

# Crouch estate reaches settlement with Lourdes, Paducah surgeon

STAFF REPORT

The estate of a Livingston County man has been awarded a \$1.5 million settlement against Lourdes Hospital and a Paducah physician.

The settlement cancels a malpractice trial against Dr. Joseph Curtsinger which was scheduled to begin Monday in U.S. District Court here.

William McMurry, a Louisville attorney representing the estate of Billy Crouch of Smithland, said Saturday an out-of-court agreement was reached Friday.

McMurry said Lourdes Hospital agreed to pay \$500,000. The remaining \$1 million will be covered by Curtsinger's malpractice insurance, he said.

The malpractice suit arose when Crouch's estate alleged that Curtsinger delayed an operation, allowing a fatal gangrene infection to develop. The plaintiffs also alleged that Lourdes Hospital was negligent for issuing credentials to

Curtsinger. Both denied wrongdoing.

Crouch's estate alleged that Curtsinger's battle at the same time with the hospital over a peer review report had left the doctor distraught and that the hospital negligently left him on the staff.

The peer review report on Curtsinger as a whole cleared Curtsinger of any wrongdoing in another case, but one minority report in the files allegedly was critical of Curtsinger. That document was never adopted formally by the peer review committee.

Curtsinger sued the hospital alleging it allowed McMurry to review the report. The doctor had asked that he be allowed to see the critical report also, but his request was denied last November in McCracken Circuit Court. Curtsinger's attorney, Mark Greene of Louisville, made a similar request of U.S. District Court Judge Tom Russell, who was to

hear the malpractice suit.

Citing a Kentucky Supreme Court ruling last year that said hospital records could be released in medical malpractice cases, Russell last January ordered Lourdes to turn over most of Curtsinger's peer-review files to the plaintiffs.

However, he declined to release the critical document, saying it "had no relevance" in the case. He ordered the document sealed.

Curtsinger, in his suit against the hospital, said that ruling left him heading into a high-stakes malpractice suit with the hospital and Crouch's attorney sharing a vital document he had not seen.

Hospital attorney David Kelly confirmed the settlement amounts. Greene could not be reached for comment.

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