

Settlement of Estate of Doe v. OB/GYN  
Central Pennsylvania

Mrs. Doe first became associated with the PC employing the OB/GYN on February 3, 1993, at age 40. The doctor's notes indicate that Mrs. Doe's menses were irregular and had always been so. On February 10, 1993, Mrs. Doe underwent an ultrasound, which appeared normal. Mrs. Doe first saw Defendant on October 14, 1994. On October 20, 1999, Defendant's notes indicate that Mrs. Doe has not had regular menses for the last 2 years. Defendant testified in his deposition that he was aware that Mrs. Doe had all of the classic risk factors predisposing a patient to endometrial cancer. On November 1, 1999, Mrs. Doe underwent a transvaginal ultrasound, which Defendant ordered to rule out endometrial pathology. Mrs. Doe presented to Defendant on November 3, 1999 to review the test results. Defendant's notes indicate that Mrs. Doe was started on hormone treatment and "that any abnormalities in bleeding will have to be assessed with a biopsy." Defendant acknowledged in his deposition that it would have only taken ten minutes to perform an endometrial biopsy. Defendant further acknowledged in his deposition that Mrs. Doe was premenopausal.

On November 9, 2000, Mrs. Doe telephoned Defendant's office and stated that she had not had a period for over a year but has been spotting. Mrs. Doe further stated that the spotting was ongoing. On November 29, 2000, Mrs. Doe presented to Defendant with complaints of ongoing spotting. Defendant did not perform an internal examination, blood work or any other form of diagnostic testing, but instead looked at the November 1999 ultrasound, which was more than one year old. Defendant testified in his deposition that the bleeding Mrs. Doe was experiencing prior to November 29, 2000 office visit was in fact abnormal bleeding. Even though his November 3, 1999 note stated, "that any abnormalities in bleeding will have to be assessed with a biopsy," Defendant did not perform an endometrial biopsy. On numerous occasions in late 2000 and early 2001, Mrs. Doe telephoned Defendant's office continuously reporting bleeding. Without seeing Mrs. Doe, Defendant ordered another ultrasound. On February 2, 2001, Mrs. Doe underwent a transabdominal ultrasound. Defendant testified that he did not realize the February 2, 2001 ultrasound was a transabdominal ultrasound until the day before his December 18, 2002 deposition. He further testified that had he realized the February 2, 2001 ultrasound was a transabdominal ultrasound, he would have ordered a transvaginal ultrasound or some other type of testing. On February 26, 2001, Mrs. Doe presented to Defendant for further evaluation of dysfunctional uterine bleeding. Defendant's notes state that he has not had success with intermittent use of progestins and has not been able to cycle her with good control using contraceptive pill suppression. Defendant again did not perform an internal examination, blood work or any other form of diagnostic testing, but increased Mrs. Doe's hormone treatment dosage from 10 mg per day to 20 mg per day. Mrs. Doe advised Defendant in April of 2001 that she

was due for a yearly examination. Mrs. Doe was instructed to call back to schedule the examination and that Defendant would re-evaluate the complaints then. Three days later, Mrs. Doe attempted to schedule this examination and was advised that Defendant had moved to Texas.

In May 2001, Mrs. Doe began to treat at another obstetrical/gynecological group, where a non-defendant doctor performed an endometrial biopsy in his office on June 18, 2001. A D & C procedure was performed on June 29, 2001. Following the endometrial biopsy, Mrs. Doe was diagnosed with endometrial cancer and underwent a radical hysterectomy with removal of tubes and ovaries. Mrs. Doe presented for additional testing which revealed metastasis to retroperitoneal, supraclavicular and mediastinal lymph nodes. Mrs. Doe received chemotherapy and radiation treatments for her cancer. Mrs. Doe died on October 11, 2002 at age 50.

The case was settled on the eve of trial in federal court for \$1 million.

Clifford A. Rieders, Esquire  
Attorney for Plaintiff Mrs. Doe

RIEDERS, TRAVIS, HUMPHREY, HARRIS,  
WATERS & WAFFENSCHMIDT  
161 West Third Street  
P.O. Box 215  
Williamsport, PA 17703-0215  
(570) 323-8711  
(570) 567-1025  
cliff.rieders@riederstravis.com