

MISSOURI LAWYERS WEEKLY

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VS VERDICTS & SETTLEMENTS

Man With Leukemia Died Of Hemorrhage *Family Claimed Drug Therapy Should Have Started Sooner*



TIM DOLLAR



JEFF HENRY

\$950,000 Settlement

The family of a man who died from a hemorrhage while suffering from a rare form of leukemia sued his doctor for medical malpractice, claiming that more timely treatment would have prevented his death.

A 38-year-old college professor went to an oncologist for confirmation of a leukemia diagnosis. Blood tests taken in the office confirmed the diagnosis and suggested that the man had a rare form of the disease called APL. APL has a high risk of fatal hemorrhage if untreated, but drug therapy can greatly reduce the risk.

The oncologist chose to perform bone marrow studies on an outpatient basis and sent the specimens to an out-of-state lab for analysis. Before the lab results were returned, the patient suffered a massive intracranial hemorrhage and died.

The patient's family sued the oncologist, claiming that if the doctor had hospitalized the patient and begun drug therapy, the patient would not have died.

The parties settled for \$950,000 during mediation.

Type of Action: Medical malpractice

Type of Injuries: Death

Court/Case Number/Date: Jackson County Circuit Court/Confidential/April 9, 2003

Caption: Confidential

Judge, Jury or ADR: Mediation

Name of Mediator: Hollis Hanover

Special Damages: \$1.5 million lost wages, \$9,000 funeral and burial expenses

Verdict or Settlement: \$950,000 settlement

Allocation of Fault: N/A

Last Offer: N/A

Last Demand: N/A

Attorneys for Plaintiff: Jeff Henry, Law Offices of Tim Dollar, Kansas City, and Peter Obertz, Bartimus, Frickleton, Robertson & Obertz, Kansas City

Insurance Carrier: Not disclosed

Plaintiff's Experts: Dr. Harry Jacob, Minneapolis, Minn. (hematologist)

Defendant's Experts: Dr. Alan Keller, Tulsa, Okla. (oncologist); Roscoe Morton, Des Moines, Iowa (oncologist)