



**UPMC** | University of Pittsburgh  
Medical Center

*Corporate Legal Department*

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August 8, 2005

**Writer's Direct Number**  
**(412) 647-7398**

Mr. Robert Hussey  
4038 Perrysville Avenue  
Pittsburgh, PA 15214

Re: Dr. Berwick

Dear Mr. Hussey:

Thank you for your meeting with me and providing the materials for me to review. I did speak with Dr. Roth and I also spoke with Joe Otto. No offer was ever made or accepted to settle the claim. In the documents you gave to me, you wrote in your letter dated March 13, 2004 to Dr. Solano that Mr. Otto "has refused to make any offer of reparation" to you. Based on my review of the materials and my discussions, I cannot recommend that we forego the legal defense that we have on the statute of limitations and whatever defense we may have on the merits as well and provide a settlement offer to you. Moreover, our insurance company auditors would never agree to permit us to settle a case after the statute of limitations has expired.

Thank you for your patience awaiting my reply, and I hope that Dr. Berwick is able to overcome her adversities.

Sincerely,

A handwritten signature in black ink that reads "Richard P. Kidwell".

Richard P. Kidwell  
Associate Counsel and  
Director of Risk Management

RPK:aer



9100 Babcock Boulevard  
Pittsburgh, PA 15237-5842  
412-367-6700

May 24, 2005

Evelyn Berwick, M.D.  
1605 Lowrie Street  
Pittsburgh, PA

Pursuant to my conversation with Mr. Robert Hussey today regarding what is needed for your application to be considered, I have completed further review of your file, and at this point in accordance with our bylaws it remains incomplete 45 days after receipt. As of this date it considered to have been voluntarily withdrawn.

3.A.2. Initial Review of Application:

- (a) A completed application form with copies of all required documents must be returned to the Medical Staff Office within 45 days after receipt, or it shall be deemed to have been withdrawn.

As I stated to you and Mr. Hussey previously, you were to submit a copy of the official stated "charges" that lead to the investigation at Allegheny General and Suburban General Hospitals as well as the summary of findings that lead to your loss of privileges (termination) at both facilities. This information, required as part of your application, was never received.

Please note that any future applications submitted must be complete.

Sincerely,

A handwritten signature in black ink, appearing to read "Lou Ann Brindle".

Lou Ann Brindle, RN, BSN, CPCS  
Director, Medical Staff Services  
UPMC Passavant

cc  
Stephen Nimmo, Legal Counsel