

**weather report**

**48°**

at noon



**Today**

- Sunset, 5:41 p.m.
- Tomorrow**
- Sunrise, 6:14 a.m.
- Sunset, 5:42 p.m.

**Midday Conditions**

- Soil Temperature 24 degrees
- Humidity 30 percent
- Sky mostly sunny
- Winds north 20-27 m.p.h.
- Barometer 30.14 inches and steady
- Record High 80° (1921)
- Record Low -15° (1960)

**Last 24 Hours\***

High	21°
Low	-1°
Precipitation	trace

**Northwest Kansas Forecast**

Tonight: clear, low lower 20s, winds southwest 10-20 m.p.h. Tomorrow: sunny and warmer, high lower 60s, low mid 20s, winds west 10-20 m.p.h.

**Extended Forecast**

Wednesday: mostly sunny, high mid 60s. Thursday: partly cloudy, high upper 60s, low upper 20s. Friday: mostly cloudy, chance of showers changing to snow late. (National Weather Service) Get 24-hour weather info. at 162.400 MHz. \* Readings taken at 7 a.m.

**local markets**

**Noon**

- Wheat — \$2.57 bushel
  - Posted county price — \$2.47
  - Corn — \$1.87 bushel
  - Posted county price — \$1.88
  - Loan deficiency payment — 11¢
  - Milo — \$1.60 bushel
  - Soybeans — \$3.84 bushel
  - Posted county price — \$3.85
  - Loan deficiency payment — \$1.07
  - Millet — \$3.25 hundredweight
  - Sunflowers
  - Oil current crop — \$9.30 cwt.
  - NuSun — \$9.60
  - Loan deficiency pmt. — 16¢
  - Confection current — \$15/\$7 cwt.
  - Pinto beans — \$26
- (Markets provided by Mueller Grain, Sigco Sun, Frontier Equity Co-op and 21st Century Bean. These may not be closing figures.)

**afternoon wire**

Late news from the Associated Press

**1 p.m.**

**Americans die in fierce battle**

**SURMAD, Afghanistan** — U.S. jets carpet-bombed the mountains of eastern Afghanistan today as coalition forces on the ground tried to block al-Qaida and Taliban escape routes. Nine Americans have died in the operation, including at least eight killed when two helicopters took enemy fire, the Pentagon said.

Defense Secretary Donald H. Rumsfeld told a Pentagon news conference that "enemy forces have sustained much larger numbers of killed and wounded" and that the assault, which began Friday, would continue.

At least 40 American troops also were wounded in the ongoing operation against suspected al-Qaida and Taliban believed regrouping near Gardez in eastern Afghanistan. Rumsfeld said the casualties, including wounded, had been evacuated from the region.

# Judge awards mom \$1 million

By Rachel Miscall

The Goodland Daily News

After considering a jury's \$4 million award and weighing several factors in the case, a federal judge has ruled Nellie Lake should receive \$1.1 million for the death of her developmentally disabled daughter at Golden West Skills Center.

Lake, who lives in Denver, filed a civil lawsuit in January 1998. She claimed Golden West staff and a doctor and nurse practitioner in Goodland allowed her daughter, Christina Zellner, to die by drugging her and failing to give her proper medical care.

Zellner, 23, was admitted on Jan. 15, 1996, but apparently was unhappy and refused to eat or drink. She died in her sleep 13 days later after two trips to the hospital for dehydration.

Lake said Christina was healthy when she brought her to Goodland, and Golden West staff underplayed her daughter's condition in reports to her. Administrators at the center said Christina refused to eat or drink, but after a second hospital visit, they thought she was getting better.

After an eight-week trial at federal court in Wichita last summer, a jury sided with Lake, deciding in September that she should receive \$4 million for her daughter's death.

The award included \$2.5 million in punitive damages — designed to punish the defendant — and \$1.5 million in damages for Lake's financial and personal loss. Res-Care of Kansas Inc.,

Golden West's parent company, will be responsible for punitive damages, with the remainder split among defendants named in Lake's suit, the plaintiff herself and her daughter.

The jury award on punitive damages was only a recommendation, however, and U.S. Magistrate Judge John Reid issued a final ruling last month on what Lake should receive. The order, filed at the courthouse in Wichita on Feb. 4, says the mother will receive \$1 million in punitive damages and \$106,000 in actual damages.

