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FOR IMMEDIATE RELEASE

Date: December 12, 1996

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City of Origin: Birmingham, Jefferson County, Alabama

CONTROVERSIAL ABORTION DOCTOR ORDERED TO PAY \$10,000,000.00**IN DEATH OF ABORTION PATIENT**

An Alabama court has rendered a \$10,000,000.00 judgment against Dr. Thomas W. Tucker, II, an abortion doctor who in recent years was the focus of feature articles in USA Today (7/17/94), the New York Times (4/24/94) and Time Magazine (8/9/93). The suit concerned the 1991 death of an Alabama mother of five who died shortly after obtaining an abortion from Dr. Tucker at his office in Birmingham, Alabama. The court in its findings found it "difficult to imagine a case more appropriate for an award of punitive or exemplary damages."

Prior to the abortion, Dr. Tucker had been warned by his staff not to proceed with the abortion in part because the patient's hemoglobin levels were low. Dr. Tucker responded "Just do it. Just put the patient through."

The Court found in its 36 page opinion that following the abortion procedure, the patient had difficulty breathing, her blood pressure dropped and she bled excessively. In an attempt to stabilize her blood pressure, Dr. Tucker administered medications. He then had the patient taken to a recovery room that had no

equipment for monitoring vital signs, because he needed the operating room to perform other abortions.

The patient's condition continued to worsen and a clinic staffer called for an ambulance. Dr. Tucker cancelled the ambulance stating "he could not afford to send another patient to UAB (Hospital) because those doctors down there would hang him." According to testimony, the patient continued to bleed very heavily, and a staff member told Tucker "I want you to do something. She is going to lay there and die." An ambulance was called, and the Court found that Tucker then left the clinic prior to the arrival of the ambulance. The patient was taken to the University of Alabama-Birmingham Hospital where she died three days later.

In 1994, the news that Dr. Tucker's medical license had been suspended made national headlines. On April 24, 1994, the New York Times reported that Dr. Tucker up to that point had performed as much as 70% of the abortions in Mississippi. He also performed abortions at two clinics in Alabama, one of which was the "office" in which he performed the abortion on the decedent.

Previously, The New York Times (4/24/94) reported that Dr. Tucker had been the subject of two criminal investigations. One involved the death of a patient in Birmingham and the other concerned accusations that a fetus was born alive and had died at one of his Mississippi clinics.

In the trial resulting in the \$10,000,000.00 judgment, the family of the deceased woman was represented by the Louisville based law firm of Amshoff, Donovan & Smith, P.C. Theodore H. Amshoff Jr. who was lead counsel on the case, states that "Although the award cannot bring that mother back to her family, it demonstrates the enormous injury sustained by her family and

demonstrates that shoddy and unsafe medical practices will not be tolerated by the Courts."

Mr. Amshoff was assisted by partners J. Thomas Smith and Helen M. Donovan, associates Paul P. Clemens and Collin J. LeBlanc and Birmingham counsel Bill Swatek

ENCLOSURE: Court Judgment

(With complete 36 page opinion)


*Marjorine Kidd, Administratrix, etc., et al v
Thomas W. Tucker, II, et al*
Civil Action No. CV 93-0632
Order
Page 36

JUDGMENT

It is hereby ORDERED, ADJUDGED AND DECREED, as follows:

1. Judgment is entered in favor of plaintiff Marjorine Kidd, Administratrix of the estate of Angela Hall, and against defendants Thomas W. Tucker, II, and Thomas W. Tucker, M.D.P.C. in the sum of Ten Million and no/100 (\$10,000,000.00) Dollars.
2. The Administratrix of the Estate of Angela M. Hall is the proper party plaintiff and, therefore, a judgment must be rendered in favor of the defendants and against the plaintiffs Montrell Hall, Cortney Hall, Lashae Hall, Erika Hall and Cornelius Hall.
3. Costs are taxed against the Defendants Thomas W. Tucker, II, and Thomas W. Tucker, M.D. P.C.

DONE and ORDERED on this the 2nd day of December, 1996.



THOMAS A. WOODALL
CIRCUIT JUDGE

cc: Theodore H. Amshoff, Jr., Esq.
William E. Swatek, Esq.
Dr. Thomas W. Tucker, II
George Babakitas, Esq.

then the liver is made available first to patients in the transplant region,

A UNIVERSITY OF PITTSBURGH is not going to treat a Kentucky Medicaid patient unless they plunk

Bruce Lucas, a UK surgeon and immediate past president of the United Network.

Donna Shalala. Her department said it would hold hearings and decide on liver-distribution rules.

Local lawyer wins \$10 million abortion case

Specializes in suits against doctors over injury, death

By PAUL BALDWIN
The Courier-Journal

A Louisville lawyer at the forefront of abortion-malpractice litigation has won a \$10 million verdict against an Alabama doctor who had a patient die as a result of a botched abortion.

The lawyer, Ted Amshoff Jr., represented the mother and children of 27-year-old Angela Hall, an Alabama woman who died in 1981, three days after Dr. Thomas W. Tucker II performed an abortion on her at his clinic in Birmingham.

Circuit Court Judge Thomas Woodall of Jefferson County, Ala., rendered the judgment Dec. 2.

Amshoff, who formed a national

law firm in 1984 to handle only abortion suits, said it has two other cases involving the deaths of women blamed on abortions that went wrong. A third case was settled last year, he said.

