

TYPE OF ACTION: Medical Malpractice, Failure to Timely Diagnose and Treat GI Stromal Tumor

CASE NAME: Soe v. Koe *

SETTLEMENT: \$700,000.00
(mediated by Judge Robert Harris)

ATTORNEYS FOR PLAINTIFF: William E. Artz and Andrew J. Waghorn
Of Arlington, Virginia

CASE SUMMARY:

The Plaintiff is a widowed Somalian female, age 58, mother of 8. She presented to the Defendant health care provider March 21, 2005 complaining of abdominal pain in the left lower quadrant of 2-3 weeks duration.

A colonoscopy was performed in July 2005 which was negative other than showing two small polyps which were removed.

In August 2005 patient returned with complaints of feeling weak.

On September 2, 2005 plaintiff returns with complaints of pain and rectal bleeding. An abdominal CT was performed on 9/13/05. Plaintiff's radiological expert opines this CT demonstrated a suspicious mass of 4 x 3 in size in the left pelvis. Defendant maintained the CT results suggested an inflammatory process and prescribed antibiotics. Antibiotics were ineffective.

Anemia was thereafter noted – a small bowel follow through and barium enema were recommended. Equipment failure prevented the SBFT and scheduling difficulties prevented its immediate scheduling.

10/5/05 due to Left lower quadrant pain, she was instructed on diet and exercise and to follow up in three months.

On October 11, 2005 Plaintiff returns with same complaints. She was started on levaquin and flagyl.

Patient seen again in May 2006. Barium enema performed June 7, 2006 – SBFT July 6, 2006 – both were negative.

On November 15, 2006 patient goes to local hospital for abdominal pain – hospital does a CT which shows a diffuse abdominal and pelvic mass.

* Identity of Parties camouflaged per Confidentiality Agreement

Needle biopsy demonstrated a GI stomal tumor with widespread disease.

There was no claim of lost earnings in this case. By November 2006 she had less than a 50% chance of survival. Her life expectancy was 5 years on gleevac.

Had Plaintiff been diagnosed in September of 2005, she had a greater than 50% chance for cure. Plaintiff's condition is incurable.

Respectfully submitted,

William E. Artz