

PRECEDENT-SETTING RULING RECOGNIZES ANIMALS' VALUE Jury finds All-Care vet guilty of malpractice

MILL VALLEY, Calif. – In a precedent-setting ruling, on Friday, February 20, 2004, an Orange County Superior Court awarded animal guardian Marc Bluestone \$39,000 in a civil case against All-Care Animal Referral Center veterinarian Craig Bergstrom for malpractice and wrongdoing.

Mr. Bluestone was awarded \$30,000 for the value of his dog, Shane. This is the first time that a court of law has awarded a guardian more than "market value" in compensation for the loss of an animal companion. The jury found that Shane had a unique value as a companion and that Bergstrom was aware of the value. The jury also awarded Mr. Bluestone \$9,000 for veterinary bills.

All-Care Animal Referral Center and veterinarians Robert Rooks and Craig Bergstrom have been under investigation for over a decade. In January, The Veterinary Medical Board of California revoked Rooks's permit to operate the All-Care Animal Referral Center in Fountain Valley, CA, and ordered him to pay over \$83,000 in fines and court costs. The revocation is stayed, so Rooks is still allowed to practice veterinary medicine. The judge refused Rooks's request to stop the fine from coming due and to prevent the terms of his probation from going into effect. Under the conditions of Rooks's probation, he is required to notify other veterinarians about his violations of the law but is not required to notify prospective clients.

Complaints against All-Care included assertions that they had a heavy equipment operator with no veterinary training administering anesthesia, making incisions, putting in drainage tubes, suturing wounds, and closing abdominal incisions. Rooks was also accused of passing off staff members as "specialists," causing many clients to submit their animals to potentially dangerous and more expensive procedures because they believed the doctors had skills and education they did not have, and of falsifying medical records when clients sued for malpractice after the unnecessary death of a beloved animal companion.

"Most people view their animal companions as members of their families. Negligence and cruelty is unacceptable in a profession that requires compassion, respect and honesty when caring for animals in need," charged Dr. Elliot M. Katz, a veterinarian and president of In Defense of Animals (IDA), a California-based non-profit animal protection organization.

"This is a landmark case because it's the first time that our legal system has recognized that animals have tremendous value," said Bluestone attorney Terri Macellaro, a Board Member of IDA. "The jury ruled that Shane had a five-digit value to her guardian even though her 'market value' was only \$10. Animals are beings with

intrinsic worth and with far more value to their guardian than the amount of money that person paid to adopt them from a shelter."

SANTA ANA, Calif. (AP) – Jurors decided a Fountain Valley veterinarian should pay a malpractice judgment of \$39,000 to a man whose dog died.

Five years after filing suit and after spending \$375,000 in attorney fees, Marc Bluestone, 61, of suburban Sherman Oaks won the jury verdict last week. The panel decided veterinarian Craig Bergstrom was guilty of malpractice.

Bluestone said he brought his dog Shane to the All-Care Animal Referral Center in Fountain Valley to treat the dog's persistent seizures in January 1999. Bluestone said he spent \$24,000 but Shane still died.

Jurors said the veterinarian should compensate Bluestone \$9,000 for the veterinary bills and \$30,000 for the dog's "unique" value. Bergstrom attorney R.Q. Shupe asked for a new trial and court order invalidating the jury's verdict, arguing that Shane had no "unique" value.

"The defense finds this to be an interesting verdict," Shupe said. The dog "was 3 years old, a mutt. There was nothing unique about it."