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## **PATIENT IN TRANSPLANT PROGRAM FILES SUIT**

**Plaintiff claims Kaiser breached its contract in failing to arrange kidney operation earlier.**

A patient in Kaiser Permanente's soon-to-be-shuttered kidney transplant program in Northern California filed suit Monday, claiming the giant HMO breached its contract and did not deal in good faith with him.

Bernard Burks, 56, was featured in articles in The Times last month, saying Kaiser repeatedly ignored his calls and failed to arrange a transplant using a kidney from his daughter, who is a willing and compatible donor.

His lawsuit, filed in Sacramento County Superior Court, seeks punitive damages.

Burks was among 1,500 patients forced to shift to Kaiser's new San Francisco program in 2004, when Kaiser stopped paying for their transplant care at outside hospitals.

The transition was fraught with problems, and Kaiser announced in May that it would shut the program.

Kaiser has agreed to pay for Burks' transplant at Stanford University Medical Center, said his lawyer, Michael Bidart, whose Claremont firm has won multimillion-dollar verdicts against health plans.

A Kaiser spokesman said the health maintenance organization takes such matters seriously but would not discuss litigation matters in the press. Several other suits have been filed against Kaiser stemming from the transplant problems.