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## Suits & Deals: *Fatal Misdiagnosis Claim Nets \$1.5M*

David Gialanella, New Jersey Law Journal

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*Cole v. Mantinaos*: A Somerset County suit claiming an Oxford man died of lung cancer because of a misdiagnosed X-ray ended with a \$1.5 million settlement, a portion of which was paid Nov. 11.

Curtis Cole died Oct. 20, 2012, at the age of 58, said his attorney, **Daryl Zaslow**.

Cole, complaining of respiratory issues, underwent a chest X-ray on March 30, 2010, at Hackettstown Diagnostic Associates, said Zaslow, of **Eichen Crutchlow Zaslow & McElroy** in Edison. The X-ray was diagnosed by a radiologist, Dr. Michael Mantinaos, who concluded that there were no nodular abnormalities, Zaslow said.

After experiencing abdominal pain, Cole underwent a chest and abdominal CT scan on Feb. 3, 2012, Zaslow said. That scan revealed a mass in the middle lobe of his right lung as well as multiple masses in his liver that were determined to be malignant, Zaslow said.

The wrongful death and medical malpractice lawsuit alleged that Mantinaos deviated from accepted standards of care by failing to detect and report an 8-millimeter mass that was present on the original X-ray, Zaslow said. Had the mass been detected, Zaslow said, it could have been removed before the cancer became malignant, and Cole would have had an 80 percent chance of recovery.

The lawsuit was filed in Warren County but transferred to Somerset County for trial purposes. The lawsuit settled June 23 after several settlement conferences with Superior Court Judge **Thomas Miller**, Zaslow said.

Mantinaos' carrier, Coverys, agreed to pay \$875,000, while Hackettstown Diagnostic's carrier, CNA, agreed to pay \$625,000.

The estate received CNA's payment on Nov. 11 and is waiting to receive the payment from Coverys, Zaslow said.

Coverys retained **Nancy Crosta Lansdale**, of **Farkas & Donohue** in Florham Park.

CNA retained **Steven Tegrar**, of the law office of **Joseph Carolan** in Parsippany.

Tegrar confirmed the amount of the settlement on behalf of Hackettstown Diagnostic.

Lansdale did not return a call seeking comment.

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