

# VIRGINIA LAWYERS WEEKLY

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## VIRGINIA'S LARGEST VERDICTS OF 2008

### MEDICAL MALPRACTICE

# #14

# \$1 million

## Confidential

**Type of Case:** Medical malpractice, failure to diagnose colon cancer

**Court:** Fairfax County Circuit Court

**Attorney:** Benjamin W. Glass III, Fairfax

**Summary:** Plaintiff went to his primary care physician with a complaint of rectal bleeding in early 2001. He underwent a flexible sigmoidoscopy that revealed hemorrhoids that were neither

bleeding nor inflamed. Periodic bleeding continued for three years, but the physician performed no tests for cancer. Finally in January 2004, plaintiff went to another doctor, who immediately diagnosed Stage 3 rectal cancer.

Plaintiff underwent two surgeries, radiation and chemotherapy and is now impotent and has permanent but variable bowel dysfunction. He contended that early diagnosis would have resulted in the removal of a polyp of early cancer without the need for a procedure that carried the risk of impotence or bowel dysfunction.

Defendant contended that his treatment was reasonable in light of the negative result from the sigmoidoscopy. The judgment against him has been paid.



GLASS