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Doctors sue ViaHealth, CEOs

BY STAFF WRITER

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About a dozen former employees had already sued Genesee Hospital to get money they say is owed them before other creditors see any assets from the closed hospital.

Now, they are pursuing another avenue to recoup their investments: On Friday, they sued the hospital system that operated Genesee, plus executives and other subsidiaries.

The employees — mainly doctors — filed a

complaint in U.S. District Court alleging that they are owed \$3 million that was deferred into accounts for purposes such as retirement.

They maintain in the suit that ViaHealth, which operated Genesee and still operates Rochester General Hospital, is responsible for paying them. Also named are Rochester General, Chief Executive Sam Huson and former CEO Thomas Litz.

Nelson Thomas, the employees' attorney, said that ViaHealth, Genesee

and Rochester General are all the same entity and should be held responsible for the money owed the doctors.

"They can't arbitrarily choose to put one of their facilities into bankruptcy and avoid their obligations," said Thomas, of Dolin, Thomas & Solomon. "You either go bankrupt all together or honor your commitments."

ViaHealth refused comment because officials have yet to review the Friday filing, said Diane Ewing, spokeswoman. "But we

were under the impression that the matter was being considered in state court proceedings."

The initial lawsuit going after Genesee's assets was filed last month in state Supreme Court.

About 165 creditors have claimed Genesee owed them about \$19 million — much more than the \$42.9 million in assets Genesee claimed in an unaudited financial statement filed in 2001 before the dissolution. □

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