



# COLBY FREE PRESS

## Judge: Doctor's lawsuit moves forward

By **Patty Decker**  
*Free Press Editor*

A district judge denied a motion Wednesday from Citizens Medical Center to dismiss Dr. Victor Hildyard's lawsuit alleging breach of contract when the hospital suspended his privileges in April 2003. In his ruling, District Judge Jack Burr of Goodland, said the court would reserve its decision until more information is made available.

"At this point," Burr wrote in his order, "many of the arguments made by the defendant (Citizens Medical Center) would appear to

have merit; however, it is premature for this court to make determinations as to the issues in this matter prior to the termination of discovery."

Hildyard's attorney, Mike O'Neal of Hutchinson, said that means Hildyard will be allowed to develop the facts outlined in his lawsuit and present them to the court.

"This is what we've always



Hildyard

wanted to do," O'Neal said.

As for Citizens Medical Center, Janice McCart, chief executive officer, said the ruling was "disappointing."

McCart added the hospital's counsel will begin preparing for summary judgment, but declined to speak directly about any details.

In the doctor's lawsuit against the Colby hospital filed in April 2006, Hildyard alleged the suspension of privileges created economic damages, loss of income from his medical practice, disruption of patient care, legal defense costs and other economic concerns. As for damages, the lawsuit stated Hildyard is

entitled to recover on the breach of contract and other violations in excess of \$75,000.

Prior to the hospital suspending Hildyard's privileges in 2003, two other attempts to suspend privileges were reversed by the Thomas County District Court.

In April 2002, Hildyard's hospital privileges were suspended following an employee complaint, which was handled by the hospital as an issue under the hospital's Hostile Work Environment Policy, according to the petition.

"Notwithstanding the procedural provisions and safeguards contained in the hostile work environ-

ment policy, plaintiff's (Hildyard) hospital privileges were summarily suspended without an investigation or with the defendant (hospital) following its internal operating procedures," according to Hildyard's lawsuit.

That suspension was reversed by the court May 2, 2002. The employee who originally filed the complaint with, then Chief Executive Officer Michael Boyles, recanted.

On Sept. 3, 2002, using the same employee's recanted complaint from April, the board again suspended Hildyard's privileges.

Two days later, the court again

denied the suspension. Hildyard then sought for his due process rights outlined in the medical staff bylaws of the hospital, according to the petition.

The hospital suspended Hildyard's privileges in April 2003 based on what O'Neal alleges was a "flawed composition of the hearing panel," which took place in Colby Nov. 20-22, 2002.

According to Hildyard's lawsuit, not only was the hearing panel flawed, but also alleges testimony from hospital representatives, investigation and the complaining

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## School looks ahead

By **Tisha Cox**  
*Colby Free Press*

The Colby School District is going to take a hard look at future goals and how it can meet them.

Issues ranged from expectations, funding upgrades, professional development for all staff, community support, infrastructure needs, laptop initiative, technology support, scheduling and staff retention.

Over the past few months, the board worked on scenario building — coming up with goals and the obstacles hindering them. Superintendent Kirk Nielsen told the board Monday to write down those goals and the barriers those goals have.

Nielsen suggested a committee to discuss the issues and implementation. They will talk about their progress either at the May 21 board meeting or in June. The committee, yet to be determined, will include two board members, two teachers, Nielsen, district financial officer Jo DeYoung, and a site council member.

Nielsen said the committee will look at how to overcome obstacles. One obstacle is restoring funding to the district's capital outlay fund.

"We haven't had one for about eight years," he said. "We'd better do something about it."

Capital outlay budget is for building improvements. Buildings and transportation are two concerns among the board.

Another aspect they discussed was how a laptop cart would benefit classrooms. Curriculum director Diana Wieland explained the carts have 10 to 12 computers equipped with software and wireless Internet capabilities. Carts cost about \$26,000.

There is one computer for every two students. Wieland said there are currently three of the carts in use in the district. Thomas County Academy has one, and one each in the fourth and fifth grade.

Having access to the cart means

it can be brought to the classroom instead of having students have to go to a lab.

This fall, there will be one cart in each of the school buildings.

"It would be ideal to have one in each classroom," Wieland said, "but that could be a goal down the line, or a laptop for each student."

Terrel Harrison, grade school principal, asked all her teachers two questions. If they had access to a laptop cart for their classroom, how would their teaching be different and what would they have to do?

"The staff was specific on what they want to do," Harrison said. "They were listing things for me."

Robb Ross, middle school principal, asked his staff the same questions. The answers varied, but teachers said they would need training and support the idea.

### Budget concerns

Lloyd Theimer, a Thomas County farmer, asked about the status of the district's budget. Theimer was "shocked" when he saw the meeting notice.

"The district is limited on property tax, and they're talking about more taxes," he said.

Theimer said education has become the "national golden calf" and asked why it should come before everything else, even tragedy.

Earlier this year, agriculture producers couldn't move their livestock because of snow and icy conditions, and the weather took its toll.

