

# Brain-damaged boy gets €2.7m in claim settlement

Tim Healy

A 14-YEAR-OLD boy who, it was claimed, suffered permanent brain damage as a result of an experimental treatment he received for leukaemia has been awarded a €2.7m settlement.

The parents of William Malone, Catherine and Liam Malone, called for an inquiry into all aspects of how Our Lady's Hospital for Sick Children in Crumlin provided treatment for children suffering from leukaemia after the High Court ruling yesterday.

William, from Millview Lawns, Malahide, Co Dublin, who sued through his mother, brought an action against Our Lady's Hospital and consultant oncologists Dr Anne O'Meara and Dr Finn Breathnach arising out of their treatment of him for leukaemia between January 1998 and 2002.

## Relapse

It was claimed the defendants were negligent by wrongly administering intravenous high dose Methotrexate, a toxic drug used in the treatment of cancer, and 14 other injections of the same substance into William's spine over a nine-week period which resulted in causing neurological injuries.

It was further claimed that the defendants had failed to properly diagnose a relapse of William's leukaemia.

Yesterday, counsel for William, Denis McCullough SC, told Mr Justice Eamonn de Valera that the matter had been settled for €2.7m plus costs.

There was no admission of liability by the defendants, who had fully denied all the claims against them.

The court heard that William, who will be incapable of independent living for the rest of his life, was diagnosed with leukaemia in January 1998. He responded well following chemotherapy at Our Lady's and by January 2000 appeared to be in recovery.

However, that summer William became ill, and sought treatment.

In August 2000, he was deemed to have suffered a



Catherine and Liam Malone with a picture of their son William who suffered from leukaemia. GARRETT WHITE / COLLINS

relapse, and the boy was put on a treatment devised in Germany known as the Berlin Frankfurt Munster (BFM) Protocol.

Counsel said that the BFM was an experimental chemotherapy treatment consisting of a number of different drugs being administered to those with high-risk childhood leukaemia.

It was their case that the BFM Protocol was a pilot concept used without any peer review, had not been used in any clinical practice anywhere in the world, and at the time had not

been adopted by the hospital's ethics committee. However, counsel said, approval for the protocol was granted by the

'No money would ever compensate William for what happened'

hospital committee after William's treatment. Mr McCullough said it was their case that the BFM was not properly followed by the defendants. Between August 19 and October 26, 2000, William received intravenous high doses of the drug methotrexate in addition to 14 injections of the same substance into his spine.

The lawyer said it was their claim that that amount of treatment was excessive and caused brain damage.

The correct dosage over a nine-week period was six, and not 14 injections.

As a result of the dosages, counsel said, that William suffered injuries to his brain.

While William recovered from cancer, his neurological injuries are such that he now has the intellectual capacity of a seven- to eight-year-old.

His quality of life will never be good and he will always require somebody to look after him.

Speaking outside court yesterday, William's parents Catherine and Liam Malone said they were delighted to secure "a just settlement" for their only child.

"No money would ever compensate William for what happened to him, but the award will mean that he should have sufficient money to provide all the help and care he needs for the rest of his life," said an emotional Catherine.

In calling for an inquiry, the Malones said that they had concerns about other children with leukaemia who had been given the same treatment.

His parents thanked relatives and their legal team for their help and support, and those medical professionals who had supported William's case.