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# THE TORONTO STAR

Established 1892

METRO EDITION ★

Tuesday  
March 25, 1986  
25 CENTS  
(35 cents outside central Ontario)  
February/86 Monday-Friday  
paid circulation 515,993

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## Brain-damaged, blind at birth boy, 6, could get \$43 million

By Rick Hallechuck  
Toronto Star

A 6-year old Toronto boy, left brain-damaged and blind after a traumatic birth, will receive about \$2 million in compensation from the doctor who delivered him.

And if Shane Lister of Tennis Crescent, in the Broadview-Danforth area, lives a full life, the amount he receives could be as much as \$43 million, under a settlement approved by the Supreme Court of Ontario yesterday.

Judy Lister Paloheimo, the boy's mother, sued her obstetrician Dr. Ivan Goldman for damages following Shane's birth at Mount Sinai Hospital in June, 1979.

Shane, who was about six weeks premature, was born after a difficult forceps delivery, with his umbilical cord wrapped twice around his neck. He has cerebral palsy and will need care for the rest of his life.

Although the College of Physicians and Surgeons reported in 1980 that the medical care provided by Goldman was acceptable, Paloheimo sued Goldman, alleging that because of his negligence, the oxygen flow to the baby's brain was cut off, causing the permanent injuries.

### Pleased with result

Paloheimo, 32, said yesterday she was relieved and pleased at the judgment and said the money would mean Shane wouldn't have to be put into an institution.

"It's really our belief he has a right to be in the community with his family," she said in an interview in her home.

"He's quite a happy little guy in general," his mother said. "But he can't do anything by himself."

Goldman, like most Canadian doctors, is covered for damages by the Canadian Medical Protective Association, which will pay the cost of this settlement.

"It's difficult to imagine the injuries this child sustained as a result of being deprived of oxygen," said Paloheimo's lawyer, Richard Sommers.

Sommers said the trial was to have begun yesterday but last week the association made an offer to settle. An agreement was reached last Friday and approved by Mr. Justice Richard Holland of the Supreme Court yesterday.

John Finlay, counsel for Goldman, stressed that the settlement does not mean there was negligence by the doctor.

The difficulties in caring for



BORIS SPREMO/TORONTO STAR

**Legal victory:** Judy Paloheimo smiles as she holds her 6-year-old son Shane, after learning of yesterday's court ruling that gives at least \$2 million in compensation and possibly as much as \$43 million to the boy who was left brain-damaged and blind in a birth accident.

Shane led to the breakup of Paloheimo's marriage with her first husband, Shane's father.

She has since married Rolf Paloheimo, a construction manager, and they have a son, Erik, 2.

"I definitely need help in the home to care for Shane," she said.

Shane goes to the Beverley St. school for developmentally handicapped children five days a week.

Under the terms of the settlement, a cash award to Shane of just under \$2 million will be invested in interest-earning annuities.

Beginning May 1, Shane's mother will receive about \$55,000 for her son's care per year, until he reaches 16.

At that time, the yearly amount will increase to about \$112,000, to \$140,000 at age 18, and to \$479,000 when Shane turns 34, Sommers said.

The amounts increase during Shane's adulthood to take into account the loss of money he would have earned while working, Sommers said.

The payout also includes Paloheimo's legal costs of \$115,000 and \$15,000 for Erik, payable when he turns 18.

The College of Physicians and Surgeons, which investigated Paloheimo's complaint, concluded that the delivery was accomplished with a very hard pull on the forceps and was considered a difficult one.

"The decision to shorten the second stage (of labor) by delivering the baby with forceps under epidural anesthesia was correct," the college concluded in its report.

Although the report said some obstetricians would have opted for a Caesarean delivery, it added that this was a clinical decision.

## Flaming collision closes Hwy. 401 west of Metro

By Dale Brazao and Walter Stefaniuk Toronto Star

Highway 401 was closed in both directions near Milton and a truck driver was under arrest today following last night's collision and tanker truck explosion that caused parts of the James Snow Parkway overpass to collapse.

Dead in the crash is the driver of the tanker truck, which was loaded with diesel fuel. It smashed into the concrete median barrier and exploded in a fireball under the overpass.

Provincial police at Milton said this morning they did not know the dead driver's identity.

They would not release the name of the driver of the flatbed truck, which collided with the tanker. He escaped unharmed.

"He is under arrest and probably charges are pending," said a constable.

A couple of cars were also involved in the collision, but police would not disclose their drivers' names.

### Traffic rerouted

A male passenger from the flatbed truck was in Milton District Hospital with minor injuries.

The highway, which at that point has three lanes each way, may be closed for another two days, police said.

Traffic was rerouted along Steeles Ave. and through Milton between Highway 25 and Trafalgar Rd.

How long Highway 401 remains closed will depend on how much work is needed to make the overpass safe, police said. The underside of the bridge was badly damaged in the fire and debris fell on the highway.

The burned-out hulks of the trucks were still sprawled across the eastbound lanes this morning.

As the massive fireball from the crash first rolled into the sky, drivers abandoned their cars on the highway and dashed for safety into nearby fields. The red glow could be seen by approaching motorists several kilometres away.

Milton's acting fire chief Harold Penser — among the first on the scene — put in emergency calls to firefighters from Milton, Halton and Peel. "There was nothing I could do," he said. "I had to get help right away."

