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**EVELYN S. BERWICK, M.D.**  
INTERNAL MEDICINE - FAMILY PRACTICE

The Disciplinary Board  
Of The  
Supreme Court of Pennsylvania  
Suite 400  
Union Trust Building  
501 Grant Street  
Pittsburgh PA 15219-4407

5/6/05

Complaints about Joseph Otto, Dickie McCamey, & Chilcote defending Dr. Francis Solano UPMC Montifiore performed the following unethical and possibly illegal behavior.

- 1) Mr. Otto met with plaintiffs of the case included in this mailing four times, before the first meeting he asked us to send him our IRS 1040 forms to confirm Dr. Berwick (the plaintiff) was earning an average \$500,000.00 annually.
- 2) Mr. Otto acknowledged his client was guilty of wrong doing and offered a settlement annuity of \$400, 000.00 for a twenty year period. This settlement offer was made on the third meeting with Dr. Berwick's representative (Robert P. Hussey). A voluntary polygraph will confirm that annuity offer which Mr. Otto made verbally.
- 3) Since Mr. Otto led us to believe he was in the process of negotiating a settlement we saw no need to engage a lawyer to represent us and we trusted him when he said quotes such as "I am the man who makes the settlement decisions for UPMC, and I am not a man who offers one while thinking ten."
- 4) Besides, Dr. Berwick was so damaged by what Mr. Otto's client did to her that she could not afford an attorney at that time because as soon as Dr. Solano mistakenly referred Dr. Berwick to the Physicians Health Program as an implied morphine addict and publicly chastised her in front of a very credible group of witnesses BEFORE he read her chart and found out that the morphine in Dr. Berwick's bloodstream was administered in Dr. Solano's emergency department just hours earlier while she was still unconscious as an innocent vulnerable patient.

**ROBERT P. HUSSEY, GENERAL BUSINESS MANAGER**

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- 5) In the enclosed "kiss off" letter that Mr. Otto had his underling Mr. Manoj Jegosothy send us he wrote that lacking a third party confirmation of the atrocity Dr. Solano committed he was withdrawing from settlement negotiations.
- 6) Mr. Otto said that Dr. Solano's premature and incorrect referral to the Physicians Drug and Alcohol Abuse Program in Harrisburg was for high blood pressure. That is a lie. Mr. Otto knew quite well that the "PHP" is an organization exclusively for proven drug and alcohol impaired physicians only.
- 7) Mr. Otto also knew that the claims that Dr. Berwick had been referred to the PHP for memory lapses during her intake at UPMC Montifiore were an inadequate reason for referral to the PHP at that time. Well, naturally she had memory lapses; she was saturated with morphine that she did not even know she was given in the emergency department hours earlier.
- 8) Dr. Solano, in an attempt to cover his mistakes then initiated a massive cover-up in this way... he made sure that Dr. Berwick was not even treated for the real reason she came to the hospital in the first place, an occluded ureter to her kidney which caused the extremely high blood pressure. UPMC Montifiore began treating her real medical problem only days later and opened up her blocked ureter which immediately initiated her recovery.
- 9) Mr. Otto was well aware of the fact that he could have contacted the patient in the bed next to Dr. Berwick and the other patient's family by way a nurse's medical records procedure, but he knew they would testify on behalf of Dr. Berwick because they did after all tell Dr. Berwick's husband, son, and two daughters when they came to visit Dr. Berwick. It did not occur to Dr. Berwick to write down the name, address, and phone number of the patient in the next bed and her mother because at the time Dr. Berwick did not know that a career-ending chain of events were set into motion when Dr. Solano prematurely and innocently referred her to the PHP before he read her chart and learned that his emergency department injected her with morphine against her will and without her knowledge and consent.
- 10) Furthermore, Mr. Otto and Dr. Solano did NOTHING! to correct, stop, delete, or reverse the protocol of the PHP even after they learned that Dr. Solano called the impaired physician program and essentially destroyed Dr. Berwick's previously impeccable career.
- 11) Once Dr. Berwick was entered into the "PHP" by a casual phone call from Dr. Solano, Dr. Hobbs (the director of the PHP), and Mr. Ken Jones Esq. the general counsel of the PHP did not follow any of the standard admission criteria of their own organization to confirm Dr. Berwick was a drug impaired physician, and they sent letters to all of Dr. Berwick's Hospital and Insurance HMO's etc. informing them that she was admitted and eventually released from the impaired physicians program.

12) Since that time in August of 2002, Dr. Berwick has been terminated from her hospitals, HMO's, etc. She has been reduced from an \$800,000.00 per year income at the zenith of her career to essential bankruptcy. Dr. Berwick has continued practicing medicine for the last two years using personal savings to pay the staggering overhead of her practice because she refused to abandon those patients who stand by her. Mr. Otto, Dr. Solano, Dr. Hobbs, and Mr. Jones seem to have conspired to avoid direct responsibility for her catastrophic situation.

13) In closing, it is the belief of Evelyn S. Berwick M.D. that Mr. Otto and UPMC Montifiore should do at least exactly what Mr. Otto offered Dr. Berwick: award her \$400,000.00 per year for twenty years.

From a direct request of Mr. Otto's' Reversal of that settlement offer Dr. Berwick has suffered a stress-related heart attack requiring heart surgery to save her life. Please help us.

Sincerely,

X \_\_\_\_\_  
(Robert P. Hussey)

X \_\_\_\_\_  
(Evelyn S. Berwick M.D.)