



# DOVER

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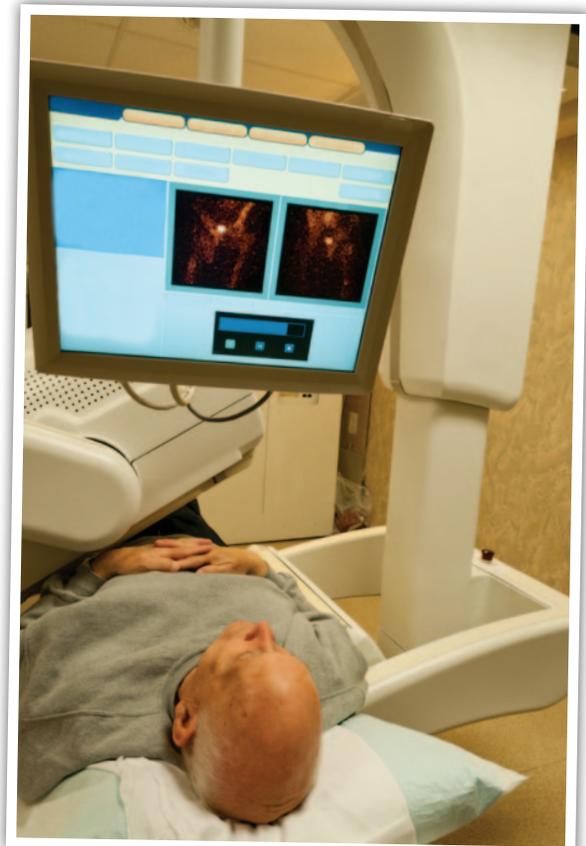
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## 4 key ways a cancer medical malpractice claim can be derailed

### Was the doctor aware of the cancer symptoms that the plaintiff claimed to have had?

Many times a visit to the doctor is for the evaluation of a single pressing problem. Ultimately the reason for the visit may have nothing to do with a cancer later found to be present. The plaintiff may claim that a symptom of cancer was reported to the doctor, but the medical record may not mention it. The doctor may be able to say the plaintiff only came in when he or she had a cold, etc. and there was little opportunity for routine screening.



### Did the plaintiff comply with doctors recommendations?

Often a patient will underestimate the gaps between doctor visits, the visits they themselves cancelled or rescheduled, and the time they took before getting tests done. It's hard to blame a doctor for a delayed diagnosis if the patient caused most of the delay.

### Does the medical record support the claim that the status of the cancer changed during the delay in diagnosis?

If the documentation of the size of a breast mass during the interval between two office visits or two mammograms does not suggest any significant change, the defense may be able to assert that the delay in diagnosis had no impact on treatability or survivability of a cancer.

### Would an earlier diagnosis have made a real difference in the treatment needed or the chance of a cure?

This may be the most difficult question of all. The fact is, some cancers have devastating consequences and require the same treatments if they are diagnosed at three months, six months, or potentially longer. Mistakes in diagnosis or treatment may not make a difference in the outcome. On the other hand, certain cancers are quite curable, even after metastasis. Liability in these cases is potentially much higher. However, even in these cases, a short delay in diagnosis of one to three months may not be substantial enough to claim that a plaintiff had lost the chance of a cure or more tolerable treatment. ■

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Two brand-new reports available from the Dover Law Firm!

## WHAT OUR CLIENTS ARE SAYING

All of my initial questions were answered when your investigator Ken came out to my apartment to sign me up. Great communication continued with your firm throughout my accident case. This was the first time I was in this type of situation and needed guidance. I will recommend my family and friends to your firm.

Michael Dean  
Atlanta, GA

# Consumer safety alert – product recall

Target recently recalled nearly 150,000 Giada De Laurentiis ceramic lasagna pans. There have been reports that the pan or its handles can break, causing sharp edges and posing a laceration hazard.

The cream-colored pans are 9 x 13 inches in size and were sold individually and as part of a six-piece set. The bottom of the pan is stamped “Giada De Laurentiis for Target.” According to the U.S. Consumer Product Safety Commission (CPSC), Target has received 39 reports of the pan or its handles breaking or cracking during normal use. Cuts and lacerations were reported in six of those incidents.

Consumers should immediately stop using the recalled lasagna pans and return them to any Target store for a full refund. Consumers who purchased the pan as part of the six-piece set should return the lasagna pan only.

If you have questions, please contact Target guest relations at (800) 440-0680 from 7 a.m. to 8 p.m. Central Time, Monday through Friday, or online at [www.target.com](http://www.target.com) by clicking on “Product Recalls” at the bottom of the page and then selecting “Home & Kitchen.” ■



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## Q: I was hit from behind and now my neck hurts. Is it possible that I have whiplash?

