

CHARLES' STORY

A real case demonstrating
the unfairness of damage caps.

Charles' Story

Charles' doctors misdiagnosed him with cancer, resulting in him undergoing needless radiation treatments that caused permanent physical damage and left him confined to a wheelchair. After switching hospitals, Charles was told that he never had cancer at all.

At 29 years old, Charles was a physically fit, healthy, active father of two. He had learned the importance of being fit and healthy while serving for four years in the United States Army, and, after his discharge, he continued a vigorous exercise routine. Despite a demanding work schedule, he made time to play team sports and most enjoyed playing in his company's basketball league. The rest of his time was spent with his two kids, who loved their dad's playful and energetic nature.

In August, Charles began to feel a strange sensation in his left leg. His leg felt weak and numb. Charles was very concerned and immediately contacted a doctor. He had never felt anything like this and wanted to have his leg examined as soon as possible. After an examination, Charles' doctor recommended that he undergo a CT Scan of his back to check for disc disease. The CT Scan did not show any problems with Charles' back. His doctor was worried and admitted Charles to the hospital for further testing. Charles had an MRI of his back, which revealed a mass in his spinal cord. Part of the work-up included a chest X-ray, which also had abnormal findings. The chest X-ray showed changes consistent with a system-wide inflammatory condition.

To further investigate his condition, Charles underwent a surgical biopsy. The pathologist who read the biopsy concluded that Charles had a very rare form of cancer, and his prognosis was grim. The biopsy sample was also sent for review to a neuropathologist, a specialist in diagnosing lesions of the nervous system. This doctor ran several additional tests on the sample, the results of which suggested that the spinal cord lesion was part of an inflammatory process, not cancerous. Ignoring these results, and choosing not to run several other tests that could confirm that the lesion was not cancerous, the neuropathologist concluded that Charles had a very rare form of cancer.

Charles was stunned with the news that he had a deadly cancer. Radiation was recommended as the treatment of choice, and Charles' care was transferred to cancer specialists at a different Philadelphia area hospital. Charles' slides were examined by a pathologist at this hospital who had never diagnosed a tumor like this before. Instead of looking at the slides independently, he merely rubber-stamped the findings of the neuropathologist at the previous hospital. After speaking with this new pathologist, who also diagnosed Charles' spinal mass as a deadly form of cancer, his oncologists at the new hospital began a very aggressive radiation treatment program designed to save Charles' life. The aggressive radiation program lasted five weeks. Afterwards, Charles continued to see the oncologists for monitoring of his condition.

For a while, Charles seemed to be doing fine, but by the next August, one year after his initial diagnosis, he began developing increasing numbness and pain in both of his legs. His condition worsened. Charles had difficulty walking and soon also had problems with urinary incontinence and sexual dysfunction. Charles' doctors believed that his cancer had returned, and they recommended that he go to another hospital for further evaluation and treatment. Charles decided to move his care to the Hospital of the University of Pennsylvania (HUP).

The neuropathologist at HUP did not tell Charles that his cancer had returned. In fact, he did not tell Charles that he had cancer at all. The new neuropathologist had quickly determined that the lesion on Charles'

spinal cord was not a rare and deadly form of cancer. He recognized that the lesion required additional testing to determine what it truly was, testing that the first neuropathologist chose not to perform. After the testing was completed, Charles was diagnosed with a systemic inflammatory process, a diagnosis originally suggested by the chest X-ray performed one year prior. Charles was treated with oral steroids, which completely cured the inflammatory disease process.

Unfortunately, Charles cannot be cured of the damage caused by the aggressive radiation treatment for the cancer that did not exist. The radiation treatment had toxic effects on Charles' spinal cord. The spinal cord tissue deteriorated, causing permanent damage to Charles.