"Agriculture has been hit from every direction and the education community doesn't seem to care," he said. He asked for the district valuation and budget, the number of teachers and their salary, the number of students enrolled in the district for the current year, three and six years ago.

He hoped the district would be willing to share the numbers.

"I think it's worth looking at," Theimer said. "The number of students in the district is down, but the budget is up."



TISHA COX/Colby Free Press

Thomas County Clerk Shelly Harms placed donation items on a table located in the main hallway of the Thomas County Courthouse, 300 N. Court Ave. The items are for Greensburg tornado victims and anyone interested in bringing items is encouraged to do so. The tornado, which destroyed almost 95 percent of the town, left families without a home, clothing and other necessities. To assist those residents, the following items are being accepted: any non-perishable food items; clothes of all sizes; bottled water; office or school supplies; toiletry items; pet items; baby supplies; bedding and household items. "When tragedy like this strikes, families are left with nothing," Harms said. "Anything that you can give will help." The deadline to give items has not been decided yet. For questions, call 460-4500.

## Goodland reviews its alcohol policy

By **Tom Betz**  
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The Goodland City Commission reviewed its policy on alcohol use, which came under fire in January after the resignation of 12 volunteer firemen, at a work session Monday but agreed not to make any drastic changes.

After the regular meeting, the commission stayed to meet with City Attorney Jeff Mason and review personnel policies.

Commissioners John Garcia, Dave Daniels, Josh Dechant and Annette Fairbanks were at the meeting, while Mayor Rick Billinger was absent. City Manager Wayne Hill, City Clerk Mary Volk, Rich Simon, public works director, and Rod Blake, powerplant superintendent, also stayed for the work session.

Mason opened the session saying the commissioners should start with reviewing the city alcohol policy, as it seemed to be the most controversial and had drawn a lot of public interest.

In January, Fire Chief Scott Gilmer was responding — as a passenger in a rescue vehicle — to a traffic incident during a blizzard when several people notice alcohol on his breath. He was asked to stop and was taken to the sheriff's office for a breath test. Because he tested positive — the test showed an alcohol level of .026 — he was suspended without pay for 30 days. When he refused to resign, the 12

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## Trailblazer



TISHA COX/Colby Free Press

A road grader turned around today on Willow Drive off near Interstate 70 exit 54. The road is closed for resurfacing and remodeling. Completion is slated for mid- to late June.

## Brewster, Golden Plains schools prepare for graduation services

By **Tisha Cox**  
*Colby Free Press*

Commencement for Brewster and Golden Plains High School seniors is this weekend.

Brewster's activities are Saturday, starting with the baccalaureate at 2 p.m. at Our Savior's Lutheran Church in Brewster. Resident Phil Knox, whose son Timothy is graduating Saturday, is the speaker.

Graduation ceremonies are at 4 p.m. at the Brewster High School gym.

Nine students are graduating this year. They are Megan Elizabeth Allen, Danielle Jo Bedore, Ryan Creighton Edmundson, Sarah Jane Flanders, Audrey Leon Hoyt, Timothy Verle Knox, Jennifer Sue McMahan, Avery Dawn Schultz, and Andrew Millard Starns.

The class colors are cardinal red and white and the class flower is the calla lily.

The class motto is, "I cannot give you the formula for success, but I can give you the formula for failure which is: try to please everybody," Herbert Bayard Swope.

The ceremony will begin with the processional by Melissa Crumrine, followed by the welcome by class president Megan Allen. She will also introduce the graduation speaker, Pat Lehman, a Brewster alumni.

He will be followed by the valedictory and salutatory speeches and a slide presentation.

Superintendent Sherri Edmundson will present the class. Don Allen and Carrie Starns, school board members, will present the diplomas. Edmundson will close the ceremony.

### Golden Plains

Golden Plains commencement will be at 2 p.m. Sunday in the school gym.

Twenty-one students will receive their diplomas. They are David Lee Becker, Cody Nelson Bieker, Ryan David Brantley, Alan Joseph Bruggeman, Brandy Lynn Bussen, Daniel Lee Eatherly, Megan Marie Juenemann, Stephanie Mae Juenemann, Paul Lee Luna, Lorraine Mae Morton, Maranda Eileen Mosier, Clayton Alan Phillips, Amanda Irene Rall, James

Anthony Schippers, Brett Daniel Spresser, Katelyn Jae Spresser, Kyle Derek Spresser, Elizabeth Ann Staats, Drew Alan Stevenson and Jami Kay Wark.

The class colors are red and black and the class flower is the stargazer lily.

The class motto is "If you ain't laughin', you ain't livin' baby!"

The graduation ceremony will begin with the processional, followed by the student prayer by Katelyn Spresser.

Speeches by the salutorian, Megan Juenemann and valedictorian, Stephanie Juenemann will be given. Instead of a speaker, the ceremony will feature a video project by Amanda Rall.

Flowers will be presented, and then diplomas will be handed out by school board president Teri Brantley and board members Paul Bruggeman and Leroy Spresser.

Dr. Roger Baskerville, superintendent, will present the class.

The ceremony will be followed by a reception line and class reception with refreshments in the little gym.