**Article 1: PRIVATE/TORT (12 font)**

Boyle, T. (2015, September 22). Doctor tried to foil patients’ lawsuits, appeal court says. Retrieved from <http://www.thestar.com/life/health_wellness/2015/09/21/doctor-tried-to-foil-patients-lawsuits-appeal-court-says.html> (10 font)

## Doctor tried to foil patients’ lawsuits, appeal court says

Dr. Cathy Frank’s defamation suit appeared to be an attempt to interfere with legal action taken by 60 patients, a judge wrote.



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London obstetrician-gynecologist Dr. Cathy Frank has lost her appeal in a lawsuit the court ruled was an attempt to thwart legal action against her by 60 patients.

**By:** [**Theresa Boyle**](http://www.thestar.com/authors.boyle_theresa.html) Health, Published on Mon Sep 21 2015

A physician was seemingly trying to thwart malpractice lawsuits from 60 patients when she attempted to sue their two lawyers for defamation, Ontario’s top court says.

“It would be an abuse of the court’s process to permit the appellant’s claim to continue,” states a decision from the Ontario Court of Appeal that dismisses an appeal by obstetrician-gynecologist Dr. Cathy Frank.

Frank had accused lawyers Barbara Legate and Joni Dobson of [defaming](http://www.thestar.com/life/health_wellness/2015/03/11/mds-lawsuit-against-patients-lawyers-abusive-court-told.html) her in their pursuit of medical malpractice claims and complaints to the College of Physicians and Surgeons of Ontario (CPSO).

A year ago, a judge of the Superior Court of Justice dismissed the doctor’s lawsuit, ruling her allegations did not amount to a cause of action. Frank subsequently appealed, seeking $5.5 million in damages.

In upholding the lower court’s decision, Justice William Hourigan called the claim “an abuse of process” and wrote that Frank was attempting to interfere with the legal actions taken by her patients.

“It is a collateral attack on the civil lawsuits against the appellant and the complaints to the college,” he wrote on behalf of a three-judge panel in a decision released on Friday.

“It appears to be designed to frustrate those processes and deny the appellant’s patients redress before the courts and the college,” he continued.

Allegations made by patients against Frank include: fracturing a baby’s skull with forceps during delivery and leaving him developmentally disabled; removing patients’ ovaries when less-intrusive options were available; and damaging organs and tissues while performing hysterectomies.

Legate was pleased with the decision, charging that Frank was trying to intimidate her clients with what is known as a SLAPP lawsuit, a strategic lawsuit against public participation.

The appeal court’s ruling is a vindication for “those involved in class actions and mass torts and public interest litigation,” she said. “Collateral attacks on claims through SLAPP lawsuits will not be tolerated. Access to justice is preserved.”

Frank had alleged she was defamed by Legate and Dobson through news releases and posts on the lawyers’ website and through comments made to the media. Among the statements in question:

 “Over 100 women contacted Legate & Associates about their treatment and that of their babies at the hands of Dr. Frank. Approximately 60 women have issued claims for themselves and several more actions are under investigation for compromised babies, and one has been commenced. These women have made complaints to the CPSO as far back as 2006 about Dr. Frank.”

 “It is expected that more lawsuits will be issued.”

 “If you think that you or your baby may have a claim against Dr. Frank, please contact Legate & Associates.”

Frank also accused the lawyers of malicious prosecution, interference with economic relations, infliction of mental distress, and champerty and maintenance. The latter is a legal term used to describe the forbidden act of intermeddling in and benefiting from a lawsuit brought forward by someone else.

Legate said the appeal court ruling was also a “vindication” for Ontario patients, who she said are forced to turn to malpractice lawyers for reliable information about doctors. The profession’s regulator, the CPSO, doesn’t convey sufficient information about doctors on its [public register](http://www.cpso.on.ca/public-register/all-doctors-search?term=), she said.

“(Patients) do not have recourse to an authoritative source of information about their doctors’ competence. It is left to lawyers to put up websites and send out advertisements to alert patients to the potential they may have been injured by the failing of a doctor,” Legate said.

“The CPSO’s totally [deficient and secretive process](http://www.thestar.com/news/gta/2015/02/28/reasons-for-restrictions-on-obgyn-not-posted-on-overseers-website.html) is not keeping them safe, so it is left to lawyers and lawsuits to do that,” she added.

CPSO spokesperson Kathryn Clarke denied the accusation and said the college is an “authoritative source” for information about physician conduct and competence.

“Our website contains, hands down, more information than any other licensing authority in North America,” Clarke said, noting it contains a wealth of information about disciplinary and criminal matters.

**SUMMARY: (12 font)**

This article deals with a malpractice lawsuit against a Toronto area doctor, and her attempt to block it. Jsdkfjadfkljdfasdkfjadfkjasdfkljasd;fkjasf;ksjfkfjs;dlfkjasdfklasdjfaksldfjas;lkdfjasd;kflasdjfas;dklfjasd;klfjasd;lkfjasd;lkfjasdf;lkajsdf;lkasjdfaskldjfas;kldfjas;dfkjasd;fkljasd;flkajsdf;alskdjfas;ldkfjasdfkjasd;fkjasdf;kajsdf;klasdjfas;lkdfjaifjeafe;ifaj;kflajsd;klfjaewf;yioadejf;aeifjae;ifjae;ifjae;ifjawe;fijawe;iodfjawe;fiajwef;ioadwjef;aiowef.

I know this to be Private/Tort because it is a private matter (not involving a government agency), and it involves a lawsuit.