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CHARLES W. KRAMER  
VA. BAR  
JONATHAN R. MOOK  
VA. & D. C. BARS  
CHARLES RUST-TIERNEY  
VA. & D. C. BARS

January 26, 1984

Gerald L. Klerman, M.D.  
Director of Research  
Cobb Psychiatric Research Lab  
Massachusetts General Hospital  
Fruit Street  
Boston, Massachusetts 02114

RE Osheroff v. Chestnut Lodge

Dear Dr. Klerman:

I am not sure whether Dr. Osheroff has informed you that we have finally gotten a majority opinion from the Panel on the award of damages in the amount of \$250,000. As we discussed previously, the Panel was split on the issue of damages and then, upon reconsideration, arrived at the amount of \$250,000. The health care providers have rejected this award and asked for a jury trial on the issue, so it appears that the matter will have to be tried before a jury. I am told that we can expect a trial date approximately one year from now. I will be in further contact with you concerning your continued participation in the case.

Also, let me express my gratitude for your cooperation and extreme patience in educating me on the psychiatric issues in this case. I am convinced we prevailed in this case largely because of the superb quality of the expert testimony we were able to present to the Panel.

Again, thank you for your excellent assistance.

Sincerely,

  
DAVID J. FUDALA

DJF/ja

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January 26, 1984

Donald F. Klein, M.D.  
722 West 168th Street  
New York, New York 10032

RE Osheroff v. Chestnut Lodge

Dear Dr. Klein:

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January 26, 1984

Bernard Carroll, M.D.  
3937 St. Marks Road  
Durham, North Carolina 27707

RE Osheroff v. Chestnut Lodge

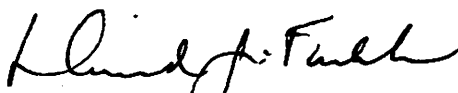
Dear Dr. Carroll:

I am not sure whether Dr. Osheroff has informed you that we have finally gotten a majority opinion from the Panel on the award of damages in the amount of \$250,000. As we discussed previously, the Panel was split on the issue of damages and then, upon reconsideration, arrived at the amount of \$250,000. The health care providers have rejected this award and asked for a jury trial on the issue, so it appears that the matter will have to be tried before a jury. I am told that we can expect a trial date approximately one year from now. I will be in further contact with you concerning your continued participation in this case.

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January 26, 1984

Frank J. Ayd, Jr., M.D.  
912 West Lake Avenue  
Post Office Box 16315  
Baltimore, Maryland 21210-0315

RE Osheroff v. Chestnut Lodge


Dear Dr. Ayd:

I am not sure whether Dr. Osheroff has informed you that we have finally gotten a majority opinion from the Panel on the award of damages in the amount of \$250,000. As we discussed previously, the Panel was split on the issue of damages and then, upon reconsideration, arrived at the amount of \$250,000. The health care providers have rejected this award and asked for a jury trial on the issue, so it appears that the matter will have to be tried before a jury. I am told that we can expect a trial date approximately one year from now. I will be in further contact with you concerning your continued participation in the case.

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Again, thank you for your excellent assistance.

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JONATHAN R. MOOK  
VA. & D.C. BARS

CHARLES RUST-TIERNEY  
VA. & D.C. BARS

January 26, 1984

Dr. James Egan  
15405 Spring Meadow Drive  
Darnestown, Maryland 20874

RE Osheroff v. Chestnut Lodge

Dear Dr. Egan:

I have not spoken with you since we talked during the Osheroff trial and I sent you a subpoena to testify in Rockville. As I explained to your assistant, I worked things out so that you did not have to testify, and am happy that things worked out that way. I trust you understand that my issuing a subpoena for your testimony was done out of my professional duty to Dr. Osheroff.

In any event, if you have not already heard, Dr. Osheroff prevailed in that litigation and was awarded the sum of \$250,000 against Chestnut Lodge and the individual doctors. The health care providers, however, have rejected the award and requested a jury trial, so the case will now have to be heard before a jury in Montgomery County. If you have any questions about the case, please feel free to give me a call.

Thank you for your assistance.

Sincerely,

  
DAVID J. FUDALA

DJF/ja

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VA. & D. C. BARS

January 26, 1984

Zigmond Lebensohn, M.D.  
2015 R Street, N.W.  
Washington, D.C. 20009

RE Osheroff v. Chestnut Lodge

Dear Dr. Lebensohn:

You may have heard by now through the psychiatric community that Dr. Osheroff prevailed in his litigation against Chestnut Lodge. We received the Panel award on January 10, 1984 awarding Dr. Osheroff the sum of \$250,000 against Chestnut Lodge and the individual doctors. The case has not ended, I am afraid, as the health care providers have rejected the award and requested a jury trial. Hopefully, this time next year we will have a verdict from the jury.

I thought you would be interested in the result of this case, and I wanted to thank you again for your cooperation in our obtaining your testimony by deposition. If you have any questions about the case, please feel free to give me a call.

