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# Daily Pilot

NEWS

## UC Irvine neurosurgeon wins \$5.8M in retaliation case, on top of earlier \$2M verdict





Dr. Mark Linskey, a neurosurgeon and tenured professor at UC Irvine's Department of Neurological Surgery, was recently awarded \$5.8 million in a case against the UC Board of Regents. (Courtesy of Ivan Puchalt)

**By Sara Cardine**

Staff Writer

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An Orange County jury has awarded \$5.8 million in damages to a UC Irvine neurosurgeon who claimed in a whistleblower lawsuit university officials retaliated against him for filing a grievance regarding risks to patient safety, abuse of power and economic waste.

Dr. Mark Linskey, a board-certified neurosurgeon and former chair of the Department of Neurological Surgery at UC Irvine, has been embroiled in litigation since 2016 over actions taken by former UCI School of Medicine Dean Ralph Clayman and former department chair Johnny Delashaw.

The May 9 verdict covers retaliatory acts from November 2015 to the present date, a second phase of litigation. Linskey was [previously awarded \\$2 million](#) in 2019 for actions that occurred prior to the conclusion of a university-level investigation.

“Having two sequential, unanimous jury verdicts is a very good feeling,” the 64-year-old Newport Beach resident said Wednesday. “It’s vindication that good, honest people on a jury can see through to the truth and that our system works.”



## NEWS

**Jury awards UC Irvine neurosurgeon \$2 million in whistleblower retaliation case**

April 25, 2019

John Murray, a spokesman for UCI Health, said Friday the institution would not comment on the matter.

Linskey said Wednesday his troubles began in 2013, after he claimed in a grievance Delashaw and another physician he’d brought to UCI, Dr. Frank Hsu, had removed certain patients from a general neurosurgery on-call service, reserving them for their own care and depriving them from the skills, knowledge and expertise of other practicing physicians.

“It was pretty clear when Dr. Delashaw arrived with his team, he wasn’t really happy with me being there,” Linskey said. “There was a whole series of actions that occurred to try and make it pretty miserable for me to stay.”

Linskey’s relocation from the department deprived him of the opportunity to train and mentor new neurosurgeons in a medical residency program he built from the ground up shortly after arriving at the campus in 2004.

According to Linskey, retaliatory acts by Clayman and Delashaw continued to escalate throughout the UC Irvine-level investigation, causing the neurosurgeon to file a whistleblower retaliation complaint through the UC system in 2014.



Orange County jury has awarded \$5.8 million in damages to Dr. Mark Linskey, a neurosurgeon and professor at UC Irvine, who filed a whistleblower complaint in 2014. (Paul R. Kennedy)

At the conclusion of the grievance process, a committee of the UC Irvine Academic Senate determined the neurosurgeon's removal from the department had the "appearance of retaliation."

Linskey was able to return to neurosurgery but was repeatedly denied access to residents who could have assisted in patient care. Consequently, he worked from 80 to 100 hours per week without backup or relief. That prevented the professor from completing valuable research that, once published, could benefit the field and overall patient

care.

Believing he would not receive full remediation from the UC Board of Regents, Linskey in 2016 filed a lawsuit through the Orange County Superior Court and won.

In addition to \$2 million in damages for loss of income and emotional distress, Judge Glenn Salter ordered the neurosurgeon be allowed to resume his participation in the residency program and be returned to the neurosurgical on-call schedule.

Those two actions did not occur, says attorney Ivan Puchalt, who's been representing Linskey with colleague Mark T. Quigley through the El Segundo-based firm Greene

Broillet & Wheeler.

The second phase of litigation has focused on fulfilling Salter's previous orders and addressing ongoing retaliatory acts that continued after November 2015.

"The central issue in this second trial was whether he should have been reinstated in the residency program in 2019," Puchalt said. "We got a unanimous jury, so it was really debunked."

[A second complaint](#) zeroes in on Linskey's continued separation from resident physicians, which he says was exacerbated by administrators' attempts to coerce young physicians into filing written letters of complaint against the beleaguered neurosurgeon.

"We had current residents who didn't know him, but just saw him as a pariah of the department. But before [the dispute] he'd had nothing but glowing comments. They loved him — it couldn't have been a starker contrast," Puchalt said Wednesday. "I think that was the tension point of the whole trial."

The jury ultimately awarded Linskey \$5,880,458 for past and future economic loss, along with past and future non-economic loss, including mental suffering, anxiety, worry, shame, humiliation and emotional distress.

Delashaw, who arrived at UC Irvine in April 2013 after being recruited by Clayman, left that September for a position with Swedish Health in Seattle. Clayman stepped down as the dean of the School of Medicine in 2014, taking a sabbatical before returning in 2015 to UCI's department of urology, the [Orange County Register](#) reported.

Hsu, the physician brought to UC Irvine by Delashaw, currently serves as the chair of Neurological Surgery at UC Irvine, but in 2022 was investigated in an audit that found he'd inappropriately spent \$400,000 in school funds on camera equipment, according to [the Los Angeles Times](#).

Reflecting on the long legal dispute, and the nearly decade-long litigation, Linskey said Wednesday, verdicts aside, the battle has been worthwhile.

"I'm the sort of person who can live with doing my very best and focusing on what's right and then losing something," he said. "But walking away from this and not standing up for what's right, I would not be able to live with myself."



## Sara Cardine

Sara Cardine covers the city of Costa Mesa for the Daily Pilot. She comes from the La Cañada Valley Sun, where she spent six years as the news reporter covering La Cañada Flintridge and recently received a first-place Public Service Journalism award from the California News Publishers Assn. She's also worked at the Pasadena Weekly, Stockton Record and Lodi-News Sentinel, which instilled in her a love for community news. (714) 966-4627