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Over \$1 Mil Awarded to Family of Breast Cancer Medical Malpractice Victim

Verdict focuses on timely diagnoses and treatments of breast cancer

FOR IMMEDIATE RELEASE

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DAUPHIN COUNTY, PA – October 2008 – Attorneys Peter M. Villari and Paul D. Brandes of Villari, Brandes and Kline, P.C. announced today that after a five day trial, a Dauphin County jury awarded \$1,225,000 to their client, the family of Genevieve A. Lupp, because a Harrisburg radiology group negligently failed to timely diagnose and recommend treatment of what turned out to be early stage breast cancer. As a result of the negligence, the early stage curable breast cancer went undiscovered and eventually grew into a large tumor which ultimately killed Mrs. Lupp. The jury of nine women and 3 men deliberated for about five hours before reaching its verdict. Presiding over the trial was Judge Scott Evans of the Court of Common Pleas of Dauphin County.

In 1994, Genevieve Lupp underwent an ultrasound of her breasts at Tristan Associates aka Harrisburg Breast Diagnostic Center located in Harrisburg, PA. Mrs. Lupp had a family history of breast cancer, and was being proactive in undergoing mammograms and ultrasounds. The jury found the radiology group was negligent because its radiologist, James Schuster, M.D., failed to diagnosis and recommend appropriate follow up on findings on the 1994 ultrasound of Mrs. Lupp's left breast. That ultrasound found the continued presence of a concerning lesion (one that was present on an ultrasound taken 6 months earlier). Rather than suggest biopsy or close follow-up, the radiologist dismissed the finding as of no concern, despite expressing certain doubts about the nature of the lesion. Because of this negligence, Mrs. Lupp was not diagnosed with breast cancer until 1999, about a 5 year delay; by then it was too late to save her.

With expert analysis, it was proven that diagnosis should have been made in 1994 and that recommendations for close follow-up and biopsy should have been issued by the radiologist at that time. The expert also stated that if diagnosis was made and appropriate treatment effected in 1994, Mrs. Lupp would have been cured of the cancer. Unfortunately by the time the cancer was actually diagnosed it had already metastasized to one lymph node and from there, to the rest of Mrs. Lupp's body.

After the diagnosis was finally made in 1999, Mrs. Lupp underwent a modified radical mastectomy and chemotherapy. It was thought she was on the road to recovery. Tragically, in mid-2001, distant metastasis of the breast cancer was discovered in her bones, lungs, and abdomen.

Once it was realized that further chemotherapy was useless, Genevieve Lupp passed away on Christmas Eve, Dec. 24, 2001; she was 47 years old. She left behind a husband and three grown children.

The verdict came in at just over \$1.2 million, which is the highest verdict ever in Judge Evans' courtroom during his tenure on the court which started in 1994. "This is an amazing number for Dauphin County, given that its citizens tend to be more conservative and particularly given what's been going on in the economy of late," says Paul Brandes.

"This verdict is very relevant due to October being Breast Cancer Awareness Month. This story needed to be told. This case coming to trial this month was fate at its best. Hopefully, this verdict will help better assure proper follow-up care by health care providers when it comes to their patients' breast care." Peter Villari said.

Villari, Brandes & Kline, P.C. is donating a portion of their attorney fee to breast cancer research.

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The law firm of Villari, Brandes & Kline, P.C., is a full-service team of experienced trial lawyers and proven litigators that serves thousands of clients throughout Pennsylvania, New Jersey, New York, Delaware, Maryland and Washington D.C. The law firm offers highly experienced attorneys with statewide reputations for successfully representing people in all types of personal injury, workers' compensation, educational rights, environmental and commercial matters. Mr. Villari and Mr. Brandes have been recognized for excellence numerous times by Pennsylvania Super Lawyers®. With a rich history and a track record of success in the courtroom and against insurance companies, the attorneys of Villari, Brandes & Kline, P.C. have earned the credibility and respect that is vital to obtaining the best possible results for their clients.