

statutory law and public policy.

Sentara's letter summons Dr. Marik to a secretive proceeding before a committee on December 2, 2021, at which, the letter says, no lawyer representing Dr. Marik will be permitted and "no recording (audio/video) or transcript . . . will be made." We are not attaching the letter hereto, as to which Sentara asserts "peer review privilege," but Dr. Marik is of course more than willing to show your Honor the letter *in camera* or under seal.

One sentence from Sentara's letter, however, must be quoted here because it raises a serious question of litigation misconduct. Sentara says that the suspension is based in part on an allegation that that "you informed [COVID] patients that 'your hands were tied' and that there was nothing more you could do for them."

At the just-concluded hearing on November 18, 2021, Sentara expressly represented to this Court that it would *not* discipline Dr. Marik in any way for informing his COVID patients that Sentara was preventing him from giving them alternative treatments that are, in his medical judgment (and based on unrefuted evidence), safe, potentially life-saving, and medically appropriate for them. Yet Sentara has now done exactly that. Indeed it had apparently *already* done exactly that when it was representing to the Court that it would not do so. Intentional or not, this was a materially false representation made to the Court, and Plaintiff respectfully requests that Sentara be held to account for it.

Sentara cannot be permitted to try to deprive Dr. Marik of standing through a retaliatory, pretextual suspension that Sentara has kept secret from the Court, perhaps hoping that Dr. Marik would respond to Sentara by offering to withdraw this suit if Sentara would withdraw its suspension. Such behavior is unethical and unacceptable.

Regardless of Sentara's retaliation, the law remains clear: "[A] hospital has a duty to obey the instructions of a patient's physician, so long as the instructions are not obviously negligent or dangerous." *Franken v. Davis*, No. 5:93CV79-V, 1997 U.S. Dist. LEXIS 16081 at *36 (W.D.N.C. July 25, 1997); *Burns v. Forsyth County Hospital*

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred D. Taylor". The signature is written in a cursive style with a prominent horizontal line above the letters.

Fred D. Taylor

FDT/dgb

Cc: Jason Davis, Esq.