

State Politicians Request Grady-Emory Records

By [Susan McMillan](#)

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A group of Georgia legislators filed a court motion Wednesday to unseal a settlement agreement among Emory, Grady Memorial Hospital and a former Emory physician.

James Murtagh, who no longer works at Emory, filed suit against Emory and Grady in 2000, alleging misuse of federal funds at the hospital, which is staffed largely by Emory doctors. The settlement reached by the parties was sealed in 2001.

Six members of the Georgia General Assembly filed the motion in Fulton County Superior Court after Grady denied them the documents.

State Sen. David Shafer, who has consistently accused Emory of misconduct at Grady, said he first heard of Murtagh's case from Bill Loughrey, a former hospital trustee. Loughrey alleged that "large financial payments" were made to Murtagh and another whistleblower.

Shafer said it's "difficult to imagine" appropriate circumstances for sealing such an agreement.

"I don't believe that any lawsuit alleging wrongdoing by public officials should be settled under seal," he said.

Emory supports unsealing the entire court record, according to a letter by outside counsel Todd Wozniak.

According to the lawmakers' brief, the records of Murtagh's case reveal "extensive testimony and documents alleging financial wrongdoing, public corruption and whistleblower retaliation."

Shafer requested a copy of the agreement from the Fulton-DeKalb Hospital Authority in September under Georgia's open records laws. E. Timothy Jefferson, Grady's general counsel, told Shafer the documents are exempted from open records laws as "facts concerning or pertaining to pending litigation or settlements."

"The Fulton-DeKalb Hospital Authority has continuing obligations under the requested settlement agreement, including the duty to maintain the confidentiality of the settlement agreement absent the consent of all parties," Jefferson wrote.

Emory officials declined to comment on the matter. But in a letter Wednesday, Wozniak encouraged Grady to reconsider if Murtagh consents to the unsealing.

"That way, the Settlement Agreement will not be viewed in isolation, and Senator Shafer and the public can draw their own conclusions about the facts surrounding the Agreement," Wozniak wrote.

Even without the consent of the parties, Fulton Superior Court Judge Wendy Shoob can compel Grady to unseal the settlement.

"The public has a right to know if Grady is following good faith processes, if patients are being protected, if the public purse is being used properly and if closed door sessions determining the fate of Grady are being properly conducted," the legislators' brief states.

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