

GION

MERRILLVILLE

Judge: Pinnacle founder wronged

■ Hospital board failed to give notice of removal to Dr. Kirnjot Singh.

By MARK TAYLOR
Post-Tribune correspondent

A Lake County judge Friday ruled that Merrillville-based Pinnacle Hospital President and Chief Executive Officer Don Burman and Pinnacle board members erred when they attempted to oust Pinnacle founder, former board member and majority shareholder Dr. Kirnjot Singh in July.

For now, at least, the ruling ends a four-month legal dispute pitting Pinnacle majority shareholders and founders against the hospital's current administrator and board members sympathetic to him. The lengthy hearing featured allegations of sexual misconduct, attempted kickbacks, sabotage and greed.

In a 14-page decision issued late Friday afternoon, Lake Superior Judge John Pera ruled that Burman and his allies violated the Pinnacle operating agreement by failing to appropriately provide notice to Singh that they intended to dissociate him from holding membership in Pinnacle.

Singh, who invested more than \$1.3 million in the hospital and pledged more than \$5.7 million in loan guarantees to the project he began in 2005, admitted to sexual misconduct last year and was disciplined by the Indiana State Medical Licensing Board, which placed his medical license on indefinite probation.

After failing to attend numerous board meetings last summer, Burman and a reconstituted board voted to dissociate Singh, saying that his actions caused Pinnacle adverse publicity and constituted a triggering



Singh

"I just want to put this turmoil behind us and return Pinnacle's focus to quality of care. I do know the Pinnacle model is a great concept and I'm going to do whatever I can to refocus its vision on taking care of people. I want to uphold our commitment to patients and employees and make sure Pinnacle is a long-term entity in Northwest Indiana."

— Dr. Kirnjot Singh, Pinnacle founder

event under Pinnacle's operating agreement. Burman's group contended that the operating agreement allowed them to declare a triggering event and remove him.

Singh learned of those actions and received a temporary restraining order from a Lake County judge to prevent it from happening. Since then several other lawsuits have been filed. Pera ruled Friday on Singh's request for a judicial order preventing Burman's group from removing him as a member. Pera did not rule on Singh's request to terminate Burman as CEO or to demand repayment from him for the estimated \$600,000 in legal fees that Burman and his allies spent defending themselves and the hospital in Singh's legal case, saying those should be resolved by Pinnacle.

Pera also ruled on another temporary restraining order request, deciding that the new board sympathetic to Singh can now be seated legally.

The judge said there was no evidence presented that granting Singh's request "would disserve the public interest" and that "there is no immediate danger to Pinnacle" in allowing Singh and his co-plaintiffs to remain as members, saying keeping them as members will

"promote the stability of Pinnacle."

In his ruling Pera said allowing Burman and his allies to prevail "would permit them to benefit from their own wrongdoing."

In a statement, Burman said "The temporary restraining order filed by Dr. Singh has been granted by Judge Pera's court and Pinnacle Hospital will follow the court's order."

Singh declined to comment on the decision, saying Pera's ruling speaks for itself.

"I just want to put this turmoil behind us and return Pinnacle's focus to quality of care," Singh said. "I do know the Pinnacle model is a great concept and I'm going to do whatever I can to refocus its vision on taking care of people. I want to uphold our commitment to patients and employees and make sure Pinnacle is a long-term entity in Northwest Indiana."

Singh's Chicago attorney Rob Lang of the firm Holland & Knight said it was a hard-fought case in which he and Singh were outnumbered and outspent.

"It feels good when the little guy wins," said Lang, who revealed he received notice that Burman's group filed a notice of appeal.