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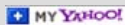
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Lawyer pursues 'nose doctor' in civil lawsuit

Weinberger gives deposition in suit involving former patient's death

Comments

March 18, 2010

BY TERESA AUCH SCHULTZ, (219) 648-3120

A civil case against former Merrillville nose doctor Mark Weinberger would go forward in the next few months if a local attorney has his way.

Kenneth Allen, who is representing the family of one of Weinberger's former clients, deposed the ex-fugitive Wednesday morning at the U.S. District Court building in Hammond. Allen said that with the deposition, which can be used as evidence in the civil case filed in Lake County, the suit can move forward even if Weinberger chooses not to participate.

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Mark Weinberger

"We deserve a speedy trial at this junction," he said.

Phyllis Barnes went to Weinberger when she began having a sore throat. However, he didn't look at her throat and never diagnosed that she had throat cancer at the time, Allen says. She ended up dying from the cancer shortly before Weinberger fled the country in 2004. As other patients started filing malpractice suits and the federal government started to investigate him for insurance fraud, Weinberger fled. He ended up being charged with 22 counts of malpractice.

He remained free until December, when Italian authorities discovered him camping at the base of a mountain in northern Italy, near the border with Switzerland. He was extradited to the United States earlier this year and is being held in the Porter County Jail,

where he awaits his federal trial.

Neither Allen nor Peggy Hood, Barnes' sister, could talk about what happened at the deposition because of a gag order, but Hood said she was pleased with how it went.

"I just hope it goes to court soon, and it ends," she said. "It's taken its toll."

Hood said that her sister had complained about Weinberger, saying that he was "biase" about her concerns and laughed her off. Hood ended up taking her sister every week to the University of Chicago for treatments.

"She went through a horrible, horrible ending," Hood said.

About 350 civil lawsuits have been filed against Weinberger, but Allen said he thinks Barnes' case should get top priority because of the seriousness of what happened. While some other patients also had their cancer go undiagnosed, no one else died, Allen said.

He said that he does not expect the federal case to keep the civil lawsuit



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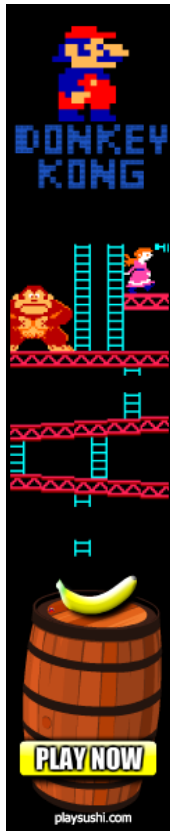
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