

# THE DANVILLE REGISTER

June 1, 1989

## Suit hits TMH for \$700 K

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An Indian doctor's \$6.5 million antitrust lawsuit against The Memorial Hospital and the Danville Urologic Clinic has been settled out of court for \$ 775,000.

Dr. Mahendra Shah—originally from India and now an Oklahoma City, Okla., urologist sued in Danville's U.S. District Court in June 1988 and considers the settlement a Victory. He claims the hospital, the clinic, and 14 TMH officials and urologists conspired to ruin his practice.

"I wanted this to be known to the public," Shah said Wednesday. "I initially did not sue for money at all; they tried to destroy my career as urologist. We liked Danville, and we wanted to live there. But as foreigners, we knew this kind of thing would happen."

The lawsuit defendants contend that the settlement is not an admission of wrongdoing. They say it was a decision by their insurance companies to avoid the time and expense of a lengthy trial. The Shah trial was expected to last one month.

"We believe that the evidence at the trial would have demonstrated that any actions taken by DUC and its members were taken out of good faith concern for patient care," said the clinic's doctors in a prepared statement.

"Our concerns were shared in large part by a number of other distinguished urologists from Virginia who were prepared to testify based on their review of a number of Shah's patient charts." According to the lawsuit, Shah bought practice of retiring urologist Dr. Ralph McCauley In 1981. He claims the conspiracy started when the hospital took seven months to grant him **privileges instead of the** usual 90 days.

He charges that the hospital wanted seven reference letters instead of the minimum three and asked specious questions about his credentials and background.

Additional evidence of a conspiracy, Shah alleges, was in other urologists' refusal to cover his patients when he was unavailable. In the lawsuit, Shah said he got non-urologist to cover him. But then the defendants reinterpreted the hospital bylaws to require that a specialist only be covered by a member of that specialty, the suit states.

Shah also said the defendants thwarted his efforts to bring in partners by stalling their applications for hospital privileges.

Shah said the hospital, the clinic and others named In the suit took these actions against him because he charged lower prices than DUC and threatened the clinic's dominant market position.

The defendants in the suit continue to deny all Shah's charges. Danville urologists have claimed they would not cover Shah's patients because they had doubts about his medical Competency.

Along with antitrust violations, Shah also accused the defendants of discriminating against him because he is Indian. But U.S. District Court Judge Jackson Kiser ruled last

year that Shah did have enough evidence to support that claim.

Kiser also dismissed a lawsuit against the hospital and Danielle Anesthesiologists Inc. filed by; Shah's wife, anesthesiologist Dr. Purima M. Shah. She accused TMH and DAI of racial discrimination and antitrust violations.

Last week, the 4th Circuit U.S Court of Appeals upheld Kiser's decisions on those issues.