  
**By Ronnie Greene**

Justin Bates the sick boy trapped in Room 268 at Broward General Medical Center by a bitter legal dispute over money and responsibility, may finally get his due.

The North Broward Hospital District – which admitted fault for Justin’s brain damage, but refuses to pay his \$8.6 million jury verdict – should finally resolve the dispute to the benefit of the boy, district Chairman Amadeo “Trinchi” Trinchitella said Monday.

“The boy is in our hospital, and I feel we should accept responsibility,” Trinchitella said. “I Couldn’t care less about doctors, hospital, what not. My primary concern right now is the boy.”

Trinchitella has never met Justin, but was moved to action by the story of how Justin’s mother has spent years trying to take her son home – and away from Broward General.

Nearly 10 years ago at Broward General, medical mishaps deprived Justin, then 16 months, of oxygen and blood to his brain. The errors robbed him of a normal life. Today Justin can’t speak, see, or swallow. He is fed through tubes. He turned 11 in September. The district admitted error in court and a jury awarded \$8.6 million in 1990. But the district has refused to pay.

As a public entity, the hospital district is covered by sovereign immunity, which means it normally can be held liable to a maximum of \$200,000 per malpractice case.

A special act of the Legislature could approve a higher payment. But two years running efforts by State Rep. John Rayson, D-Pompano Beach, to pass a claims bills fell flat in Tallahassee. In each case, the district hired its own lawyer, spending more than \$90,000 in legal fees and costs to avoid paying Justin’s verdict.

Justin has never left Broward General. Without the jury verdict, his mother, Cynthia Mendat, cannot afford to care for him at home.

Now, Trinchitella said it is time to put the matter to rest.

His goal: Negotiate an agreement between the district and Justin’s family to pay a settlement.

Then, both sides would travel to Tallahassee together in support of a claims bill, he said. How and where Justin would be cared for the rest of his life is yet to be determined.

“I want to come to some meeting of the minds, then go up there and get it passed. We can go to Tallahassee together when we come to a settlement,” he said. “I want to be fair. I want the boy to be taken care of the best possible way the rest of his life.”

He added, “I’m not looking to be a hero on this. I’m 76 years old. I’ve seen my day. This would be a great thing for the people, for the boy, for the family to resolve it.”

Trinchitella will do some homework before he takes Justin’s case to the full hospital district board. First, he will pay a visit to Justin’s hospital room.

Trinchitella’s effort is a welcome change for Justin’s lawyer, Sheldon J. Schlesinger of Fort Lauderdale.

“If he wants to get the job done, there’s no question in my mind he can get the job done,” Schlesinger said.

Justin’s mom is encouraged. But after so many painful years. She can’t help but be skeptical.

“I will never get excited until I actually know I’m bringing him home,” said the mom, Cynthia Mendat. “Money is not happiness. I want Justin. If they could give me Justin the way he was the day I took him there, it would be over.”