

## Whistleblower suit nets \$4.6 million

*Radiologist was fired after raising issues with leadership*

By LAURA BROWN

**H**alunen Law has announced a \$4.6 million jury verdict on behalf of a client in a whistleblower case. The firm says it is one of the largest whistleblower verdicts ever in Minnesota.

The lawsuit was filed in Hennepin County District Court after a board-certified radiologist, senior shareholder, and employee of Consulting Radiologist Limited was fired by the company. The plaintiff, Brent Bullis, was at Consulting Radiologist Limited for nearly 20 years as a board-certified radiologist and shareholder. Consulting Radiologist provides services to Allina Health.

He had risen to chief of staff-elect at Abbott Northwestern. When he was fired from the practice, he lost his job at Abbott Northwestern as well. It takes eight years just to become the chief of staff-elect, and then 10 years to become chief of staff. However, his dismissal removed him from that career track.

Pamela Johnson, attorney at Halunen Law who represented the plaintiff, said the radiologist was wrongfully terminated because he tried to raise some patient safety concerns and other issues to leadership. The plaintiff brought forth a claim of sexual harassment and sexual discrimination on behalf of one of his female co-workers. He also heard about, and reported, that there were instances in which another doctor was doing

unwarranted biopsies, the complaint said. Plaintiff also reported that peer review standards and protocols were not being followed.

“When he was trying to tell them about it, they were putting him off and putting him off. He had meetings where he discussed some of those patient safety issues,” Johnson stated. “He had meetings where members of the board of CRL with regard to the issues. They did not say that they were going to do anything about it, or take an appropriate response.”

“They were very concerned that if he told anyone else about the patient safety concerns, particularly Allina, because that’s where their largest contract was, that their contract with Allina would be threatened,” Johnson asserted. “That’s why they fired him.”

However, Johnson thinks the jury verdict might bring about change.

“I’m hoping that, for one thing, the leadership at CRL at least takes it seriously and says, ‘When someone comes to us, and we have an issue with them, we will give them due process and allow them to be heard before they’re terminated, which is exactly their duty because they are a closed corporation and, under the laws of Minnesota, if you’re a closed corporation, you have a duty to every single shareholder to treat them openly, honestly, and fairly,’” Johnson said. “And they did not do that.”

The trial and deliberation lasted for two weeks. The jury found that the plaintiff was terminated in violation of the Minnesota Whistleblower Act. In total, the jury awarded the plaintiff \$4,587,602 for past and future wage loss and emotional distress.

Johnson says that, beyond the dollar value, the verdict is important. “I hope that it sends a message to other physician-run practices that patient safety has to be paramount,” Johnson said. “Patient safety has to be your main concern, over any other concern that you might have. You have to be looking after the patient first. And that’s not what was happening here.”

An attorney for CRL, Lisa M. Lamm Bachman of Foley Mansfield, declined to comment on the verdict.

However, CRL responded earlier to the complaint by asserting that if the plaintiff sustained damages, those “damages were caused by or contributed to by acts, omissions, fault, assumption of risk, or other wrongful or improper conduct.”

“We’re just really glad that our client at least had the chance to get some of his dignity back,” Johnson said. “Our client couldn’t get another job in town, he has to work in Mankato now. His life was basically ruined because of this.”

“This finally gave him a modicum of his dignity back,” Johnson added.