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\$7M verdict in delayed cancer diagnosis

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A DuPage County jury awarded \$7 million to a 59-year-old woman with Stage IV metastatic breast cancer whose mammograms were allegedly misread by her doctors.

A verdict was reached June 19 after a trial before Associate Judge David E. Schwartz.

The award is higher than any previously reported Illinois verdict for delayed diagnosis of breast cancer, according to John Kirkton, editor of Jury Verdict Reporter, a product of Law Bulletin Media.

In August of 2008 and 2009, plaintiff Patsy Walker had mammograms performed by defendant radiologists Sara Anschuetz and F. Steven Davis, who worked for Suburban Radiologists S.C. in Hinsdale.

Both tests were considered “normal,” but in 2010 Walker felt a lump in her right breast and was diagnosed at age 51 with advanced stage breast cancer, according to one of her attorneys Brian Hurst of Beutel Hurst Boleky LLC.

Now, at 59, the cancer has spread to her spine, skull, pelvis and sternum, Hurst said.

“She can expect that it will continue to spread to her bones and then her other organs, and ultimately cause her death,” he said.

Walker filed a lawsuit against the doctors and their employer contending the doctors misread Walker’s 2008 and 2009 mammograms as normal when they should have been read as abnormal.

Hurst said had they been interpreted it correctly the results would have warranted a full work-up. Under those circumstances, she would have been diagnosed with breast cancer earlier.

The radiologists’ defense attorneys argued the cancer was not detectable in 2008 or 2009 and there was no evidence it was present at that time, Hurst said.

Adventist Hinsdale Hospital, a named defendant in the suit as an apparent agent, settled prior to trial for \$140,000, according to a firm issued news release.

No settlement offers were made throughout the entirety of the case, Hurst said.

The plaintiff was also represented by Thomas F. Boleky of Beutel Hurst Boleky LLC.

“From our perspective this lady has a fight that she’s continuing to fight. This is a



Brian Hurst



Thomas F. Boleky

chapter in her story but it’s certainly not the end,” Hurst said. “I think she will write the end as valiantly as she has written the other remaining chapters in her life.”

The defense was represented by William F. Cun-

ningham and Melissa L. Mitchell of Cunningham Meyer & Vedrine P.C. in Warrenville.

They did not return requests for comment.

The case is *Patsy Walker v. Sara L. Anschuetz, MD, et al.*, 12 L 1240.



DuPage County Circuit Court

Patsy Walker v. Sara L. Anschuetz, MD, et al.

11 L 13434

Associate Judge David E. Schwartz