The court entered judgment against Res-Care for \$104,233 and against Dr. Sue Jennings, a family practitioner who has moved to Nebraska, for \$1,767. Jennings, the former Golden West medical director, was found to be 1 percent responsible for the death, while Tom Hellerud, a registered nurse practitioner named in the suit, was said to have zero involvement. Lawyers representing Golden West and Res-Care have 30 days to appeal.

Judge Reid explained his decision in a 17-page memorandum included with the order. He said he considered the fault of each party involved and the limits Kansas law places on certain damages to come up with the \$106,000 figure, which was entered after the trial. Most of the reduction came, he said, because Kansas law limits recovery for wrongful death to \$100,000.



C. Zellner

His decision to award \$1 million in punitive damages was more complicated. The judge devoted 16 of the 17 pages to describing how he arrived at his conclusion.

Judge Reid said in cases involving money, the ratio of punitive damages to actual harm usually doesn't go beyond a 10-1 ratio. He noted, however, that the Zellner case involved more personal than financial harm, and added that "the ratio is not a sacred line in the sand."

"Additionally, where the injury is primarily personal," Judge Reid wrote, "a greater ratio may be appropriate."

In a wrongful death case, the judge said, the only damages that can be considered when determining punitive damages are for the "survivor action," which is based on how much the victim suffered before dying.

In the Zellner case, the jury awarded \$5,000 under survivor action, which means the judge could only use that amount when deciding the punitive damages. The result is a 200-1 ratio of punitive damages to actual damages, but Judge Reid said he felt that was fair after weighing seven factors. He said he felt the jury's original \$2.5 million recommendation was "clearly excessive" because it would mean a 500-1 ratio of punitive to actual damages.

The seven factors include whether the center

could have prevented the death, whether staff knew their actions would kill Christina, whether Res-Care benefited in some way from the death, how much money Res-Care makes each year, whether Golden West staff tried to cover-up their involvement, whether Res-Care and staff showed remorse after the death and how much Res-Care would be paying for other damages.

Other factors Judge Reid said he considered were the victim's ability to protect herself, how much Lake had to pay in legal fees and the fact that the purpose of punitive damages is to punish the defendant and stop it and others from doing the same thing again.

The judge said Golden West staff must have known Zellner was seriously ill after she was released from the hospital the second time, but did not call her doctor or seek medical help.

"...there is no doubt that defendant must have had some awareness of the consequences of the failure to provide (Zellner) with adequate medical care," the judge wrote. "Ms. Zellner had already been to the hospital twice within a few days, and she was still not eating much after her second return from the hospital, and was continually falling on Jan. 27."

Judge Reid noted that Golden West staff and management appeared to be genuinely shocked when Christina died. He added there was no evi-

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# Weather has quick recovery

By Rachel Miscall

The Goodland Daily News

The weather in Goodland changed from really cold to pretty comfortable early this morning, and people could be switching from sweaters to T-shirts later in the week.

Steve Rubin, a meteorologist at the National Weather Service office here, said temperatures dropped to 10 degrees last night in town, but shot above freezing when the sun came out this morning. He said temperatures in Hill City quickly rose from 4 below to above 30, and it was the same across northwest Kansas.

"We had some pretty amazing temperature rises," Rubin said, noting that warmer winds from the west replaced Arctic air that brought snow and high winds last week.

He said the temperature should keep climbing, with the weather warming to the upper 60s by Thursday. Highs should be in the low 50s today, Rubin said, and in the low-to-mid 60s on Wednesday and Thursday.

"It'll be a nice reprieve for people who like warm weather," he said.

But winter is expected to show its face again this weekend.

Rubin said a cold front will likely move in late Friday, dropping temperatures and possibly some snow on Saturday. Most of the day will be spared the cold, though.

"TGIF will be one more nice, mild day," he said.

Rubin said the weekend won't be a repeat of last week's weather, which caused schools to close for two days and forced people to reschedule events.

"It's nothing like we had with the last system," he said. "There's just a chance for snow right now."

He said the upper-level storm system won't hang around for long and warmer weather will be back on Sunday, with temperatures rising into the 60s again next week.

