

\$3,240,000 Jury Verdict for Radiologist's Failure to Diagnose Breast Cancer

MIDDLESEX JURY AWARDS \$3.24M FOR RADIOLOGIST'S FAILURE TO SPOT CANCER

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Rodd v. Kotler: A Middlesex County jury awarded \$3.24 million on April 30 in a [wrongful death case](#) against a radiologist for failing to spot a Sayreville woman's breast cancer in two mammograms.

Plaintiffs' lawyer says that Maria Rodd's 1997 mammogram showed a cluster of millimeter-sized dots that should have prompted radiologist Stuart Kotler to order a needle biopsy. Instead, Kotler told Rodd the film was normal. By August 1998, the cluster had grown and there was a tumor, though it was not visible on the mammogram film. Again, Kotler told Rodd the test was normal. In January 1999, when she went to her obstetrician-gynecologist complaining of a breast lump, a biopsy found an 11-centimeter, stage-four tumor, the most advanced, said his attorney, from Eichen Crutchlow Zaslow, LLP in Edison.

Rodd had a radical mastectomy and an axillary dissection of her lymph nodes; 14 of 18 nodes tested positive for cancer. Chemotherapy and radiation followed, but the cancer had metastasized, and she died in 2002 at the age of 53. Rodd's husband, Joseph, and three grown daughters sued Kotler and his employer, University Radiology of East Brunswick.

The Firm says defense radiologist Joseph Becker of Pennsylvania denied the clusters existed and defense oncologist Julian Decter of Morris County testified that Rodd would have died anyway.

Judge Douglas Hague presided at the trial. When the jury asked for a calculator during deliberations, defense counsel Rudolph Socey Jr. suggested a high-low of \$500,000 to \$2.5 million but Kotler refused. Socey, a partner with Lenox, Socey, Wilgus, Formidoni, Brown, Giordano & Casey in Lawrenceville, did not return a call requesting comment.

The jury awarded \$1.7 million for pain and suffering, \$1.5 million for loss of consortium and \$40,000 for wrongful death.

University Radiology has a \$10 million policy with MIIX.