

Whistleblower Charges Against Wyckoff Medical Center Dismissed

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As reported in the *New York Law Journal* and *Crain's Health Pulse*, Kelley Drye succeeded in defending client Wyckoff Heights Medical Center, in a lawsuit brought against the hospital by its former Director of Risk Management, Carol Seaman, who alleged that she was fired in violation of New York's "whistleblower law" (§740 of the N.Y. Labor Law), because she had advocated for the reporting of alleged "adverse" patient incidents to the New York State Department of Health, pursuant to the "NYPORTS" reporting system. This is the first time the NYPORTS reporting system has been subject of a whistleblower litigation.

Wyckoff from the outset maintained that Ms. Seaman was dismissed for reasons regardless of NYPORTS reporting and that her claims of being a "whistleblower" were a baseless attempt to extort money from the hospital. Kelley Drye successfully handled the unique challenges presented by the case which included preserving important privileges associated with NYPORTS reporting, as well as the statutory privileges protecting the hospital's quality assurance and quality management processes.

In April, the Judge invited Wyckoff to apply to the Court to recover its legal fees from Ms. Seaman. In anticipation of a potential adverse ruling on fees, Ms. Seaman has filed for bankruptcy.