Amshoff, who opposes abortion rights, said the issue in such cases is medical malpractice, not his stance on abortion. He said the fact that women are being injured or killed during such procedures should be a cause for alarm among both abortion proponents and opponents.

"I would hope that we might win an individual thinks of abortion as a political issue, people can come together on this point," he said.

David Friedman, general counsel for the American Civil Liberties Union of Kentucky, said that although he's not familiar with the Alabama case, it's important that such court battles are about medical malpractice and not a larger effort to limit access to abortion or other

reproductive services. "You have to know when it is a real concern for women's health or an effort to drive reproductive health-care providers out of the business."

In the Alabama case, according to Woodall's opinion, Hall died of cardiac arrest brought on by infection and an amniotic-fluid embolism, which occurs when amniotic fluid enters the blood vessels supplying the uterus and the woman's circulatory system.

Woodall wrote that Tucker acted carelessly and failed to tell Hall the risks of a second-trimester abortion. Tucker also canceled an anesthesiologist that his clinic's staff called for Hall and fabricated records about the incident, according to court records.

The opinion also said that before the abortion, nurses at the clinic where Tucker worked found that Hall's hemoglobin count was too low and that she was at an increased risk for bleeding. They recommended that the abortion be con-

ducted at an Atlanta hospital.

Tucker, however, instructed the nurse to "just put the patient through," court records say. Tucker also did not see or examine Hall before performing the abortion.

In April 1984 the Mississippi medical board found Tucker, one of two doctors who performed abortions in Mississippi, guilty of professional misconduct and suspended his license for a year.

Amshoff said that under Alabama law, Tucker's lawyers have about 45 days to appeal.

Amshoff said it's likely that as courts hand down such judgments, more women who have been injured or the families of those who have died because of such abortions will seek damages from their doctors.

"Perhaps other women who have been wrongfully injured will recognize that there is a remedy that exists in the court that gives them a sense of economic justice for the injuries done," he said.

Convention of bug experts buzzes with fascinating tidbits of insect lore

By ANDREW MELNYKOVYCH
The Courier-Journal

Children delight in playing for the same reason most insects do — they don't like the taste.

But you didn't know that.

Tropical malaria has broken out in Europe because disease-carrying mosquitoes hitched rides on airliners.

But you didn't know that, either.

The mosquitoes in your neighborhood may have memorized the location of your patio so they can cruise by nightly in search of a meal.

You probably had that one figured out.

These tidbits are just a small sample of the insect information de-

Do mosquitoes always find you? Maybe they remember where you were the last time.

SOME FACTS TO BUG YOU

■ Insects have been around for 350 million years — 348 million years longer than humans.

■ Earth's insect population outweighs the human population 10 to 1.

own sunscreen."

The lesson in the relationship of the parasite and webworm is that the chemical content of food is less important than what happens to those chemicals once the food is eaten, Urschbaum said. Some foods, such as bean sprouts, may not be "as healthy as they're cracked up to be," she said, while the opposite may be true for others.

As for those mosquitoes that seem unerringly to find their way to the back of your neck on a warm spring evening, it may be because they remember how to get there, said Michael Service of the Liverpool School of Tropical Medicine in England.

Mosquitoes are known to fly a mile

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Doctor in fatal abortion must pay \$10 million

By The Associated Press

BIRMINGHAM, Ala. — A former Alabama abortion doctor stripped of his medical license as a possible "danger to his patients" has been ordered to pay a \$10 million judgment to a deceased patient's five children.

Circuit Judge Thomas A. Woodall ordered the judgment in the wrongful death case brought against Dr. Thomas W. Tucker II on behalf of the children of Angela M. Hall of Talladega, Alabama.

The judge issued the order Monday, following a trial that Tucker chose not to attend.

William E. Swatek, an attorney for the Halls, said the case was presented in court in October.

"He and his attorney decided they would not appear for trial," Swatek said. "We had to go to court without a jury in front of a judge."

Swatek was appointed by the plaintiffs, along with attorneys from the Amshoff, Hendrix & Amshoff firm in Louisville, Ky.

Tucker declined comment about the case.

Tucker previously said that allegations of malpractice, negligence, and unprofessional conduct against him were fueled by anti-abortion hysteria.

George Bobakitis, the state's recent attorney on record, could not be reached for comment.

Angela Hall, who worked as a nurse, died shortly after undergoing an abortion at Tucker's office in Birmingham. Attorneys for the Halls said the court found that following the abortion procedure, Hall's hemoglobin levels were low, she had difficulty breathing, her blood pressure dropped and she had convulsions. Tucker administered medication to stabilize her blood pressure and had Hall taken to a recovery

room not equipped with equipment to monitor vital signs, the attorney said.

When her condition worsened and the patient continued to bleed heavily, a clinic staffer called an ambulance, according to the Halls' attorneys. Tucker canceled the ambulance call. A clinic staffer protested and an ambulance was called again. The court found that Tucker left the clinic before the ambulance arrived, the attorneys said.

Hall was taken to a Birmingham hospital and died three days later.

Alabama's Medical Licensure Commission stripped Tucker's license in 1994 after another of his patients, Michelle Jordan, died following the removal of the Norplant

contraceptive device from her arm.

The commission concluded that Tucker's practice might constitute an immediate danger to his patients and the public. Tucker also worked out of a clinic in Montgomery.

Mississippi medical licensure officials in 1995 revoked Tucker's license after finding him guilty of unprofessional conduct, allowing unqualified personnel to perform medical procedures and mishandling prescription drugs.