

Hospital sale suit: Dead for now

Judge grants stay in Good Samaritan litigation

By John Aguilar

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[Buzz up!](#)vote nowA lawsuit that challenges the proposed sale of Exempla Good Samaritan Medical Center in Lafayette to a Catholic organization was thrown into limbo Wednesday when a judge granted a request from lawyers to put a stay on the case.

Frances Koncilja, an attorney for the plaintiffs, said it was in the “best interests of our clients” to request the stay from District Judge Morris Sandstead Jr.

She said the parties in the case will wait to see what comes of arbitration in a similar suit in Denver, in which Exempla sued Lenexa, Kan.-based Sisters of Charity over the proposed transaction.

At the heart of the \$311 million deal is concern by opponents of the sale that transferring full control of Good Samaritan, as well as Exempla Lutheran Medical Center in Wheat Ridge, from Arvada-based Community First Foundation to Sisters of Charity would make certain procedures banned by Catholic directives — such as tubal ligations, emergency contraception or end-of-life treatments — off-limits to patients.

The hospitals are jointly owned by Sisters of Charity and Community First Foundation.

In the Boulder County suit, which was filed in December and includes Boulder resident Ami Sadler as a plaintiff, the plaintiffs argue that both hospitals were originally established to provide “broad non-sectarian medical services” to the residents of Boulder and Jefferson counties and that the sale would abrogate that arrangement.

Sisters of Charity filed a motion earlier this year to dismiss the suit, and parties to the case met in Sandstead’s courtroom Wednesday to present arguments.

Koncilja told the judge a whole range of medical procedures would be denied to patients who use the hospitals if the deal goes through as it’s proposed.

“There are numerous things I may want, that you may want, that my clients may want, that we will not be able to get,” she said. “No infertility treatments, no end-of-life procedures, no withdrawing of feeding tubes, you can’t counsel rape victims about the morning-after pill. It’s a complete panoply.”

Steven Perfrement, a lawyer for Community First Foundation, countered that the plaintiffs don't have standing in the case because their claims about denied services are speculative and not the result of real injury.

He also cited a decision last year by Colorado's attorney general that the sale should go ahead because it doesn't present a "material change in charitable purposes" of the hospitals.

Sandstead hinted at possible speculative aspects to the lawsuit during the hearing.

"Is that what this case is about?" he asked Koncilja. "What you think will happen if there is a sale?"

Koncilja said she and her legal team will monitor the Denver case and ensure the outcome from the arbitration there addresses her clients' concerns. She said she will ask the judge to reactivate the suit if the Denver case doesn't produce satisfactory results or if the sale of the hospitals appears to move forward in the meantime.

Right now, Koncilja said, local patients can rest easy.

"The transaction has not closed yet, so the residents of Boulder and Jefferson counties can still get all of those services," she said after the hearing.

Sadler, the Boulder plaintiff who got involved in the case over end-of-life issues she once faced, said the multiple lawsuits over the proposed transaction amount to a "legal chess game."

She said all she wants to see is people able to get legal medical services without having to worry about who is in control of their health facility.

"Any decision is between me and my physician," she said. "I don't want decisions imposed on me by a religious entity."



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