The Wayback Machine - https://web.archive.org/web/20080908065024/http://closethayerlearningcenter.co…

15-year-old died at facility for troubled teens in 2004
Thayer home to pay $1 million in death

Steve Rock

Kansas City Star

March 10, 2006

ST. JOSEPH, Mo. — More than 16 months after their son died at a northwest Missouri boarding school, Victor and Gracia Reyes settled their wrongful-death lawsuit on Thursday.

Thayer Learning Center, a home for troubled teens in Kidder, Mo., about 50 miles north of Kansas City, agreed to pay the Reyeses slightly more than $1 million. In addition, Thayer will establish a scholarship fund in memory of Roberto Reyes at Reyes' California high school.

The two sides agreed to the settlement during a 30-minute hearing in Buchanan County Circuit Court.

Neither John nor Willa Bundy, who own Thayer, were at the hearing. Neither were the Reyeses, who live in California.

A prepared statement handed out by the Reyeses' attorney after the hearing said: "Victor and Gracia Reyes have decided to resolve their claims for the wrongful death of their son, Roberto Reyes, the terms of which address concerns the Reyeses had about health and safety, and provide for a scholarship fund to be set up in Roberto's local community."

It is not clear how those health and safety concerns have been addressed, and attorneys for both parties refused to answer questions.

Court files suggest $1 million of the $1,050,000 settlement will be paid by a Thayer insurer.

During the hearing, the Reyeses' attorney, James Thompson, told the judge that his clients thought the settlement was "fair and reasonable."

"At a jury trial," he said, "they realize they may have received more or may have received less."

Roberto was 15 when he died in November 2004. He had been at Thayer for less than two weeks.

Roberto's death has been attributed to a probable spider bite. A state child-welfare team conducted a lengthy investigation and concluded that Thayer apparently "failed … to provide access to appropriate medical evaluation and/or treatment" for Roberto. That report also said "interviews and evidence also suggest significant contradictions and possible deliberate falsification of written records."

In court records, Thayer officials denied culpability in Roberto's death and denied altering any records.

The Reyeses filed the wrongful-death suit in February 2005 and alleged that Roberto was subjected to physical exertion and abuse that caused or contributed to his death. The lawsuit alleged that Roberto would have lived had he received competent medical care in a timely manner and that he was dragged, hit, placed into solitary confinement and "forced to lay in his own excrement for extended periods of time."

In court records, Thayer officials denied those and other allegations.

The lawsuit named seven defendants: Thayer, two affiliated businesses and four persons who were Thayer employees at the time of Roberto's death.

The case file swelled almost immediately and, as of Thursday, contained hundreds of pages. It is clear from court filings that the plaintiffs were trying to establish a pattern of medical neglect at Thayer, saying in one filing that Thayer's "historical denial of appropriate medical care and treatment to students" would likely be the case's "central issue."

Some allegations from a September 2005 filing:

- A student was put in isolation with a sandbag tied or taped to each hand for approximately 11 hours. He never saw a doctor, despite deep gouges in his flesh.
- After a boy drank a gallon of bleach in a suicide attempt, he was not allowed medical care.
- A student had a fever of 102 degrees and then 104.7 degrees but was never taken to a doctor.

Plaintiffs' attorneys wrote: "There can, perhaps, be no more tragic event than the failure to provide adequate care and medical treatment to minor children. Thayer engaged in such conduct before and after Roberto Reyes' death. Other incidents … are both relative and probative of the issues in plaintiffs' petition."

Thayer attorneys called such allegations "sensational" and "unsubstantiated."

The case had been scheduled to go to trial in June.

To reach Steve Rock, call (816) 234-4338 or send e-mail to srock@kcstar.com .