

# Woman Expires After Delay in Diagnosis

Lois Horne-Lewis, 50, was a vibrant, fun-loving mother of seven daughters, grandmother of ten, and wife to husband Jacob. Mrs. Horne-Lewis knew the importance of having yearly mammograms. Her sister had had breast cancer, and she knew that having regular breast examinations was important for maintaining good health. Following some unusual changes in June 1997, Mrs. Horne-Lewis scheduled a mammogram at Center Y. While the study revealed some benign densities in her breast, Mrs. Horne-Lewis was obviously relieved to learn that no evidence of malignancy was detected.

In August 1998, Mrs. Horne-Lewis returned to Center Y for her next mammogram. The films were read by radiologist Dr. X. He found a new area of increased density, with ill-defined borders measuring one centimeter in the central left breast, and characterized the study as "somewhat suspicious." Dr. X also noted some benign appearing lymph nodes in the left armpit, but dismissed those findings, recommending only that additional views of the left breast be taken.

Two weeks later, Mrs. Horne-Lewis returned to Center Y for four spot compression views of her left breast. Dr. X again reviewed the films and found that they failed to demonstrate a discreet mass or cancerous lesion, concluding that the findings were merely densities. Rather than properly evaluating and interpreting the abnormalities in the mammograms, Dr. X simply recommended that Mrs. Horne-Lewis return for another screening in six months.

On Feb. 24, 1999, Mrs. Horne-Lewis returned for her recommended screening. Dr. X again reviewed the films and compared them with the August 1998 mammogram. In just six-months, the mass had tripled in

size, from one to three centimeters. Finally, Dr. X recommended a biopsy – something he should have done long ago. The biopsy was performed on March 3, and by March 9 the pathology report revealed that Mrs. Horne-Lewis had breast cancer. On June 28, Mrs. Horne-Lewis underwent surgery, and her entire left breast and all of the lymph nodes under her left arm were removed.

Following the surgery, the family sought the assistance of attorney Carl Brown in Miami, who then referred the case to attorney Darryl Lewis (no relation). Mr.

Lewis, along with attorney Sia Baker, filed a Notice of Intent to Initiate Litigation against the radiologist and the radiologist's employer. Utilizing an option available under Florida's medical malpractice statute, the defendants demanded arbitration in an attempt to cap their losses. The Lewises rejected the arbitration demand and chose to litigate their case.

Nevertheless, having been offered the option of arbitration, the Lewises were entitled to seek all of their economic damages, but their claim for non-economic (pain and suffering) damages would be capped at \$350,000.

In September 2000, while litigation was ongoing, Mrs. Horne-Lewis learned that her cancer had spread to her liver. This was a devastating blow to Mrs. Horne-Lewis and her family, as it meant that Dr. X's delayed diagnosis of the cancer would ultimately be a fatal mistake.

In early January 2002, subject to the non-economic damage cap of \$350,000, Mr. Lewis and Ms. Baker successfully negotiated a settlement of \$987,500 for the Lewis family. Mrs. Horne-Lewis passed away later that month. ■

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**Pictured above: Lois Horne-Lewis and her daughters.**

