

The Tennessee Jury Verdict Reporter

The Most Current and Complete Summary of Tennessee Jury Verdicts

November, 2004

Statewide Jury Verdict Coverage

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Unbiased and Independently Researched Jury Verdict Results

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Civil Jury Verdicts

Timely coverage of civil jury verdicts in Tennessee including court, division, presiding judge, parties, case number, attorneys and results.

Medical Negligence - A radiologist was criticized for misreading a CT scan and missing a cancer lump in plaintiff's neck - a year later when the cancer was discovered, it had already metastasized extensively

Wilson v. Weaver, 03-480

Plaintiff: Daniel L. Clayton, *Kinnard*

Clayton & Beveridge, Nashville

Defense: Edward A. Hadley, *North*

Pursell Ramos & Jameson, Nashville

Verdict: \$1,800,000 for plaintiff

County: **Davidson**

Judge: Walter C. Kurtz

4-2-04

On 1-30-01, Melvin Wilson, then age 61 and a pharmacist, went to see his family doctor, Richard Garmon, complaining of tenderness in his neck. Garmon suspected a vascular problem. An ultrasound instead showed a mass in his neck.

On 2-5-01, an arteriogram was

performed. It was normal. Suspicious of a mass, Garmon ordered a CT scan. It was read as normal by a radiologist, Gregory Weaver of Radiology Alliance -- Weaver thought the suspected mass was an asymmetrical jugular vein. His review was limited in part as a dye contrast could not be used, it having just been used in the arteriogram. Garmon and Wilson were reassured.

Over the next year Wilson was treated for assorted ailments, including a persistent sore throat. As the symptoms continued, he was seen in February of 2002 by an ENT. At this time it was noted that Wilson had tongue cancer. Described as a squamous cell carcinoma, it had begun to metastasize to his chest. Despite intervention he had virtually no chance to survive. He died on 6-9-03 at age 63, leaving behind his wife, Patricia.

The estate alleged negligence in this action by Weaver in misreading the CT scan. While not calling it a violation of the standard of care, Weaver would later concede in hindsight the mass was visible. Plaintiff's liability expert on radiology was Dr. Allen Elster, Winston-Salem, NC.

The key issue in this case turned on causation. Weaver defended that regardless of any diagnosis error, at the time he read the CT scan in February of 2001, the cancer had already spread in microscopic amounts and death was unavoidable. Experts for Weaver were Dr. Stephen Blunt, Radiology, Nashville and Dr. Richard Stein, Oncology, Nashville. Weaver also sought to call Dr. Eric Raefsky, Oncology, Nashville -- Raefsky was originally named by Garmon who was a