

TYPE OF ACTION: Medical Malpractice – Failure to Timely Diagnose Breast Cancer

CASE NAME: Warren Cox, Personal Representative of the Estate of Eleanor Browder, deceased, Plaintiff v. Donna J. Gamache M.D. and Mid-Atlantic Health Alliance, Inc., T/A Lee's Hill Medical Associates
CL-05-99

VERDICT/DATE: \$7,496,953.29 April 3, 2009

JUDGE: David H. Beck, Circuit Court of Spotsylvania

ATTORNEYS FOR PLAINTIFF: William E. Artz and Andrew J. Waghorn, Arlington, Virginia
Yvette Nageotte, Stafford, VA

CASE SUMMARY:

Eleanor Browder died April 28, 2008 from metastatic breast cancer. On March 26, 2003 she presented at the medical office of her primary care physician, Donna J. Gamache, M.D. with a complaint of a new breast lump. She was seen by a Nurse Practitioner. A mammogram was ordered and came back as negative. Defendant, Donna Gamache received the written negative mammogram report and asked for the patient's chart to see the background of the new lump. She never received the chart and accordingly there was no follow-up by her or the Nurse Practitioner who worked in this office part-time. The standard of care required an ultrasound and/or a biopsy to determine the cause of a new breast lump. In this case a diagnosis of cancer should have occurred 7 months sooner than November 2003 when Mrs. Browder was determined to have metastatic disease. Her prognosis in April/May 2003 when she was a Stage II was a 70-80% chance of disease free survival. In November she was a Stage III with a less than 50% chance of survival. Following diagnosis Mrs. Browder had a double mastectomy, pre and post operative chemotherapy, post op radiation. She went into remission for 2-1/2 years. In 2006 a reoccurrence of cancer occurred in her stomach, pancreas and ultimately, her brain. She left a husband, 27 year marriage and two children from a prior marriage. This was an extremely close family. The defense in this case was that the delay made no difference.

Medical bills were \$211,000.00. Economic loss of \$785,000. Solace represented the balance of the verdict.