

Jury awards doctor \$2.9 million in

By CHANDA TEMPLE
News staff writer

A Jefferson County jury has awarded \$2.9 million to a Birmingham doctor who claimed two medical companies defrauded him by not renewing his contract after promising they would.

Jurors Friday returned the verdict in favor of Dr. Chauncey B. Thuss Jr., and against Eastern Health System Inc. and Eastside Ventures Inc. Eastside Ventures Inc. is a division of Eastern Health System, which is in the business of owning and operating hospitals such as Medical Center East.

Thuss entered into a two-year contract with Eastside Ventures to direct the occupational medicine department for Medical Center East, said plaintiff lawyer David Marsh.

During the last five months of the contract, Thuss claimed that representatives of the defendants assured him that his contract would be renewed, Marsh said. But the defendants had no intention of renewing the contract, Marsh said, and hid that decision from Thuss.

Marsh said Thuss relied on what the defendants represented, and turned down another hospital's offer to head an occupational clinic in Birmingham. On the final day of his contract, the defendants gave Thuss a letter saying his contract would not be renewed.

Thuss' suit, filed November 1999 by Marsh and Susan Silvernail, claimed fraud, misrepresentation, suppression and deceit.

Marsh said some of the most powerful evidence he had was from e-mails between the defendants' representatives in the months leading up to Thuss' termination.

Marsh said the e-mails clearly showed a decision was made not to renew the contract months before they notified the doctor, and that they deliberately set out to hide that fact from Thuss until the last possible moment.

"The jury saw those e-mails and it was very powerful evi-

dence," he said. Jurors deliberated 2½ hours before reaching a verdict Friday in Circuit Judge Dan Rogers' court.

"There was very strong evidence that the defense corporations set out to deceive Dr.

Thuss and conceal the truth from him until the last day of his contract," Marsh said. "Obviously the jury felt that companies have a responsibility and obligation to deal fairly with their employees and to be up-

front with them and not to mislead them and play with their futures."

Jo Alice Driggers, hospital spokeswoman, said the case was over a contractual dispute and has nothing to do with patient

lawsuit over contract

care. "We disagree with the verdict and intend to appeal it," she said.

Marsh said the defense argued that contract termination was a business decision. "Our position was you don't lie to

someone and mislead them and then call it a business decision," he said.

Marsh said Thuss is currently the medical director at another occupational clinic in Birmingham.