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Union County Failure-to-Diagnose Case Settles for \$4.75 Million

The family of a woman who died after diagnosis of her stomach cancer allegedly was delayed agreed to a \$4.75 million settlement in their Union County suit, *Markov v. Davessar*, on Feb. 15.

Galina Volodina was tested for cancer in May 2012 after experiencing stomach pain and indigestion, but pathologist Kanta Davessar read the test results as benign, the suit claimed.

Volodina's stomach problems persisted, and 16 months after the initial test, Davessar re-read the slide and determined it showed cancer, said plaintiff lawyer David Mazie of Mazie, Slater, Katz & Freeman in Roseland.

Volodina, who was diagnosed with

signet ring carcinoma, underwent cancer treatment but died in August 2014. She was 42, and left a husband and two young children, Mazie said.

The decedent's husband, Dmitriy Markov, filed suit against Davessar and her employer, Miraca Life Sciences, and summary judgment was entered for the plaintiff as to liability.

However, the two sides disagreed about whether the stomach cancer was an entirely new outbreak or a metastasis of her breast cancer.

The defendants argued that the stomach cancer was metastatic, which would give Volodina little chance of survival, Mazie said.

Plaintiff's expert Manish Shah opined that Volodina would have had at least an 80 percent chance of a cure if properly diagnosed; defense expert Steven Papish opined that the cancer was in a more advanced stage, reducing her chance of survival, Mazie said.

Davessar and Miraca Life Sciences were represented by Kenneth Brown of Wilson Elser Moskowitz Edelman & Dicker in Florham Park, who did not return a call seeking comment.

—By Charles Toutant



DAVID MAZIE

COURTESY OF DAVID MAZIE