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Judge Allows Families To Sue Kaiser Over Xerox Shootings

Doctor Says He Forgot About Uyesugi

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HONOLULU -- It's been five years since Byran Uyesugi murdered seven Xerox coworkers, but the victims' families are still seeking damages in court. On Wednesday, a judge ruled that the widows can sue Kaiser Medical because a psychiatrist there admitted he forgot about Uyesugi.

The victims' families have used the courts to find out if Uyesugi's doctors could have prevented the murders. The families' lawyers now say the answer may be yes.



"This was someone that was referred to him for evaluation and the doctor clearly did nothing," family attorney Michael Green said.

The doctor is Marvin Mathews, a Kaiser psychiatrist who gave Uyesugi the green light to return to work at Xerox. That decision was made nearly six years before Uyesugi shot seven coworkers.

Kaiser argued that Uyesugi was not their responsibility.

"There was a six-year gap. I mean, Byran Uyesugi decided not to come back for treatment," Kaiser Medical attorney William S. Hunt said.

However, in February, lawyers for the families questioned Mathews and he admitted he should have made sure Uyesugi got treatment for his dangerous mental problems.

"Well, retrospectively, looking back, I, I have learned that I probably should have seen to it that he scheduled another appointment," Mathews told the attorneys.

"You forgot about Byran Uyesugi, didn't you?" an attorney asked.

"He did not schedule another appointment, and so I have to answer yes," Mathews answered.

"How do you forget about somebody like that? Were you too busy to follow up on a guy that is violent and people are worrying about him killing people and he

forgets?" Green said to KITV 4 News reporter Daryl Huff.

Because of the doctor's admission that he still considered Uyesugi his patient, Judge Elizabeth Hifo Wednesday ruled that the widows and the victims' grown children can sue Kaiser for damages. That includes what could be millions for pain and suffering.

"We have professional medical people who were relied upon to give advice and the advice was, not as far as we are concerned, was not given properly," victims' families' attorney Gerald Sekiya said. The ruling is a major victory for the Xerox widows, who were barred from suing Xerox directly because they received money from the company's workers compensation policy.

In the end, this will be a battle between Xerox and Kaiser over who was more at fault, but chances are it will be settled before it comes to that, one lawyer said.

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