**Sample** – Medical Malpractice

Law Offices of
Adelman, Hodes & Cunningham, PLLC
151 E Congress St
Tucson, AZ 85701

July 20, 2016

Lillian Hart, RN, J.D.
Claims and Litigation
Carondelet St. Mary Hospital
1601 W St Mary’s Rd
Tucson, AZ 85745

Re: Medical Malpractice Claim of Sarahjeet Patel

Harry S. Cohen & Associates, representatives of the family of the late Mrs. Sarahjeet Patel, are writing you in an effort to resolve a medical malpractice claim without protracted litigation. This claim is against Carondelet St. Mary Hospital as well as the following medical staff members: Paul Schwartz, MD; Elisa Douglas, MD; and Charles Brink, MD.

On April 6th, 2016, Mrs. Patel was diagnosed by her PCP, Dr. Schwartz, with iron-deficiency anemia. Dr. Schwartz scheduled a colonoscopy for the following week to investigate the cause of the anemia. The colonoscopy was performed by gastroenterologist Dr. Brink on April 11th, 2016.

After the colonoscopy, two reports were generated with Mrs. Patel’s name on them. The first report (“correct report”) contained Mrs. Patel’s medical condition, which was a 5-millimeter mid-transverse polyp that required a follow-up colonoscopy. The second report (“incorrect report”) was based on another patient’s medical condition; a bleeding mass in the cecum requiring the removal of half the colon.

Dr. Schwartz received both reports but chose not to question the discrepancy, and instead referred Mrs. Patel to surgeon Dr. Douglas for an unnecessary right hemicolectomy surgery. Dr. Douglas also received both colonoscopy reports but ignored the fact that they were vastly different, scheduling Mrs. Patel for surgery the following week, April 22nd, 2016. Furthermore, Dr. Brink was provided with both reports and apparently also failed to notice the variance between the two.

On the day of the surgery, the right side of Mrs. Patel’s colon was removed but the surgeon did not find an oozing cecal mass. Neither the pathology department nor the gastroenterologist, Dr. Brink, could find anything, and it was then that they realized they performed surgery on the wrong patient.

Mrs. Patel developed respiratory distress post-operation that required mechanical ventilation. She was transferred to the ICU at a different medical facility and died shortly thereafter due to multiple organ failure, an issue that was ultimately caused by the unnecessary surgery.

Carondelet St. Mary Hospital, Dr. Douglas, and Dr. Brink did not inform Mrs. Patel or her family about the mistake after the surgery and instead fraudulently hid the evidence of the surgery, intentionally misrepresented the purpose of the surgery, and created false records in an attempt to “prove” Mrs. Patel required this operation.

On behalf of Mrs. Patel’s estate, we are filing suit against the aforementioned parties. This lawsuit is based on the following causes of action: (1) a professional negligence action based on performing major surgery on the wrong patient; and (2) a fraudulent and intentional misrepresentation action based on the cover-up of unnecessary surgery and pointless death.

This letter serves as a pre-litigation courtesy in an attempt to resolve this claim outside of a court of law. You will find all the necessary documentation attached to this demand letter, including both the correct and incorrect colonoscopy reports. Please contact us after you have reviewed the records to discuss settlement of this claim. If you have any questions, please call (520) 792-6174.

Sincerely,
James Cunningham
Managing Partner | Adelman, Hodes & Cunningham, PLLC