



and test results, while the general physician blamed the cardiologists for failing to treat a patient who was obviously undergoing a serious cardiac event.

Ms. Terry settled the majority of the case with the hospital and the two cardiologists during mediation for a total of \$700,000. Subsequently, Dr. C paid an additional \$100,000 to resolve the remainder of the case. ■

### □ □ **Despite Numerous Doctor Visits, Man Diagnosed with Cancer**

Mr. K, age 53, first established Dr. G as his primary care physician on Jan. 26, 1994. During Mr. K's third visit to Dr. G, which occurred on April 10, 1996, Mr. K underwent a prostate-specific antigen (PSA) test. The result from the test was 2.4, which was within the normal range.

Mr. K visited Dr. G's office for treatment of various illnesses a total of seven times in 1997, although no physical examinations, PSA tests, or digital rectal exams were performed during that year. A similar scenario followed in 1998, as Mr. K visited Dr. G's office a total of ten times without ever having physical exams, PSA tests, or digital rectal exams performed.

On Sept. 20, 1999, during his fourth visit to Dr. G that year, a PSA test performed by the doctor revealed a level of 8.9, which exceeded the range deemed normal. A follow-up PSA test done on Nov. 12, 1999, revealed that the level had elevated to 16.4. As a consequence of the second lab value, Mr. Khan was referred for an exam with a urologist, which

occurred on Dec. 2, 1999. By then, a CT scan showed the presence of metastatic carcinoma in Mr. G's prostate and thoracic spine. Aggressive treatment with radiation and chemotherapy was initiated, but the cancer continued to metastasize down to Mr. K's lumbar and sacral spine.

Believing that his cancer should have been detected long ago, Mr. K hired Dick Slawson of the law firm of Slawson, Cunningham, Whalen and Smith in Palm Beach Gardens, who in turn referred Mr. K to attorney Greg Barnhart. Mr. Barnhart investigated the claim, and in November 2001, placed Dr. G on notice of Mr. K's claim for medical negligence. Under guidelines mandated by the medical malpractice statute in Florida, that notice letter commenced a 90-day pre-suit investigation period, during which the opposing parties examined pertinent records, consulted with experts, and discussed the merits of the claim.

*A follow-up PSA test done on Nov. 12, 1999, revealed that Mr. K's level had elevated to 16.4.*

Prior to the expiration of the pre-suit investigation period, and therefore prior to the filing of a formal lawsuit against Dr. G, Mr. Barnhart successfully negotiated an \$875,000 settlement on Mr. K's behalf with Dr. G's malpractice insurance carrier. The settlement proceeds will afford Mr. and Mrs. K some measure of comfort as Mr. K battles the effects of this dreaded, yet preventable, disease. ■