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May 12, 2006

BY MAIL, EMAIL AND FAX 410-280-2230

David A. Levin, Esq.

Wharton, Levin, Ehmantraut & Klein, P.A.

104 West Street

P.O. Box 551

Annapolis, MD 21401-0551

Re: Alexander H. Neustadter, for himself and as P.R. for Estate of Israel R.
Neustadter v. Ahmed Nawaz, M.D. and Holy Cross Hospital
Our file no. 1997

Dear David:

I have been able to review your March 24 letter in detail with my client. I apologize for not getting back to you sooner, but my April was very hectic. I want to get this matter back on track now and reach a conclusion whether it can be resolved.

Your letter focused on offering the following items, in summary, toward a resolution:

1. The Hospital agrees to do 2 per year lectures in the name of Israel Neustadter on the subjects of geriatric life care.
2. The Hospital would enforce its existing hospital policy that each should be given items including the Patient's Bill of Rights and a brochure addressing living wills.
3. The Hospital would enforce its existing hospital policy to ask for religious affiliation at admission. A patient that checks a block on the admission form for a religious preference would be get a visit from a representative of that religion. For example, you explained, if the patient was Jewish that might include a visit from a rabbi and a Jewish volunteer the Sabbath.
4. The Hospital would continue to follow the Maryland Law and hospital policy on Do Not Resuscitate orders.
5. The Hospital would enforce its existing hospital policy that any doctor who renders a consultation, decision or an opinion about patient's care must document his presence in the chart. This recognizes that a doctor that gives an informal or casual opinion does not have to make an entry in the chart. For example, a treating doctor may informally ask the opinion of a colleague and that colleague would not have to document his consult in the chart.
6. The Hospital would consider writing letter that explains that nothing my client, Alexander Neustadter, did, said or requested with regard to the care of his father at the hospital in any way

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impacted (one way or the other) the care that was rendered nor the ultimate death of his father. But the hospital will not take a position on the events that transpired between the physicians and Alexander Neustadter.

The sixth item is the key to resolving all the other issues. We can probably reach agreement on the other items, but I want to focus on the letter from the Hospital. For background to this discussion, you may be aware that there was a meeting held between my client and the Hospital administration which Dr. Kariya attended. At that meeting, Dr. Kariya admitted that he did not speak with the "son," Alexander Neustadter, about not intubating Mr. Neustadter despite the entries in the medical records that there were discussion with Alexander Neustadter about that subject. This meeting was attended by others as well who were witnesses to the statements and acknowledgements made. Further, the Hospital's head administrator, Dr. Eig, who attended promised to send a letter to my client confirming these statements, but no such letter was ever received.

I understand, from your letter, that the Hospital does not feel that it can take sides in whose version of events is correct. As an alternative, then, my client, Alexander Neustadter, wants a clear explanation of what the doctors versions are of the events, if they do not agree with my client's version.

One matter for which my client want an explanation is on the consult of Dr. Weiner on March 26 or 27 when he refused to intubate his father. What was his explanation for refusing? It appears in the Physician Progress Notes that there is an entry that might be Dr. Weiner's, but it is very hard to read and the third line is so light, I cannot determine what is written.

My client would like the Hospital to address the DNR status or not of his father. The records have a number of discrepancies. In some places, as in the initial admission, there was a note that the patient was DNR – even though there was no indication of that by form, signature of the patient, or by the son as his surrogate decision maker. In other places in the record, there are indications that the father is "Full Code." Can the Hospital clarify whether Mr. Neustadter was or was not considered DNR? I would have thought that if he was DNR, there would have been a prominent mark on the outside of the chart to this effect? Was that done? Does the Hospital have the view that Mr. Neustadter's DNR status was properly handled?

The answers to these inquiries is no less than we would get in discovery through litigation. I am trying to pinpoint those issues of concern to my client and get those addressed efficiently.

In summary, my client wants the Hospital to address, at least:

A. An affirmation that Dr. Kariya did not speak with Alexander Neustadter about intubation of his father as was stated in the meeting when they all discussed this subject.

B. The Hospital's explanation of the doctors' positions on who did speak with Alexander Neustadter and when about his father's care indicating the content and nature of the discussions.

C. An Explanation of whether Dr. Weiner actually was with Mr. Neustadter on Wednesday, March 26, had a discussion with Alexander Neustadter about his father's condition and refused to intubate. This consult or examination or event was not documented by Dr. Weiner in the record. Can my client get an explanation of why this was not documented? Upon the

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Hospital's investigating this incident, can my client get a full explanation of the Hospital's version of these events?

D. Can the Hospital clarify whether Mr. Neustadter was or was not considered DNR? I would have thought that if he was DNR, there would have been a prominent mark on the outside of the chart to this effect? Was that done? Does the Hospital have the view that Mr. Neustadter's DNR status was properly handled?

Assuming that the Hospital acknowledges and addresses these issues with assurances that these types of matters will be properly handled in the future, then we should be able to resolve this matter.

I look forward to hearing from you.

Sincerely,

Ronald H. Jarashow

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TO : David A. Levin, Esq.

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DATE : May 12, 2006 TIME : _____ 1 OF _____ PAGES

Original documents mailed : Yes _____ No _____

FROM : RONALD H. JARASHOW

FAX NUMBER : 410-280-2230

MESSAGE :

PLEASE SEE THE ATTACHED.

Sincerely,

RHJ/sd

Ronald H. Jarashow