

\$7,100,000 (with interest) VERDICT IN BREAST CANCER MISDIAGNOSIS CASE.*

Medical Malpractice Trial Report

BREAST CANCER Medical Malpractice Lawsuit: Delay in Diagnosis of Breast Cancer Worsens Prognosis and Results in Wrongful Death

Mrs. Manuppelli first began to treat with the Defendant Dr. Berman in 1970 for obstetrics and gynecology. On April 6, 1987, Mrs. Manuppelli had a scheduled office visit with Dr. Berman after she found a palpable lump in the right breast. Dr. Berman sent Mrs. Manuppelli for a bilateral mammogram. The mammogram did indicate that Mrs. Manuppelli had dense breasts, but was reported as unremarkable otherwise. The mammogram and ultrasound was read as suggestive of a cyst.

Mrs. Manuppelli next saw Dr. Berman on June 11, 1987, when he reported that the cyst had unchanged. Dr. Berman did not perform a needle aspiration, order Mrs. Manuppelli to return within months for a follow up evaluation, order further diagnostic study of the breast lump. Nor did Dr. Berman refer Mrs. Manuppelli for a second opinion or further evaluation by a breast surgeon or specialist.

Mrs. Manuppelli next returned to Dr. Berman's office on September 23, 1988. At the September 23, 1988 visit, another ob/gyn noted a 3cm x 3cm tender mass in the right breast, and Mrs. Manuppelli was referred to a breast surgeon.

The breast surgeon saw Mrs. Manuppelli on October 4, 1988 and noted a 3cm mass in the upper outer quadrant in the area where a cyst was noted in March 1987. A needle biopsy was performed in which the surgeon was unable to obtain fluid, a sign that this was not a cyst but in fact a tumor. The impression was that this was cancer and a lumpectomy was scheduled for October 19, 1988. The pathology done did reveal intraductal carcinoma.

By the time that Mrs. Manuppelli was diagnosed, after the 18 month delay following the discovery of the right breast lump, the tumor was found to be an irregular mass of tissue measuring approximately 4x3x2 cm and had progressed to a Clinical Stage II. Barbara Manuppelli died on June 25, 1993 at age 42 from cancer of the breast. At the time of her death, her husband and three minor children survived her.

Following a trial the jury returned a verdict of \$4,500,000 which with interest became \$7,100,000.

*As Reported in the Salem News, The Boston Globe and the Boston Herald