



ROCK AND RULE

'Songwriting' judge moves Beatle-doc trial

By DAREH GREGORIAN

A Staten Island judge has ordered a lawsuit against the doctor who made a dying George Harrison sign a guitar moved out of the city — in a decision the jurist set to the tune of the Beatles classic "Something."

"Something (with apologies to the late George Harrison)," begins the written decision by Judge Robert Gigante, which granted Dr. Gil Lederman's motion to move the suit.

"Something in the folks he treats / Attracts bad press like no other doctor," the judge's decision begins. "He's in our jurisdiction now / He gets Beatle autographs somehow."

The lawyer who's suing Lederman for malpractice on behalf of John Mikul and his late wife Suzanne wasn't amused by the judge's stab at songwriting.

"It's an insult to the deceased, who died from severe radiation burns, to her pastor husband and to her family," said the lawyer, Steven North.

He said his client didn't yet know about the decision, but would be "offended by the language that was used in the his most serious matter. We will, of course, appeal."

May Yee, a spokeswoman for the state Office of Court Administration, quoted Supreme Court Justice Gigante as saying "the decision speaks for itself" and had "nothing to add."

Lederman argued he couldn't

get a fair trial in New York City because of "negative publicity" from the Harrison incident, and the judge agreed.

Suzanne Mikul, 66, was suffering from colon cancer when she went to Lederman for treatment at Staten Island University Hospital in 2002. The New Mexico woman, who worked for husband's ministry, wanted to see Lederman because of the publicity he was getting for his controversial "stereotactic radio surgery treatment," North said.

"They were saying they had the magic silver bullet that could beat back cancer," North said. But "excessive radiation was used on Mrs. Mikul. She suffered radiation burns and died from them."

North said he filed suit against Lederman, one of his colleagues and the hospital in Staten Island "because that's where all the witnesses are."

In the non-lyric portion of his decision, which is footnoted in his "song," Gigante said Lederman wanted the trial moved because of his notoriety from the Harrison incident.

He noted that it was widely publicized that Lederman forced the bedridden ex-Beatle to sign a guitar and two autographs for his 13-year-old son. "The reports describe Lederman as having taking Harrison's hand to help him write his name on the guitar, while saying, 'you can do this.'"

"Supposedly, Harrison resisted, stating, 'I don't even know how to

spell my name anymore.'"

The cancer-stricken musician died two weeks after the incident in November 2001.

Harrison's estate later filed suit against Lederman — an action that was settled after the doctor gave the guitar to Harrison's family.

The judge said that since the Harrison family lawsuit, Lederman "has been the victim of personal threats," including hate-filled e-mails. He also noted that the doctor was recently socked with a \$5.5 million malpractice verdict in another Staten Island case.

Lederman's lawyer maintain that verdict was inflated by jurors who told him "they had wanted to see the 'Beatle doc.'"

"Consequently," the judge wrote, "it is much more than mere speculation or conjecture that it would be difficult, if not impossible, to obtain a fair and unbiased pool of jurors ... The court se-

lects Albany County as place of trial."

Or, as he wrote in his song portion of the decision, "And all I have to do is move this trial / Somewhere they don't know George Harrison / If this case I were to keep / Defendant would surely weep."

North said the judge's ruling was "incomprehensible" because the case likely won't go to trial for another two years, at which point the firestorm over Lederman will have cooled. He added that moving the case upstate would "impose extraordinary costs" on his client, who would have to get witnesses to travel there.

"And," North added, "jurors in Albany like the Beatles just as much as jurors in New York City."