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Wednesday, February 25, 2009

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Friday, Jul. 04, 2008

Excess of \$300,000 awarded to doctor

Retaliation against doctor found in suit

By Carol Reiter / creiter@mercedsun-star.com

Dr. John Brannigan, an obstetrician who practiced in both Los Baños and Merced, has been awarded punitive damages by a Merced jury in a suit against Memorial Hospital Los Baños.

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Brannigan was awarded \$300,000 in punitive damages, just one week after he had been awarded \$1.8 million in compensatory damages by the same jury.

Brannigan's suit claimed that the hospital and Dr. Jason Mevi, chief of staff at Memorial, had retaliated against him after he complained to the state about unsafe practices in the labor and delivery area of the hospital. Brannigan was on the staff of Memorial from 2002 to 2004.

Jeffrey Rager, Brannigan's attorney, said that Brannigan first complained to the hospital about the problems, and only after the hospital refused to take action, did Brannigan take his complaints to the California Department of Health Services, the licensing agency that gives hospitals their license to practice.

Rager said that when Brannigan did that, the hospital retaliated by making complaints about the obstetrician to the California Medical Board.

The state did an investigation at the hospital, and found that Brannigan's complaints were valid.

"The hospital made 16 complaints to the medical board, and the board has rejected 14 of those," Rager said. "The jury decided that the hospital did indeed retaliate against my client."

Rager added that no complaints about Brannigan, 57, had been made to the medical board until he made his complaints to the state.

The first trial, for compensatory damages, lasted two weeks under Superior Court Judge Hugh Flanagan. The jury was reconvened this week, and gave Brannigan punitive damages.

"I asked that the jury give a fraction of the \$1.8 million, we don't want to harm the hospital," Rager said. He added that the hospital had asked the jury to award no punitive damages.

The attorney said that his client hasn't been able to practice medicine since 2004, when the hospital turned him in to the medical board. Brannigan is expecting to go before the medical board in October, and Rager said his client hopes to refute the last two charges.

"The state was unaware of any possible motivation of the hospital to do this, and now they know," Rager said. He added that his client wants to get his license back and go back into medicine. Brannigan currently lives in Oakdale.

Diane Hambley, marketing coordinator at the hospital, said, while "we do not agree with the decision, we respect the jury and appreciate the effort. We are looking into all of our options."

Merced Sun-Star reporter Carol Reiter can be reached at (209) 385-2486 or creiter@mercedsun-star.com.

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