



Everything New Orleans

The Times-Picayune

TP seeks to open hospitals' lawsuit

Lifecare sues Tenet

Judge closes case

Friday, August 4, 2006

Staff Reports

Two health care companies who operated at Memorial Medical Center should not have been allowed to fight each other in a secret lawsuit, The Times-Picayune contends in court papers filed Thursday.

Lifecare Hospitals filed suit against Tenet Healthsystems on Jan. 23, and Judge Rosemary Ledet allowed the two health care firms to fight it out in a series of sealed motions until March 6. On that date, the two jointly sought to dismiss the case, suggesting they had settled their dispute.

Because so much of the case is sealed, it is unclear whether the suit between the two health care firms involves Memorial, where state Attorney General Charles Foti is investigating 34 deaths in the desperate week after Hurricane Katrina. Foti arrested three people on charges of second-degree murder on July 18 in connection with four of the deaths. They have been booked but have not been charged.

Tenet owned Memorial at the time of the storm. Lifecare leased and operated the floor where the four people died.

In seeking to open the record, Times-Picayune attorney Lori Mince argued that court disputes cannot be conducted in secret unless a judge finds a compelling reason to restrict the public's right to know. Even then, Mince argued, the judge would be allowed to seal only limited parts of the record, not the entire thing.

The Times-Picayune won a ruling against such blanket secrecy in June when the state Supreme Court ruled that restaurateur Al Copeland and his fourth wife could not divorce in a closed court proceeding. The state Supreme court said there is a "strong constitutional bias" in favor of open court proceedings, finding the court's "blanket order sealing the entire record in this case to be overbroad."