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By Jason W. Armstron

Jurors Award Plaintiff \$4.5M Against Aetna

SAN BERNARDINO -- After an eight-hour deliberation over two days, a San Bernardino jury awarded a Redlands woman more than \$4.5 million in the suit she filed against Aetna U.S. Health Care.

Teresa Goodrich contended that the HMO failed to pay for care needed by her now-deceased husband, even though the care was recommended by Aetna specialists.

Goodrich, the widow of former San Bernardino deputy district attorney David Goodrich, who died in 1995 after a three-year bout with a rare form of stomach cancer, was unanimously awarded \$747,655.88 in medical damages. Jurors, by a vote of 11-1, also awarded Goodrich nearly \$3.8 million in loss of companionship and support. The jury unanimously found that Aetna willfully acted with fraud and, by a vote of 11-1, decided that the HMO acted with malice and oppression against the plaintiffs.

The case was one of the lucky few to escape the 1974 federal Employee Retirement Income Security Act law and mandatory arbitration provisions that prevent most lawsuits against HMOs.

The jury of 10 women and two men found that Aetna violated the terms of its contract with David Goodrich by refusing to cover experimental treatment he needed. Jurors also found that Aetna's conduct was a substantial factor in shortening the life of David Goodrich. In addition, the panel agreed unanimously that Aetna breached the covenant of good faith and fair dealing, and that David Goodrich did not contribute to the wrongful conduct.

Michael Bidart, attorney for Goodrich with the Claremont firm Shernoff, Bidart, Darras and Arkin, said he was happy with the verdict.

"We're very pleased that the verdict allows Teresa Goodrich closure to this nightmare she's been through," Bidart said.

Aetna counsel Hugh Helm, with the Los Angeles firm Galton and Helm, could not be reached for comment.

Goodrich, a kindergarten teacher, picked up the tab for her husband's medical care through her own insurance after Aetna refused to cover the costs. She filed suit in San Bernardino County Superior Court in March 1996 charging breach of a health plan contract, breach of the duty of good faith and fair dealing, and wrongful death due to unreasonable conduct of the defendant. Goodrich v. Aetna, RCV020499.

The punitive damages phase of the jury trial begins Tuesday in the courtroom of San Bernardino County Superior Court Judge Christopher Warner.