

(1) the Sweeney Studios. We're talking about a suit
(2) that was filed a few weeks ago on behalf of numerous
(3) patients at the VA and it involves a malpractice
(4) committed by a foot surgeon. We're here with Dr.
(5) Nick King, from Sweeney Law Firm, and Denny Brown,
(6) from Geisleman & Brown law firm. So let's talk
(7) about this. Is your firm representing victims?

(8) MR. BROWN: We are, we are.

(9) Q And as well as Sweeney Law Firm.

(10) MR. BROWN: Okay.

(11) Q So, exactly how does this work? You guys
(12) filed this class action and it's a declaratory
(13) judgment?

(14) MR. BROWN: Yeah. What we're really doing
(15) with the class action part of this is narrow in
(16) scope in the sense that it is addressing a single
(17) legal issue, that being the appropriate statute of
(18) limitations that should apply to the veterans
(19) involved. Even though it's narrow in scope, it's
(20) actually global, in the sense that it could affect
(21) and apply to potentially dozens of veterans who
(22) received poor care from a single doctor at the VA,
(23) so what we're dealing with here is a situation where
(24) we have multiple veterans in most every single case,
(25) they received poor care, but did not have notice of

(1) that poor care until well after the normal two-year
(2) window to make the claim had already passed. The VA
(3) gives disclosures, notifies them of the misconduct
(4) after the two-year window, and subsequently denies
(5) the claim, the tort claims, administratively. So
(6) what we're doing, my firm, with the Sweeney firm, is
(7) we've combined together to bring this class action
(8) to try to get the courts to look at this question of
(9) the statute of limitations. Should it have been
(10) told at an earlier date? Should there be more time,
(11) based upon the discovery of when this misconduct was
(12) revealed to the veterans?

(13) **Q So what are you guys trying to accomplish**
(14) **for your clients with the class action?**

(15) **MR. BROWN:** Ultimately, each one of these
(16) individual veterans will have their own claim for
(17) damages that will move forward into the district
(18) court, so what the class action really is seeking is
(19) relief, asking that the judge acknowledges that
(20) there should be more time under the statute of
(21) limitations under the, the specific nature of the
(22) conduct involved in these, in these individual
(23) claims.

(24) **Q So give me some examples of some of the**
(25) **instances of malpractice by Dr. Hammersley in some**

(1) of these cases.

(2) DR. KING: Well, Dr. Hammersley was a
(3) podiatrist, and so all these cases would involve the
(4) foot, ankle, maybe even the calf muscle. The
(5) interesting thing about this is that there's not
(6) just one procedure that Dr. Hammersley was
(7) performing incorrectly. This is an unusual case
(8) here because Dr. Hammersley committed malpractice in
(9) many different ways. Some by performing the wrong
(10) surgery, some by interpreting MRIs or CT scans
(11) incorrectly, some by committing malpractice in his
(12) follow-up care. It's really across the board, so
(13) it's, it's kind of unusual to see something like
(14) that.

(15) Q So why would patients not have known,
(16) within this two-year statute of limitations, why
(17) would they have not known that they had received not
(18) good care or, you know, malpractice care.

(19) DR. KING: So, it's actually twofold, and
(20) it all falls under the idea of what we call
(21) fraudulent concealment, so, basically, the people
(22) just weren't telling them. And Dr. Hammersley, he
(23) actually was part of that by, you know, implying
(24) that the surgery just, it went well, but it was just
(25) a bad outcome, or maybe just continuing to do other

(1) surgeries and just saying this is just a normal
(2) thing, so part of it is on Dr. Hammersley, and we're
(3) still investigating a little bit, but we believe
(4) that part of it is also on, on behalf of the VA that
(5) they knew about this and just didn't tell the
(6) patients. We believe that there are nurses,
(7) surgical techs, maybe even other doctors who knew
(8) that Dr. Hammersley was not providing appropriate
(9) care, but then didn't tell any of these patients.

(10) **Q So how long is it going to take before a**
(11) **decision is made in the federal court on the statute**
(12) **of limitations?**

(13) **MR. BROWN:** We're still kind of in wait
(14) and see mode a little bit on that. We haven't yet
(15) been in front of the judge to have some deadlines
(16) and some preliminary procedural issues hammered out.
(17) We're hoping to have discovery opened up and be able
(18) to get into some of those finer details that Dr.
(19) King was just referencing, so that we can move
(20) forward. Hopefully, it will move fast, because we
(21) do have all of these other individual claims that
(22) are ready to go forward on their own merits, as
(23) well.

(24) **Q And is it too late if somebody sees this**
(25) **and they're like, "Wait, wait a minute. I, I**

(1) received care there. I think maybe I am part of
(2) this." Is it too late for them to call and be
(3) involved?

(4) DR. KING: No, it's not too late. In
(5) fact, we've actually had some clients who have
(6) called us even since we have filed this lawsuit, and
(7) we're going to work on trying to get them part, to
(8) be in part of the, the class, so they can join the
(9) class action suit.

(10) Q If you're a victim of malpractice or feel
(11) like you were a victim of malpractice at the VA, all
(12) you have to do is give Sweeney Law Firm or
(13) Geisleman & Brown a call and they would love to
(14) consult with you and see if maybe you should be part
(15) of this malpractice suit and move forward through
(16) this. All you have to do is give them a call.
(17) We'll be right back.