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Hepatitis Trials Could Be Pushed Back

Endoscopy Center Files For Bankruptcy

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LAS VEGAS -- The Endoscopy Center of Southern Nevada has filed for bankruptcy, and trials for hundreds of alleged victims could be delayed.

Court proceedings were supposed to start this fall but could be pushed back months. The center filed for Chapter 7 protection which is a liquidation process that will require the center to sell off its assets.

Local attorneys said the filing is unfair.

"The Endoscopy Centers have been out of business nearly two years. Why wait three months before trial to file bankruptcy action to stop the proceedings?" said attorney Ed Bernstein.

Bernstein said his clients have waited long enough for their trial against the Endoscopy Center.

It's been more than a year since the hepatitis C scare. Allegations surfaced about unsafe injection practices after several people contracted the virus.

Bernstein said his legal team has been getting the run-around. "Doctors have not testified. They've taken the Fifth Amendment. They've refused to give us documents, delaying techniques," Bernstein said. He said these techniques only hurt the victims -- a move he believes the defense is going for.

"Victims get older. Evidence gets lost. Witnesses leave. The longer you delay, typically the more advantageous it is for the defense," Bernstein said.

Legally, the Endoscopy Center can file, and by law, all court proceedings must stop.

But Bernstein said these victims are in pain, and he said justice delayed is justice denied.

Now Bernstein and other attorneys must go to federal court to have a judge "lift the stay" and have the trials moved back and resume in state court. All of this will push back the trials for an unknown amount of time.

The center has not released any comment. Health officials predicted up to 40,000 people could have been at risk for Hepatitis C.