Sincerely,

  
DAVID J. FUDALA

DJF/ja

MEMORANDUM

TO : OSHEROFF MALPRACTICE FILE

FROM : DAVID

DATE : JUNE 1, 1984

---

I received a telephone call from Judge Latham from the Montgomery County Circuit Court at approximately 9:45 a.m. today. He told me that he was calling concerning two matters.

First, he told me that he had signed the Order staying the effect of his May 2, 1984 rulings in the case. He told me that he had contacted Ehrmantraut and Scanlon, and they indicated that they did not want to get involved in the matter without a further hearing. I did not inquire further what the Judge meant by that or what contacts he had had with these counsel. He indicated that he would leave the matter on for hearing, and that we would receive a Notice of the hearing in July.

Second, the Judge stated that he must not have been "speaking English" when Mr. Hirschkop was in his court, as he had specifically pointed out to him at that time that we had not properly filed the Rule 20 motion for special admission of out-of-state counsel. He also stated that he is amazed that we haven't done anything about it after the comments he had made in open court about it. I politely interrupted the Judge and pointed out to him that we had filed the proper papers on May 7, 1984 and that they were in the file. He told me that he didn't want to debate it with me, but that in his opinion we have been engaged in the unauthorized practice of law for the past couple of months in his court. He further stated that if the file comes up there again without the Rule 20 Orders being signed that he was going to take some action. He did not indicate what action it was.

I again pointed out to the Judge that the Orders had been filed and that we had assumed that it was simply an administrative matter for those Orders to be given to the proper Judge by the Clerk's Office. Judge Latham stated that he didn't know about that because that was an administrative matter and that he was up on the 9th floor. I then politely asked the Judge, since he had the file and since the Orders were in the file, would he sign the Orders. He told me that he would not sign the Orders and that "I don't want to get involved in it." The Judge then reiterated that he had signed our Order and terminated the conversation.

I then spoke with Judge Latham's secretary at approximately 11:15 a.m. She indicated that she had the original file in the Judge's chambers and she would hold it there for our paralegal to come pick it up at 1:30 p.m. She further indicated that the Clerk's Office closes at 4:30 p.m. today. She explained to me that our paralegal could pick up the file, take the original Order down to the Law Office in room 102, and have it time-stamped along with our copy being time-stamped. She then told me that Jeffrey could wait

MEMORANDUM

TO: OSHEROFF MALPRACTICE FILE

JUNE 1, 1984

PAGE 2

for the file and then take the Rule 20 admission papers up to the Duty Judge, Judge Beard, and that he could give them to his secretary, and Judge Beard would sign them and Jeffrey could bring the file back down. Jeffrey could at that point file the Order of Appeal and have it time-stamped.

Finally, just before Judge Latham called me, I had spoken with Bob Salzer and Bob indicated he had not received a copy of the signed Rule 20 Orders and pointed out to me that we should raise that with the secretary to make sure they were signed. Just before Latham called me, I was in the act of getting on the phone to call his secretary and ask him to sign those while he had the file in his office. Of course, Judge Latham's position on the Rule 20 motions is set forth above.



LAW OFFICES OF  
JOSEPH, GREENWALD AND LAAKE

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MICHAEL D. JACKLEY  
FRED R. JOSEPH  
BURT M. KAHN  
CHRISTOPHER A. KING

WALTER E. LAAKE, JR.  
LEO HOWARD LUBOW  
SHELLY E. MINTZ  
LEWIS F. MORSE  
CHARLES J. NABIT  
STEVEN M. PAVSNER  
CHARLES R. SPIGELMAN

August 1, 1984

John Grad, Esquire  
Hirschkop & Grad, P. C.  
108 North Columbus Street  
P. O. Box 1226  
Alexandria, Va. 22313

Re: Osheroff vs. Chestnut Lodge, et al.

Dear Mr. Grad:

This letter is written on the heels of Judge Latham's scholar and erudite opinion in the Osheroff case. Following your departure from the Courthouse, I was indeed able to file the Order of Appeal and I have a stamped, dated copy here in my file. I received from the Clerk's Office the Civil Appeal Prehearing Information Report and notice from the Clerk of the Court. This has been filled in as per my conversations with David Fudula.

I am also enclosing herewith the original of Mr. Tabler's Affidavit which you provided to me but which we did not file in the case since it did not seem appropriate or germane under the circumstances.

I believe that you and/or Phil should speak directly with Fred Joseph about whether or not you wish this firm to do the appellate work in this case. You may want to think about whether it would be more cost effective for you to do the appellate work rather than for us to do it.

Initially, it is my understanding that you wished us to come into the case to argue the Motion for Reconsideration before Judge Latham out of feelings that because we often appear before Judge Latham, we may have had a better chance of success than your firm might have. These considerations, however, may not and probably do not have any significance before Maryland's Court of Special Appeals.

You may instead want this firm simply to act as local counsel with you during the appellate stage and obviously our firm can keep you advised and abreast of Maryland's Rules with regard to the manner in which the appeal must be perfected, rules regarding the writing and filing of briefs, transmitting of record, and etc.

Please think about this and contact either myself or Fred Joseph so that we will all know whose court the ball is in.

Yours very truly,



Burt M. Kahn

BMK/ml  
Enclosures