

Radiologist fails to detect cancerous tumor in woman's lung

Diagnosed eight months later; cancer metastasizes

\$1 million settlement

On Dec. 4, 2014, the plaintiff, a 62-year-old woman with a long history of heavy smoking, went to an urgent care center complaining of a persistent cough and being out of breath.

The PCP ordered a chest X-ray, which the defendant radiologist interpreted as normal.

The woman returned eight months later complaining of worsening symptoms. Another chest X-ray was taken, and a different radiologist detected the tumor that had grown significantly since the December 2014 X-ray. She was diagnosed with Stage 1B non-small cell lung carcinoma.

On Sept. 15, 2015, the plaintiff had surgery to remove the tumor. However, three years later, in April 2018, she developed metastatic cancer and died on Nov. 16, 2019.

The plaintiff alleged that the radiologist was negligent in failing to detect a "shadow" in her right lung that was not present in her 2012 chest X-ray, and in failing to order a follow-up CT scan.

The plaintiff's oncology expert opined that, due to the delay in diagnosis, she suffered a loss of a substantial chance of survival.

The defendant denied that he was negligent and argued that an eight-month delay did not impact her medical course given that she was only Stage IB at the time of diagnosis.

The case settled shortly after the deposition of the defendant.

The plaintiff was retired, unmarried and had no children. She donated a substantial part of her settlement to the Dana Farber and Brigham & Women's Hospital where she had been treated for cancer.

Action: Medical malpractice

Injuries alleged: Wrongful death, pain and suffering

Case name: Withheld

Court/case no.: Withheld

Jury and/or judge: N/A (settled)

Amount: \$1 million

Date: November 2019

Attorneys: Jeffrey N. Catalano and Christine R. Thompson, of Todd & Weld, Boston (for the plaintiff)



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