

for only one year. He estimated that in Romney's case, the non-compete would have cost Romney \$169,379 in additional damages. The Arbitrator is unconvinced. The non-compete provision in the doctors' contracts was onerous, and required them to completely revise the way they practiced medicine. For Romney, beginning again professionally was just too difficult. Bauer decided to attempt to get away professionally from Respondents' influence without having to uproot his family too. He was successful in finding alternative employment, but it was and continues to be dislocating for his professional and personal life.

**Non-economic damages:** Claimants also seek to recover their non-economic loss. The non-economic component of the loss represents the doctors' pain and suffering. Respondents correctly point out that these damages are personal to the Claimants. RCW 4.20.046

Having heard the testimony of the witnesses and having reviewed the evidence submitted, the Arbitrator concludes that the emotional distress that Romney suffered as a result of his termination warrants an award of \$1,000,000, as discussed below. Having considered the non-economic loss Bauer suffered, the Arbitrator concludes that his pain and suffering likewise warrants an award of \$1,000,000, as detailed below.

Romney had a high reputation in the community. He was revered by staff and patients. (See, e.g., Nix Decl., Exh. 204, Parags.8-10) He testified that the termination was devastating for him emotionally. He and his wife both described it as a wound to his soul. (Cindius Romney 2543:17-2544:25) He did not recover from the humiliation. Not only did he never practice medicine again--he was so shamed that he refused to go out in public and stopped the activities he had previously enjoyed. His anxiety about the financial impact of a termination so late in his career also contributed to his suffering. He had to endure this litigation throughout the remainder of his life. Not long after his termination, he was diagnosed with Stage 4 cancer, but nonetheless he sat for several sessions of his deposition in the case. He died just three weeks after his deposition concluded in early 2015. He refused even to have a memorial service or any celebration of his life. This termination crushed and demoralized him. When Romney died, these damages stopped. To compensate for his personal pain and suffering, the Arbitrator awards \$1,000,000.

Bauer also was a respected physician and valued by those who worked with him. (See, e.g., Nix Decl. Exh. 204, Parags. 11, 12) He also suffered humiliation, testifying that he felt "club[bed] to death professionally." (2228:13-14) At age 47 he was at what should have been the height of his career and entering into his highest earning years. Instead, he had to begin again professionally. After fits and starts, he was able to continue to practice medicine by finding a position with a flexible schedule that met his needs at a great distance from SAPC. His lifetime earning capacity has been affected by the termination, and he is separately awarded the economic damages for that, as set forth above. The Arbitrator also awards him non-economic damages of \$1,000,000 for his pain and suffering.

## IX.

### **PROCEEDINGS AFTER THE INTERIM STATEMENT**