**A:** Whiplash is a common injury that occurs as a result of being rear ended in a car wreck. Whiplash, in a general sense, often refers to a soft tissue injury to the part of the spine in the neck, or cervical region. Sometimes it involves lower levels of the spine in the thoracic and lumbar region.

It causes temporary discomfort, stiffness, sharp or dull pain and sensory abnormalities that can be quite disabling. Treatments include chiropractic care, physical therapy, massage, ultrasound, and heat or ice pack treatments. Whiplash normally resolves over weeks to months, and it can be relieved medicinally with muscle relaxers, analgesics and anti-inflammatory drugs. It is not easily diagnosed with imaging techniques, but is usually confirmed by physical examination alone.

If you were hit from behind in a car wreck and suffered injuries, you should contact an experienced Atlanta auto accident lawyer to discuss your situation. ■





# Why does my whole body hurt?

Imagine waking up in the morning and feeling like you've come down with a terrible case of the flu. Except, in this case, you don't actually have the flu.

Your body aches for no identifiable reason. Every muscle shouts in pain and you feel like you haven't slept at all. You find that you feel just as exhausted upon awakening as when you went to bed. Even your skin seems to hurt. Imagine as well that this goes on day after day, month after month.



This is what thousands of victims of fibromyalgia endure.

According to the Arthritis Foundation ([www.arthritis.org](http://www.arthritis.org)), fibromyalgia is a syndrome characterized by long lasting, widespread pain and tenderness in the body. Victims of this disease may experience headaches, irritable bowel, fatigue, and may also have difficulty sleeping or concentrating.

Fibromyalgia is a bit of a mystery, having no known cause or conclusive laboratory tests to verify its presence. Because of its symptoms, fibromyalgia mimics other conditions including sleep apnea, chronic fatigue syndrome, other arthritis conditions, and Hepatitis C, among others. In

fact, for years, victims of this disease were often told that their illness was "all in their head."

Medical studies today verify that this condition does indeed exist and that it affects approximately 2 percent of the American population, mostly women. Diagnosis can take many months, but once testing to rule out other illnesses is completed, several new medications recently approved by the Food and Drug Administration offer additional treatment options for the victims of this disease. For more information about fibromyalgia, please visit [www.mayoclinic.com](http://www.mayoclinic.com).

## CASE RECAP

### Significant Settlement for Riverdale Nurse Injured in Wreck with Commercial Truck

A nurse from Riverdale, Georgia, was the victim of careless driving. She came to a stop at an intersection to allow an ambulance with its sirens on to pass through the intersection. Unfortunately, the commercial truck behind her failed to drive with due caution and slammed into the back of her car. The force sent her vehicle skidding thirty feet into the intersection and totaled her vehicle. It took several weeks of medical treatment before our client was able to return to work and she was struggling to make ends meet.

When the insurance company discounted the amount of medical bills they were willing to cover based on the hospital charges being higher than what is "reasonable and customary" the firm went to work on her behalf. Within days of a lawsuit being filed, the insurance company changed their stance and the firm negotiated a significant settlement to appropriately compensate our client. ■

## LEGAL TERMS EXPLAINED:

### Punitive Damages

Punitive damages are damages that are awarded in a lawsuit as a punishment for particularly egregious acts. They can also serve as a deterrent to the defendant and others to not commit the same type of act. ■



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Cancer medical malpractice claim. See p. 1.

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## Two brand-new reports available from the Dover Law Firm!

The Top 5 Most Frequently Asked Questions About Getting a Car Rental After a Wreck



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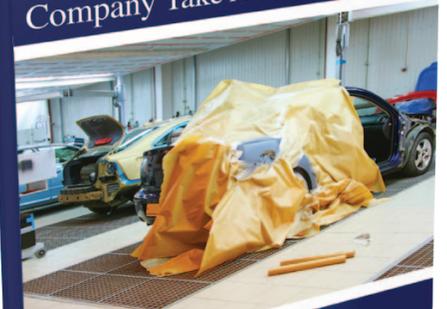
[www.DoverLawFirm.com](http://www.DoverLawFirm.com)

### *You asked and we listened.*

If you are ever involved in a car wreck, the odds are good that you will have lots of questions. Having handled accident cases since 1991, we've heard just about every question you can imagine. Our experience has shown us that two of the most common topics we get asked about by our clients after a wreck are how to get a rental car and how to handle their property damage claim.

We've pulled together the special reports you see here to help guide you through these topics and answer some of the most frequently asked questions about them. The reports are completely free and available for download at [www.DoverLawFirm.com](http://www.DoverLawFirm.com). ■

Getting Your Car Fixed After a Wreck...  
Don't Let the Insurance Company Take Advantage of You



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