Some would like to see more snow, as a warm, dry winter has left crops thirsty. Rubin said snow this year has brought .58 inches of moisture to Goodland, almost an inch less than the same time last year.

# Revenue session important event

TOPEKA (AP) — The most important event of the 2002 legislative session takes place at the end of this week

As do state officials and three university economists are to meet at 1:30 p.m. Friday and spend several hours discussing the economy and crunching numbers. They will emerge with a new forecast of state revenue collections.



Sheldon Lee (in the hat) and Eric Linnell played games as part of Central Elementary's celebration for Dr. Seuss' birthday Thursday.

Photos by Sharon Corcoran/The Goodland Daily News

# Dr. Seuss has influence even after death

By Sharon Corcoran

The Goodland Daily News

Green eggs and ham for breakfast, the Cat in the Hat running around the library and kindergartners reading "The Foot Book." Elementary students were busy last week with fun activities designed to encourage them to read.

The special activities centered on themes from Dr. Seuss' books to celebrate his birthday anniversary, which was Saturday.

The annual celebration is part of the National Education Association's "Read Across America" program. Librarians in the elementary schools in Woodland planned activities, said Maraca Smith, kindergarten through eighth grade librarian.

All the elementary schools served green scrambled eggs and ham on Thursday, Smith said, and the kindergartners at North Elementary read "The Foot Book" to the fifth and sixth graders. They were also scheduled to read the book on the radio Friday morning, she said, but were snowed out.

Smith dressed as the "Cat in the Hat" and helped Central Elementary Librarian Karen Colip with a party in the library. The students ate cookies and worked puzzles such as word searches and mazes with themes from Dr. Seuss books.

As she bounced around the library in her cat costume, Smith said, "I don't



Marcia Smith, kindergarten through eighth grade librarian, dressed as "The Cat in the Hat" Thursday as part of a program to promote reading.

know how she talks me into these things."

Colip's enthusiasm has been behind other reading programs, Smith said, such as last year's "Go Bananas Over Books," in which the students at Central Elementary read enough books to

be rewarded with banana splits. Smith wore a gorilla suit at the party, she said, even though it was May and very warm.

This year, the school's program is called "Hooked on Reading," and the students will get to go to Smoky Gardens if they read 2,000 books by May.

Colic has the library decorated with stuffed sea creatures, an inflatable boat, seashells, fish and other sea-theme items. The students fill out a form shaped like a sea shell, fish or starfish each time they read a book, Colip said, and put the forms in the net mounted on the wall of the library and the hallway outside.

The teacher union program to encourage reading is based on the belief that the only way children become good readers is to practice, and that younger kids benefit from having family members read to them.

Statistics reported on the union's web site say that according to the National Center for Education Statistics, a division of the U.S. Department of Education, 26 percent of children who were read to three or four times in the last week by a family member recognized all the letters of the alphabet. Only 14 percent of children who were read to less frequently recognized all the letters.

Reading to children doesn't just help them to learn to read, the agency said. Children who were read to frequently are also more likely to count

to 20 or higher than those who were not (60 percent versus 44 percent) and to write their own names (54 percent versus 40 percent).

Dr. Seuss, whose real name was Theodor Geisel, wrote many popular children's books before he died Sept. 24, 1991. One of his most well-known books is "The Cat in the Hat."

A 1954 report in *Life* magazine suggesting that children were having trouble reading because their books were boring inspired Geisel's publisher to seek a solution. The publisher sent Geisel a list of 400 words he felt were important for children to learn, an article on the union web site says, and asked Geisel to write an entertaining children's book using 250 of them. Nine months later, "The Cat in the Hat" was published, using 220 of the words on the list.

Testifying to the popularity of Dr. Seuss' books are the on-line surveys on the web site, which include seven of his books on the "Teachers' Top 100 Books for Children" survey and six on the "Kids' Top 100 Books" survey.

"Green Eggs and Ham" was third on both lists, and "The Cat in the Hat" was fourth. The union's "Celebrity Book Picks" lists quarterback Troy Aikman, actors Jim Carrey and Michael Douglas, Rep. Richard Gephardt, actress Darryl Hannah, singer Faith Hill, and members of N'Sync as fans of Dr. Seuss.