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Erie Times-News (PA)**SUITS SETTLED: FAMILY AWARDED \$1.7 MILLION**

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Judge approves agreement in case of psychologist who died after falling at the Erie Civic Center.

Richard R. LeVan walked onto the ice after an Erie Panthers hockey game in January 1994 with the hope of having his 11-year-old son get a hockey puck autographed during a team-sponsored promotion.

LeVan fell forward and struck his head. Two days later, on Jan. 9, 1994, the Millcreek Township psychologist died at Saint Vincent Health Center from a head injury.

Four lawsuits grew out of **LeVan's** death. Two blamed the Erie Civic Center Authority and the Panthers. And two blamed inadequate medical treatment, including an allegation that **LeVan**, 47, spent several hours on a cart outside the Saint Vincent emergency room because the hospital had no room in its intensive care unit.

A \$1.7 million settlement reached this week in Erie County Common Pleas Court ended all four cases.

The award will be distributed among **LeVan's** wife and his four children.

Of the \$1.7 million, a total of \$125,000 came from the Erie Civic Center Authority and the Panthers, both of whom the **LeVan** estate sued for negligence, according to court records.

The records indicate that the rest of the total settlement _ about \$1,575,000 _ ended the suits against Saint Vincent Health Center and three doctors who the lawsuits claimed were connected with the treatment of **LeVan**. Those suits were for medical negligence.

"It was a tragic event," said Tim Riley of Erie, the lawyer for the estate. "He really didn't deserve to die."

An agreement that Senior Judge George Levin approved this week lists \$125,000 as the combined settlement share of the Civic Center Authority, which operates the Louis J. Tullio Convention Center, where the Panthers played; and the Panthers, which two years ago moved to Louisiana.

The judge sealed the settlement agreement that ended the cases against Saint Vincent and the three doctors, Atin K. Mitra, Joseph Q. Daniele and David M. McGee. Levin did not seal the \$125,000 agreement

involving the civic center and Panthers.

Documents that were not sealed include figures related to the overall settlement. Calculations based on those figures show the overall settlement amounts to \$1.7 million.

Of the three doctors and the hospital, not all of them contributed to the sealed settlement. But the court documents do not indicate who paid what, and the defense attorneys who returned telephone calls said they could not comment because of a confidentiality agreement.

The defendants denied liability. One allegation was that the hospital was slow to transfer **LeVan** to the intensive-care unit once a doctor ordered him there from the emergency room. Court documents claim that **LeVan** remained on a cart outside the emergency room for "several hours ... because no ICU bed was available."

The lawyer for Saint Vincent, in a response in court papers, said **LeVan** received appropriate care. Regarding the wait for a bed to open up in the intensive care unit, John M. Quinn Jr., the lawyer for Saint Vincent, wrote that "his transfer to that unit was somewhat delayed because there was no bed available in that unit for him. As soon as a bed became available, he was transferred to that unit."

Quinn also wrote that the hospital's emergency department physician evaluated **LeVan** several times before the transfer to the intensive care unit. Quinn, in an interview, declined further comment.

The \$1.7 million, according to court documents, is to be distributed among Ellen **LeVan**, who was **Richard LeVan's** wife, and **Richard LeVan's** four children _ ages 24, 21, 19 and 16 _ from a prior marriage. The estate's law firm, Conner & Riley of Erie, will receive a standard contingency fee based on 33.3 percent of the overall settlement, according to court records.

Kenneth Chestek, the attorney who represented the Panthers, said the authority and the Panthers split the \$125,000 in the one settlement agreement.

LeVan died from head trauma due to an accidental fall, Erie County Coroner Merle Wood ruled. The coroner's report said **LeVan** lost his balance on the ice and fell forward and struck his left temple either on the ice or on a raised rubber bumper that circles the ice.

Witnesses told Wood that **LeVan** was unconscious for a short period of time _ anywhere from 30 seconds to five minutes _ before he regained consciousness and went to Saint Vincent via ambulance. The coroner's report said the blow from the fall bruised **LeVan's** brain, which led to bleeding and swelling.

The suits against the Civic Center Authority and the Panthers claimed the two groups were negligent in allowing the autograph session to occur on the ice. The Panthers in court papers said that, if anyone was liable, it was the Civic Center Authority. The Civic Center Authority blamed Saint Vincent. The Panthers blamed the hospital as well.

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