Like a modern-day bucket brigade, the regional fire department See FIERY/page A4

## Buck stops here with new \$1 coin

OTTAWA (CP) — The government was expected to announce today the \$1 bill is being scrapped in favor of a new \$1 coin.

A special committee of MPs recommended last summer that Canada convert to a metal dollar, which would last longer than bills and save time and effort for consumers and businesses.

The Bank of Canada announced last week that all bank notes, except for the \$1 bill, would be redesigned. The implication was that the bill was on the way out.

Two designs have been developed by the Royal Canadian Mint, both employing an 11-sided coin slightly larger than the 25-cent piece.

## Ottawa phasing out leaded gas by 1993

By David Israelson Toronto Star

Ottawa plans to announce today that it will phase out leaded gasoline by 1993, The Star has learned.

But the plan — to be announced by Environment Minister Tom McMillan — falls far short of moves already in place in the U.S., where the lead content in gas was cut to near zero last January.

Canada now allows roughly 30 times as much lead in its gas as the current U.S. standard permits.

McMillan's plan simply calls for ending the use of leaded gasoline — a health hazard linked to brain damage and low children's IQs — before 1993.

But there are to be no new intermediate steps. The announcement will not speed up an interim cut in lead content announced by the previous Liberal government for January, 1987, which will make Canada's standard only 10 times as weak as the American one.

Nor will it give consumers any incentive to stop using leaded fuel, since there will be no move to close the price gap between leaded and more expensive unleaded gas. The government is said to prefer to let market forces prevail.

However, the cost of the ban on lead may be passed on to consumers, and the move could eventually add 1 cent a litre — or more — to gas prices.

Instead of speeding up the phase-out of lead, McMillan is expected to announce a \$1 million, two-year publicity campaign against "mis-fueling" — using leaded gas in cars made for unleaded.

It has been estimated that, depending on the region, between 8 See OTTAWA/page A4

### Sikhs jubilant

Sikhs popped balloons and shouted "Death to government of India" as B.C. court freed a suspect on an explosives charge yesterday. Page A3

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Ben Wicks



"If Gorbachev rings, take a number."

## Don't touch Auto Pact in free trade, PM warned

By David Vienneau Toronto Star

The Auto Pact should be excluded from free trade talks with the United States, the president of General Motors Canada has warned Prime Minister Brian Mulroney.

"Our position is the Auto Pact has worked well and that it could provide an example for other industrial sectors to look at," George Peapples, the head of Canada's largest automaker, told a news conference in Oshawa yesterday.

"We don't see a need at this time to have it put on the table" in free trade talks, he added.

The U.S.-born Peapples made the comments after announcing that General Motors was investing \$2 billion — the largest foreign investment by a private company in Canadian history — to modernize its Oshawa facilities.

The 21-year-old Auto Pact sets controls on trade and investment in cars and parts.

□ New GM plant seen transforming auto production line. Page E1

Opposition to its inclusion in free trade talks also came from Premier David Peterson and Bob White, president of United Auto Workers Canada. Both, along with Mulroney, were in Oshawa for Peapples' announcement.

New Democratic Party leader Ed Broadbent, who was not a member of the head table but was at the event as the MP for Oshawa, agreed afterwards that the Auto Pact should not be tampered with.

But Mulroney, and later, Industry Minister Sinclair Stevens, failed to provide firm assurances that the agreement would not be included in the talks.

U.S. Trade Ambassador Clayton Yeutter has stated publicly that everything — including the Auto Pact, Canada's cultural industries and other controversial areas —

See LEAVE/page A4

## Aquino takes wide powers, shuts assembly

MANILA (AP) — Philippines President Corazon Aquino signed an interim "freedom constitution" today that abolishes the National Assembly, protects human rights and gives her power to make laws until a new constitution is ratified in a plebiscite.

Aquino took on nearly the same powers that deposed president Ferdinand Marcos assumed when he declared martial law in 1972.

Speaking on nationwide radio and television, she said she hoped a new constitution and a new assembly could be in place within a year.

"Today I am announcing an interim constitution under which our battered nation can shelter after years of dictatorship in order to heal its wounds, restore its strength and enjoy the first fruits of its new-found freedom," Aquino said.

The government said a new constitution is needed to rid the coun-

See AQUINO/page A12

## Lots of summer jobs are waiting for students

By Darcy Henton Toronto Star

This could be the summer of summers for job-hunting students.

Not since the boom of 1981 has the Metro job picture for graduating and returning students looked this good, say local student employment counsellors.

Students may not find the job or salary of their dreams, but if they hustle, they will find temporary or full-time employment, they say.

### Not just spinoff

"There really are jobs out there," said Dianne Ness, Seneca College placement officer. "There's lots and lots around. We're processing nearly 500 job opportunities a month and that indicates it's really going well."

Temporary summer positions are expected to be abundant — with retail and construction industries in full gear and 4,300 local census jobs up for grabs.

And most colleges and universities predict job placements will

match or better statistics for last year when many placed 96 per cent of their students within six months after graduation.

"I just feel the economy is better," said Deidre Balyk, Canada Employment Centre manager at York University. "People can afford to hire and it's not just a spin-off from the recession. We went through that last year."

Salaries are also slightly improved and federal and provincial job programs will give many students work experience this summer, the placement officers predict.

"We expect to see a good range of job opportunities available for students," said George Brown, Canada Employment economist. "It will probably be one of the better summers in recent years. There may not be a good job for every person who wants it, but there will be more opportunities —

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