

**From:** "Kropp, Emily L."  
**To:** "Ullyot, Theodore W.", "Kavanaugh, Brett M."  
**Subject:** FW:  
**Sent:** Fri, 18 Jun 2004 09:04:34 -0500  
[a.gif](#)

[just so you can see more background on this Youngstown conversation participant in case you're asked.](#)

-----Original Message-----

**From:** Neusner, Noam M.  
**Sent:** Friday, June 18, 2004 9:49 AM  
**To:** Michel, Christopher G.; Drouin, Lindsey E.; Kropp, Emily L.  
**Subject:** FW: ugh

[I think it makes sense to do our own checking on this issue, henceforth.](#)

b(6)

-----Original Message-----

**From:** Gilbert, Alan  
**Sent:** Friday, June 18, 2004 9:45 AM  
**To:** Neusner, Noam M.  
**Subject:** RE: ugh

b(6)

-----Original Message-----

**From:** Neusner, Noam M.  
**Sent:** Friday, June 18, 2004 9:42 AM  
**To:** Gilbert, Alan  
**Subject:** FW: ugh

[What happened here?](#)

June 18, 2004

OP-ED COLUMNIST

## Not So Frivolous

By BOB HERBERT

**A**LLIANCE, Ohio

President Bush traveled to Youngstown, Ohio, a few weeks ago to talk about health care, and

before long he was reprising his complaint about "junk and frivolous" malpractice suits, which he said are discouraging good doctors from practicing medicine.

As he often does, the president called for reforms to make it more difficult for patients to seek compensation and to restrict the amount of damages that could be paid to those who prove they have been harmed.

To bolster his argument Mr. Bush introduced a local doctor, Compton Girdharry, to an audience at Youngstown State University. Dr. Girdharry, an obstetrician/gynecologist, said he had been driven from a practice of 21 years by the high cost of malpractice insurance.

The president praised Dr. Girdharry and thanked him for his "compassion."

If Mr. Bush was looking for an example of a doctor who was victimized by frivolous lawsuits, Dr. Girdharry was not a great choice. Since the early 1990's, he has settled lawsuits and agreed to the payment of damages in a number of malpractice cases in which patients suffered horrible injuries.

"It's been four years since my son passed away, and I don't feel any stronger or any happier than the day I lost him," said Lisa Vitale, whose suit against Dr. Girdharry and a hospital was settled out of court.

During an interview in her home in Alliance, Ms. Vitale said she went into Alliance Community Hospital on the morning of Aug. 17, 1993, for the delivery of her second child.

Her first delivery had been by Caesarean section, but Ms. Vitale said she was told that a vaginal delivery this time would not be a problem. While she was in the delivery room, however, the fetal monitoring strip was not properly checked and, she said, she was left alone and in pain for long periods. Dr. Girdharry stopped by around 6 p.m. and then went to dinner.

No one noticed that the baby was in serious distress.

Dr. Girdharry blamed the ensuing tragedy on the nurse. Ms. Vitale, he told me, "was being monitored by a nurse who was what they call a casual part-time nurse, who was not very well trained in reading fetal monitor strips."

By the time he was called back from dinner, he said, it was "too late" to take the steps, including a Caesarean delivery, that might have prevented permanent injury.

The baby was born with severe brain damage. He was unable to even drink from a bottle. He lived six years and four months, requiring nursing care the entire time.

Judy Mays, another patient of Dr. Girdharry, delivered a son by Caesarean section on March 26, 1999. The baby was fine. But, as alleged in a suit filed by Ms. Mays, when the incision was closed, a sponge with a cord and a ring attached to it was left inside.

Ms. Mays said she complained repeatedly to Dr. Girdharry about the pain she experienced, which at times was incapacitating. "When I brought it to the doctor's attention," she said, "he told

me, "Well, you just had major surgery. You've got to heal."

After four and a half agonizing months, Ms. Mays felt a bulging growth beneath the skin, "about the size of a grapefruit."

She was petrified, she said, thinking it was a tumor. She said an associate of Dr. Girdharry ordered tests, including a CAT scan. The sponge was spotted, but by that time it had adhered to her internal organs and her intestines were surrounding it.

Dr. Girdharry told me he began operating to remove the sponge but found the damage was worse than he had expected. Another surgeon was called to complete the surgery.

Ms. Mays said she learned after the surgery that part of her large and small intestines had been removed, and that she probably would have died if the sponge had stayed inside her for another month. The surgery, she said, has left her with a variety of permanent ailments.

These are just two of the cases settled by Dr. Girdharry, who told me that his appearance in Youngstown with President Bush was "a dream come true."

Yesterday a White House spokesman said the president had not been aware of the problems in Dr. Girdharry's background. "Had this doctor provided that information," the spokesman said, "he would not have been at that event."

