

Who's left to pay this big verdict?

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Two Kansas City couples who were falsely diagnosed with Lyme disease have won verdicts totaling \$30 million against the Florida lab that tested their blood.

Jackson County Circuit Judge Michael Manners handed down the verdicts last week against Bowen Research and Training Institute Inc. of Tarpon Springs, Fla., and in favor of Keith and Sheri Klausner and David and Brenda Lampton.

Manners, who tried the case without a jury, heard evidence from the plaintiffs only. Bowen did not send anyone to the trial.

It's not clear whether Bowen still exists. Its old Web site has been supplanted by one for Central Florida Research Inc., which lists some of the same principals. The phone number for Central Florida, however, is disconnected or no longer in service.

Bowen was founded by JoAnne Whitaker, who held herself out as "an internationally recognized research and teaching physician." Whitaker, formerly Bowen's president and director of research, voluntarily relinquished Bowen's license to operate as a clinical laboratory in 2002. After the Florida Department of Health found that Bowen had continued to do clinical testing of patients, Whitaker voluntarily relinquished her Florida medical license in 2007.

The Klausners' saga began in November 2004, when, after experiencing severe joint pain, Keith Klausner went to Health Centers of America-Kansas City, which diagnosed him with Lyme disease. HCAKC recommended the Bowen Q-RIBb test and, in return for a \$250 "donation" for the test, sent his blood to Bowen. The lab reported that it had identified the organism that causes the disease in his blood.

Klausner underwent months of treatment, including intravenous antibiotics “and numerous medications and ‘alternative’ substances,” according to the Klausners’ lawsuit.

HCKAC told his wife that she, too, probably had Lyme disease because the disease was transmissible through tears, mucus, blood or sexual contact. Sheri Klausner’s blood was sent to Bowen, where it, too, tested positive.

In June 2005, Keith Klausner was admitted to Providence Medical Center’s emergency department. The treating physicians told him he did not have Lyme disease and had undergone months of unnecessary therapy.

The Lamptons’ experience was similar. Before going to HCKAC in November 2003, Brenda Lampton had been diagnosed with fibromyalgia. After HCKAC diagnosed her with Lyme disease, her blood, after payment of the \$250 “donation,” was sent to Bowen, which confirmed the diagnosis.

Lampton then underwent months of intravenous treatment, which worsened her condition. Eventually she was admitted to the hospital, where she had her gallbladder removed and developed a pulmonary embolism, according to the Lamptons’ suit. Her husband, meanwhile, underwent unnecessary oral antibiotic therapy after Bowen said his blood had tested positive for Lyme disease.

In his verdicts, Mannors awarded Keith Klausner \$9.7 million in medical, non-economic and punitive damages; Sheri Klausner nearly \$6 million; Brenda Lampton \$8.6 million; and David Lampton \$6 million. After various statutory caps, the total comes to nearly \$24 million — still one of the biggest judgments on record this year in Missouri.

HCKAC, while originally a defendant in the suits, was later dismissed.

Whether the Klausners and Lamptons will be able to collect the judgments is an open question.

“That’s what we’re busy with now,” said Lance Baughman, of Wright Green & Baughman in Lee’s Summit, and an attorney for the Klausners and Lamptons.

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