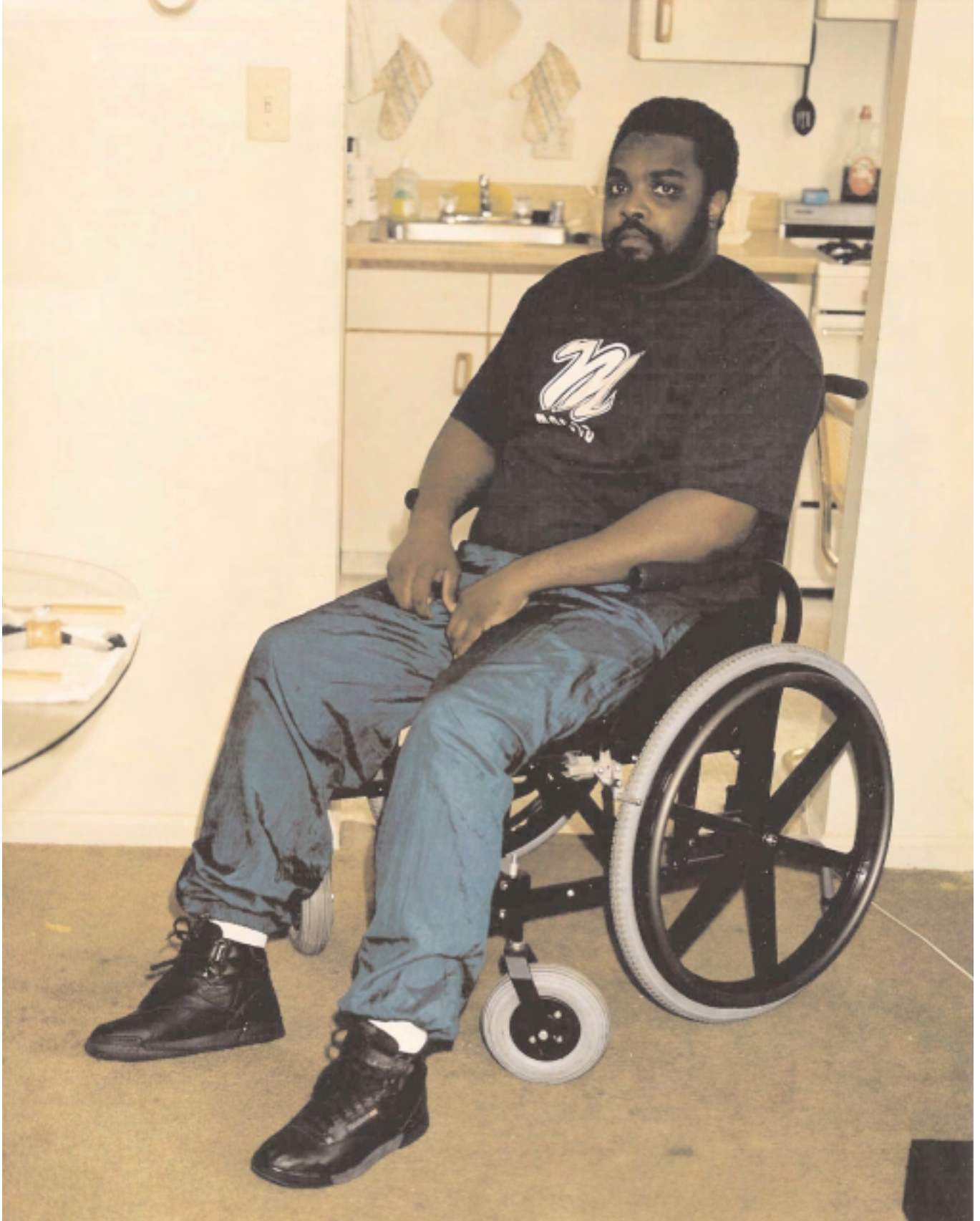
Charles cannot stand unassisted. He cannot walk at all and must use a wheelchair to get around. He has severe pain when he sits for significant periods of time. Because he cannot stand himself, he requires someone to assist him in standing every time that the pain of his confinement to his wheelchair becomes unbearable. Charles cannot control his bladder. He cannot control his bowels. He has permanent sexual dysfunction.

Charles' life, as he knew it and enjoyed it, is over. He cannot be the active, fun father that he used to be to his children. He cannot play in his company's basketball league, or any other sports league for that matter. His ability to be physically fit and healthy has been taken from him. His life now is filled with pain - the physical pain caused by the constant need to sit in a wheelchair and the emotional pain of knowing that he will never again run with his kids, never again drive down the court and make a lay-up, never feel the joy and exhilaration of rounding third base and knowing that he can beat the throw to home plate, never again bound up the steps to his house after a long day at work, eager to see his children. Charles' physical fitness routine now is having a physical therapist exercise his legs for him.

Charles will spend the rest of his life, over 41 years, unable to live the life that he worked and planned for, unable to live the life that he wanted to live, unable to interact with his family in the ways that he wanted. Can \$250,000 ever begin to compensate Charles for the life and the future that he has lost?



Before undergoing aggressive radiation treatments—for a cancer he learned later that he didn't have—Charles led an active physical life. He now can't stand unassisted and must use a wheelchair.



As a result of doctors' negligence, Charles will spend the rest of his life confined to a wheelchair.