

CASE INFORMATION SHEET
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COUNTY AND COURT:

Brevard County Circuit Court

NAME OF CASE:

SUSAN LEIGH BOSTWICK and BARRY ROLLIN BOSTWICK, her husband,

Plaintiff,

v.

RAMESH PATEL, M.D.; ROBERT LESLIE BASHORE, M.D.; ROBERT L. BASHORE, M.D., P.A.; MICHAEL SORBELLO, D.O.; and SPACE COAST RADIOLOGY ASSOCIATES, INC.,

Defendants

CASE DOCKET NO.: 05-2010-CA-15186 **JUDGE:** Lisa Davidson
XXXX-XX

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

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(counsel for Dr. Michael Sorbello and
Space Coast Radiology Associates, Inc.)

AGE/SEX/OCCUPATION OF PLAINTIFF OR DECEDENT:

53 year old White female - Stay at Home Mom

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

N/A

DATE, TIME AND PLACE OF ACCIDENT OR OCCURRENCE:

January 9, 2007

CAUSE OF INJURY:

Alleged failure to diagnose lobular breast cancer

NATURE OF INJURY:

Alleged progression of lobular breast cancer from stage 0 to stage IIIa

PLAINTIFF'S EXPERT WITNESSES:

Mohammed Masri, M.D. - Surgical Oncology - Miami, FL

Dr. Masri testified that the standard of care required the general surgeon, Dr. Ramesh Patel, to perform a biopsy of Ms. Bostwick's breast mass commencing in March 2006.

Dr. Masri also testified that had a biopsy been performed in March 2006 Ms. Bostwick would more likely than not have been diagnosed with lobular carcinoma in situ, a precursor to invasive lobular carcinoma. Had that occurred, Ms. Bostwick would have been treated with only a lumpectomy and would not have required chemotherapy or radiation.

As a result of the alleged delay in diagnosis (March 2006 versus June 2008), Dr. Masri testified that Ms. Bostwick had a less than 30% chance of living to her normal life expectancy and would more likely than not have a recurrence of her lobular breast cancer.

Stanley Sherman, M.D. - Plastic Surgery - Boca Raton, FL

Dr. Sherman rendered standard of care opinions against Dr. Robert Bashore. Dr. Sherman testified that Dr. Bashore should have referred Ms. Bostwick to a surgeon to obtain a "surgical clearance" before such time as performing the April 13, 2007 implant exchange on Ms. Bostwick.

Luis Villa, M.D. - Oncology - Miami, FL

Dr. Villa testified that Ms. Bostwick would more likely than not live to a normal life expectancy. He further testified that she had a greater than 85% chance of not having a recurrence of her lobular breast cancer. He testified that the care and treatment of Ms. Bostwick would have been the same had the cancer been diagnosed in January or April 2007 as compared to when it was diagnosed in May of 2008.

Dr. Villa's testimony was almost entirely supportive of and beneficial to the defense. Prior to trial, counsel for Plaintiffs indicated that he would be withdrawing Dr. Villa as

an expert witness. However, at trial Plaintiffs' counsel nonetheless called Dr. Villa as a witness and presented testimony which was in direct conflict to Plaintiffs' other experts.

Miriam David, M.D. - Radiology - New York, NY

Dr. David testified that the "mass" visible on the March 17, 2006 and December 14, 2007 ultrasounds of Ms. Bostwick's left breast more likely than not represented lobular carcinoma. Dr. David testified that Dr. Michael Sorbello deviated from the acceptable standard of care in failing to properly interpret the masses on both ultrasounds.

DEFENDANTS' EXPERT WITNESSES:

Arnold S. Blaustein, M.D.- Oncology - Miami, FL

Dr. Blaustein testified that Ms. Bostwick was more likely than not cured of her lobular cancer and that she would live a normal life expectancy. He also testified that she more likely than not would not have a recurrence of her breast cancer.

Dr. Blaustein further testified that had this cancer been diagnosed in March 2006 or April 2007 she more likely than not would have had the same care and treatment and would not have suffered any appreciable diminishment in her life expectancy or prognosis.

Scott L. Spear, M.D. - Plastic Surgery - Washington, D.C.

Dr. Spear testified that Dr. Bashore met the appropriate standard of care for a plastic and reconstructive surgeon. Dr. Spear did not believe that a "surgical clearance" was necessary or required prior to performing the implant exchange on Ms. Bostwick.

John Connolly, M.D. - Pathology - Boston, MA

Dr. Connolly testified that the mass visible on the March 2006 and December 2007 ultrasound of Ms. Bostwick's left breast represented a fibroadenoma. He further testified that the lobular carcinoma which was ultimately diagnosed in Ms. Bostwick's left breast had been growing along side the fibroadenoma before such time as it invaded the fibroadenoma and took it over.

