

Family of Legionnaire's Victim Files Lawsuit

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NEW YORK, June 8 /PRNewswire/ -- The family of Richard Montesano today announced the filing of a lawsuit against New York Presbyterian Hospital/Columbia University Medical Center for the April 13, 2005 death of Richard Montesano, age 63, of Tarrytown, NY. It was filed in the Supreme Court of the state of New York, county of Bronx, index number 16172/06.

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The lawsuit seeks answers from New York Presbyterian regarding the painful and protracted death of Richard Montesano that resulted from his contracting Legionnaire's Disease from an infestation of legionella bacteria in the hospital's water system. Mr. Montesano's stay at New York Presbyterian for routine treatment of a blister on his leg turned into tragedy when he was exposed to the legionella bacteria. He had been scheduled to undergo heart surgery at the same facility during the summer of 2005.

Prior to his death, Richard Montesano had worked as a marketing consultant for both ABC and ESPN, and he had previously served as a marketing and research executive with ABC. Richard Montesano is survived by his wife, Carol, and four children, Thomas, Neil, Todd, and Melissa,

as well as his brother Robert and his sister Connie.

Jeff S. Korek, the lawyer for the Montesano family, stated that an investigation into the circumstances of Mr. Montesano's death had revealed that New York Presbyterian had been plagued by a persistent and recurring infestation of legionella bacteria within the hospital's water supply. New York Presbyterian's ongoing legionella problem, however, was worsened by the decision of New York Presbyterian and its Administration, including Dr. Brian Scully, the hospital's Infection Control Epidemiologist, Dr. Robert Kelly, then the hospital's C.O.O., and Margaret Francaro, R.N., the hospital's Director of Infection Control, to hide the infestation and its dangers from admitted patients and their families.

Mr. Korek noted further, "The tragedy of Mr. Montesano's unnecessary death could have been avoided if New York Presbyterian's Administration had informed Mr. Montesano's family of the presence of the bacteria and the danger it posed to Mr. Montesano. Indeed, all the hospital had to do was inform the Montesano family that they should use bottled water instead of the hospital's tap water during Richard's stay at the hospital, but the hospital and its administration determined that patients and their families did not need to be privy to such basic information.

At this stage, it is difficult to say whether New York Presbyterian's deliberate concealment of the infestation from patients and their families was motivated by concerns over possible financial losses, a fear of bad publicity, or an incomprehensible indifference to the welfare of its patients."

According to City of New York Department of Health records, other New York Presbyterian patients were actually receiving treatment for Legionnaire's Disease at the time Mr. Montesano became infected.

The Montesano family is seeking redress against the hospital and its staff for the unfortunate and unavoidable death of Richard Montesano, as well as punitive damages based on the hospital's

deliberate concealment of the known dangers posed by the presence of legionella bacteria in its water supply.

Jeff Korek is a partner at the NYC law firm of Gersowitz, Libo & Korek, P.C. He can be reached at 212-385-4410, or 800-529-9997. The firm's website is www.lawyertime.com.