

# MRSA suits settled for \$4.5M

**Tri-State Pain Institute's Insurance will cover settlement**

**By Madeleine O'Neill**  
Erie Times-News

The Tri-State Pain Institute and its founder have reached an agreement to settle 11 lawsuits related to MRSA infections for \$4.5 million, though the sum will be paid entirely by insurance.

The terms of the settlement, which could normally be kept private, are public because Tri-State and founder Joseph M. Thomas, M.D., are in the midst of bankruptcy proceedings.

U.S. Bankruptcy Judge Thomas P. Agresti approved the settlement Tuesday.

Under the agreement, the 11 plaintiffs with MRSA-related legal claims will each receive a portion of the \$4.5 million, which is the combined amount that insurers agreed to pay.

The identities of the plaintiffs are shielded in the court filing. The Erie Times-News previously reported on seven of the lawsuits and a 2017 MRSA outbreak at the clinic that state and county health officials linked to unsafe injection practices.

According to the settlement agreement, seven of the 11 plaintiffs will receive \$530,000 each. One plaintiff will receive \$440,000, one will receive \$200,000, one will receive \$100,000, and one will receive \$50,000.

**See MRSA, A4**

## MRSA

*From Page A1*

Of the total \$4.5 million, \$3 million will be paid by NORCAL, Thomas' professional liability insurer, according to the agreement. The remaining \$1.5 million will be paid by the Mcare fund, a state-run fund that helps cover medical liability claims that exceed a healthcare provider's basic insurance coverage.

The Mcare fund uses contributions from participating healthcare providers, not taxpayer funds, to contribute to settlements.

The lawyer for Tri-State Pain Institute, Gary Skiba, declined to comment. Thomas' lawyer, Michael Kruszewski, did not return a message requesting comment.

Details of the plaintiff's MRSA claims are not available in all of the

cases. But several of the suits, and letters from the Pennsylvania and Erie County health departments included with the legal filings, revealed that the Millcreek Township pain clinic was the site of a MRSA outbreak in 2017.

State and county health officials reported that the outbreak affected up to nine people who underwent procedures at the clinic between Sept. 21 and Sept. 27, 2017, according to letters filed with the lawsuits.

The health departments confirmed the outbreak in late 2017, according to court records, and found "unsafe infection control and injection practices which likely exposed patients to ... MRSA bacteria."

The outbreak left patients in need of serious interventions, including surgery and long-term antibiotic regimens, to fight the infection, according to their lawsuits.

In responses filed in

some of the suits, Thomas and Tri-State Pain Institute denied the plaintiffs' claims and responded that the patients' illnesses were "the result of a pre-existing and/or naturally progressive condition."

Tri-State Pain Institute in January filed for Chapter 11 bankruptcy, which allows a business to reorganize its debts and pay back creditors over time. Thomas followed in May.

The bankruptcy filings paused the pending litigation. In March, Agresti ordered the MRSA cases into mediation, during which the \$4.5 million settlement was reached.

The clinic's bankruptcy petition revealed deep financial troubles at the pain institute, including millions of dollars in debt.

The bankruptcy cases are pending in U.S. Bankruptcy Court in Erie.

Contact Madeleine O'Neill at [moneill@timesnews.com](mailto:moneill@timesnews.com). Follow her on Twitter @ETNoneill.