

**CASE INFORMATION SHEET**  
**FLORIDA LEGAL PERIODICALS, INC.**  
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**COUNTY AND COURT:**

Alachua County Circuit Court

**NAME OF CASE:**

The Estate of RICHARD C. PETERSON, deceased, by and through its Personal Representative, CHERYL PETERSON, on behalf of the Estate and the decedent's lawful survivors; and JUSTIN MILES PETERSON, individually, CARL WILLIAM PETERSON, III, individually, and TRAVIS RYAN PETERSON, a minor, by and through his natural parent and guardian, CHERYL PETERSON,

Plaintiffs,

v.

THOMAS H. REIF, M.D., HOSPITAL INTERNAL MEDICINE, P.A., a Florida Corporation, JOHN JULIUS STORK, JR., M.D., a/k/a J. J. STORK, M.D., and NORTH FLORIDA RADIOLOGY, P.A., a Florida Corporation,

Defendants

**CASE DOCKET NO.:** 0107 CA 5060

**JUDGE:** Victor Lawson  
Hulslander

**PLAINTIFF(S) ATTORNEY(S)/TRIAL COUNSEL:**

William G. Wolk, Esq.  
Eaton & Wolk, PL  
2 South Biscayne Boulevard  
Suite 3100  
Miami, FL 33131

**DEFENDANT(S) ATTORNEY(S)/TRIAL COUNSEL:**

Richard S. Womble, Esq. and  
Christine V. Zharova, Esq.  
Rissman, Barrett, Hurt, Donahue  
& McLain, P.A.  
201 East Pine Street  
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Orlando, FL 32801  
Attorneys for JOHN JULIUS STORK, JR., M.D. a/k/a J. J. STORK,  
M.D. and NORTH FLORIDA RADIOLOGY, P.A.

Eric P. Gibbs, Esquire  
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37 North Orange Avenue  
Suite 300  
Orlando, FL 32801  
Attorneys for THOMAS H. REIF, M.D. and  
HOSPITAL INTERNAL MEDICINE, P.A.

**AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:**

Richard C. Peterson  
DOB: 3/4/56  
Occupation: Farm worker

**FOR WRONGFUL DEATH CASES, PLEASE GIVE AGE AND RELATIONSHIP OF SURVIVORS:**

Mr. Peterson, 52 years old, was survived by his sons, Justin Peterson, Carl Peterson and Travis Peterson.

**DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:**

September 26, 2005

**CAUSE OF INJURY:**

Richard C. Peterson died from a myocardial infarction but plaintiff alleged that defendants negligently delayed diagnosis and treatment of Mr. Peterson's lung cancer which required radiation treatment. Plaintiff alleged that radiation treatment accelerated the atherosclerosis in Mr. Peterson's coronary arteries leading to a myocardial infarction and death.

Richard C. Peterson's primary care physician was Edward McIntyre, M.D. Mr. Peterson presented to the emergency room at

North Florida Regional Medical Center on September 26, 2005. As part of the initial work-up, a portable chest x-ray was taken in the emergency room. The x-ray was then read by Dr. John Stork, a radiologist. Dr. Stork found a two centimeter apical soft tissue density on the right side. The report was copied to the emergency room physician, Dr. Akri, and to Mr. Peterson's primary care physician.

The emergency room physician denied that he received and reviewed the x-ray report. North Florida Regional Medical Center sent the report to Dr. Daniel Phillip McIntire, so that the primary care physician, Edward McIntyre, M.D., was never made aware of the nodule seen by Dr. Stork.

Dr. Stork not only dictated a report, but placed notes on his review in the electronic medical record (PACS) and placed an arrow on the film pointing to the nodule.

The patient was admitted to the service of Thomas F. Reif, M.D. Dr. Reif treated the patient and stabilized him and discharged Mr. Peterson several days later.

Mr. Peterson's lung cancer was first diagnosed on December 19, 2006. He underwent treatment, including chemotherapy, but eventually died on October 10, 2008. Although he died from an unrelated cause, plaintiffs alleged that the radiation he received would not have been necessary if he had been diagnosed earlier. Plaintiffs' experts claimed that the radiation accelerated the atherosclerotic plaques in Mr. Peterson's coronary arteries which then led to his myocardial infarction and death.

North Florida Regional Medical Center eventually settled plaintiffs' claim against it for a confidential amount. Months later, when it became apparent that the physician defendants intended to try the case, plaintiffs decided to dismiss their claims with prejudice in exchange for waiver of any fees and costs against the plaintiffs.

**NATURE OF INJURY:**

Death

**PLAINTIFF'S EXPERT WITNESSES:**

Richard K. Freeman, M.D. 11685 Bradford Place Carmel, IN 46260	Thoracic Surgery
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**DATE OF DISMISSAL:**

The court entered a July 20, 2012 order dismissing plaintiffs' claims against John Julius Stork, Jr., M.D. and Thomas H. Reif, M.D. with prejudice, each party to bear their own costs and attorney's fees.

**COMPARATIVE NEGLIGENCE:**

None alleged.

**DEFENDANT'S OFFER:**

Zero.

**PLAINTIFF'S DEMAND:**

On December 15, 2010, Plaintiff served a Proposal for Settlement in the amount of \$249,999 directed to Dr. Stork, as well a Proposal for Settlement in the amount of \$249,999 directed to North Florida Radiology, P.A. On April 12, 2012, Plaintiff served a Proposal for Settlement in the amount of \$50,000 directed to John J. Stork, M.D., North Florida Radiology, P.A. and Doctors Imaging Group, LLC.

**ATTORNEY'S COMMENTS:**

Submitted     Richard S. Womble                             Date: August 27, 2012  
By:

Firm:             Rissman, Barrett, Hurt,  
                       Donahue & McLain, P.A.

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RSW/gml