

# ***LORETTA'S STORY***

A real case demonstrating  
the unfairness of damage caps.

## Loretta's Story

*Loretta, a wife and mother of four children, complained to her OB about lumps in her breasts at two annual checkups. The cancer inside of Loretta grew as her doctor dismissed her complaints. Finally, a year later, tests revealed breast cancer. Despite radical surgery, Loretta's days with her family are dwindling. Her last days will be filled with debilitating pain because the cancer has spread through her body and to her brain. Because of her doctor's negligence, Loretta will never see her children grow up.*

Loretta and her husband had it all. The couple was blessed with four wonderful children. Ranging in age from 8 to 14, the children were the center of the family and Loretta's great pride and even greater joy. She spent every moment that she could with them. She was involved in their schools, extracurricular activities and hobbies. Loretta's husband had a good job as a manager of a country club. Although Loretta's primary job was taking care of her family, she also worked at the country club part-time as a waitress and bartender. A very social and friendly person with a great sense of humor and a ready smile, Loretta enjoyed bantering and joking with the club members and other staff. She was always the most requested waitress, and she had great fun doing her job. Loretta and her family were happy, having fun and enjoying life together.

At the age of 36, Loretta went for her annual checkup with the OB/GYN who had delivered her four children. During the visit, she complained of changes in her breasts. Her doctor dismissed the complaints and ordered no diagnostic testing or treatment. After three months of complaints, her doctor diagnosed fibrocystic breast disease. No diagnostic testing was used to make this diagnosis. He told Loretta not to worry, that she only had a cyst, and to return in one year for her annual checkup.

When Loretta returned to the doctor 11 months later, she again complained to her doctor of breast changes. Her complaints included a history of soreness and lumps in her left breast. Again, no diagnostic testing was ordered, and Loretta was told that she had cysts that she should not worry about. One year later Loretta returned to her doctor, voicing the same complaints as she had during her two previous yearly exams. This time, her doctor ordered a sonogram, which detected three masses in her left breast. Additional diagnostic testing was ordered, including a biopsy, which revealed that the masses were cancerous.

Loretta and her husband were sick upon hearing the news that she had breast cancer. They could not believe that no testing had been ordered to investigate her complaints during the previous two years and that the cancer had been growing larger that entire time. Loretta underwent a radical mastectomy of the left breast immediately. At the time of her surgery, the largest tumor was over six centimeters in diameter. Loretta and her family received more bad news after the surgery. Loretta's surgeon told her that the cancer had already spread. It had metastasized to her lymph nodes and bones. She was told that no treatment could cure her, but that aggressive radiation and chemotherapy could prolong her life somewhat. Ultimately, however, Loretta will succumb to the cancer.

Loretta wants to see her children grow up. She has tried every form of treatment offered to her so that she can live at least to see each one graduate from high school. The treatment has been horrible. Once a vibrant, fun-loving woman, chemotherapy and radiation have reduced Loretta to a shell of her former self. She lost so much weight that friends and some relatives did not recognize her. After she was placed on steroids, she temporarily became puffy and swollen, only to again lose so much weight that her bones were visible. Her beautiful hair fell out in clumps, and she began wearing scarves and hats. She is always nauseous, sick and

weak. She is also incredibly tired all of the time, and she now looks much older than her 40-plus years. Her pain is unbearable, even with the strongest pain medications. The slightest movement or touch intensifies the pain and causes tears to stream down her face. She used to care for the whole family. Now she cannot do anything for them, nor can she go places and do things with them. Her family can't remember the last time that they heard her laugh. Even though she tries so hard to maintain a positive and optimistic attitude, it is hard for her to even muster a smile.

The cancer has spread to Loretta's brain. Her time now is very short. Little can be done to prolong her life. She lives each and every day wondering if it will be her last opportunity to see a sunset, hear a bird chirp, smell a flower, hold her children close to her, listen to their laughter echo through the house, gaze at the strong, yet now sad, face of her beloved husband, hold his hand, tell her children and her husband that she loves them, remember happier times of laughter and joking. She lives each day with a death sentence imposed on her because of the negligence of her physician.

Loretta worries about her family after she is gone. She always provided comfort to her husband and children and soothed all of life's rough spots for them. Who will comfort them at her funeral? Who will help them deal with their grief? She knows that life will go on for them after she is gone. She still worries. Who will take care of them? Who will make dinner? Who will help with their homework? Who will remember to make a few oatmeal cookies without raisins for the picky child? Who will help her daughters select prom dresses? Who will be there to cheer at her sons' football games? She knows that her husband is a good man and a fantastic father, but she worries whether he will be able to work full-time and take care of all of the needs of the entire family on his own. Loretta tries not to, but she envies her husband. He will have the opportunity to see their children grow, mature, succeed and excel. She will miss so much.

Are Loretta's physical agony, her anguish over her family's future, her own lost future worth only \$250,000? What about her family's pain, misery and upheaval? Are those capped? How is it fair to Loretta and her family to impose an arbitrary cap on them without considering their individual suffering? It's not.



Loretta was a happy mother and wife. When she told her OB about lumps in her breasts at two annual visits, her doctor ignored her repeated complaints. A year after that, tests revealed cancer. By then, it was too late for Loretta.



Loretta is living out her final days in extreme physical pain from the cancer that has now spread through her body and to her brain. She is also suffering from the mental anguish of not being able to see her children grow up.