

HIGHEST VERDICTS

Sullivan Papain Block McGrath & Cannavo Wins 4th Highest Verdict of the Year

of
2005

MEDICAL MALPRACTICE

Wilma Ramirez v. Central Brooklyn Medical Group, P.C. and Harold Milstein, M.D.

Third-Party Case: Central Brooklyn Medical Group, P.C. and Harold Milstein, M.D. v. Dennis Blanchette, M.D., No. 3427/02

Plaintiff Attorney: Eleni Coffinas of Sullivan Papain Block McGrath & Cannavo, New York.

Defense Attorneys: Paul M. Paley of Garbarini & Scher, New York, for Central Brooklyn Medical Group, P.C. and Harold Milstein, M.D.; Barry M. Schreiber of Aaronson Rappaport Feinstein & Deutsch, New York, for Dennis Blanchette, M.D.

Plaintiff Wilma Ramirez filed a medical malpractice action relating to her diagnosis of ovarian cancer; she underwent a full hysterectomy. Ms. Ramirez had visited Dr. Harold Milstein at Central Brooklyn Medical Group over a period of several months, reporting several symptoms including diarrhea and abdominal pain. At some visits, Dr. Milstein diagnosed Ms. Ramirez with gastroenteritis and ordered blood tests. Her hemoglobin numbers were showing decreases over time. Dr. Milstein referred Ms. Ramirez to a gynecologist, who eventually diagnosed her with cancer.

Ms. Ramirez claimed that she had anemia but that Dr. Milstein did not convey this information to her, and that Dr. Milstein did not properly investigate her anemia and failed to send medical records to the gynecologist, Dr. Dennis Blanchette.

Dr. Milstein's expert internist testified that Dr. Milstein appropriately managed Ms. Ramirez's anemia and monitored her care and appropriately referred her to a specialist based on his reasonable belief that her problem was gynecological in nature. The defendants argued that ovarian cancer is rare and does not usually have specific signs or symptoms. As for failure to send the records to Dr. Blanchette, Dr. Milstein pointed to Central Brooklyn's procedure whereby the original chart would be messengered from doctor to doctor.

The plaintiff's expert hematologist-oncologist testified that if Ms. Ramirez's cancer had been diagnosed earlier, the cancer would have been confined to one ovary, and that although she is currently cancer-free, her cancer could return at any time. The defendant's expert internist testified that the standard of care required a hysterectomy be performed even with an earlier diagnosis and that the only exception to that would have been if Ms. Ramirez wanted to have more children, and she testified that she did not.

The jury found Dr. Milstein was 70 percent liable and Central Brooklyn Medical Group was 30 percent liable. The jury found Dr. Blanchette was not liable or negligent. Ms. Ramirez was awarded \$20 million.

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SULLIVAN PAPAIN BLOCK McGRATH & CANNAVO P.C.

120 Broadway New York, NY 10271 55 Mineola Blvd. Mineola, NY 11501 126 State Street Hackensack, NJ 07061
Tel: 212.732.9000 Fax: 212.266.4141 Tel: 516.742.0707 Fax: 516.742.7350 Tel: 201.342.0037 Fax: 201.342.6461

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