

A South Carolina Company  
Serving South Carolina Lawyers Since 1981



[Home](#) | [News](#) | [Verdicts & Settlements](#) | [Opinion Digests](#) | [Paralegal](#) | [Events](#) | [Advertising](#) | [Subscribe](#) | [Products](#) | [Classifieds](#) | [Resources](#) | [Alert](#) | [Advanced Search](#)

# SOUTH CAROLINA LAWYERS WEEKLY

www.sclawyersweekly.com

[Subscribe](#)  
[Manage your account](#)  
[Log out](#)

Search powered by

HOME > VERDICTS & SETTLEMENTS > MISDIAGNOSIS OF MOLE LEADS TO LATE-STAGE MELANOMA

## Misdiagnosis of mole leads to late-stage melanoma

By [Amber Nimocks](#)  
Published: March 23, 2012  
Time posted: 11:46 am

You have successfully logged in.

Error in Token Web Service

A South Carolina woman won a \$1 million settlement from her primary care physician's insurance company after a mole her doctor said was benign grew into stage 3B melanoma, according to her attorney, David Yarborough of Yarborough Applegate in Mount Pleasant.

Yarborough and the physician's insurance company settled the matter without filing a lawsuit in January.

The woman, a hair stylist and mother of one, was 28 years old when she went to her doctor in May 2009, concerned about a mole on her left calf. The doctor performed a biopsy of the mole, and a pathologist determined that the mole was atypical in its architecture and cellular structure and recommended excision. The pathologist did not judge the mole as cancerous, but recommended removing it as a conservative, precautionary measure.

The patient's doctor did not remove the mole nor did he recommend the patient to a specialist. The patient says her doctor told her the mole was benign.

"What he should have done is refer her to a dermatologist to have it removed," Yarborough said. "His response was he was trying to save her money because she didn't have insurance, but she made it clear that this was the reason she came in, and she had no problem paying cash ... She just wanted to make sure it was safe."

A little more than a year later, the patient returned to her doctor, again concerned about the mole. A second biopsy and examination revealed that the mole had progressed into a stage 3B melanoma.

Following the diagnosis, doctors removed a tennis-ball-sized portion of the patient's calf and lymph nodes from her pelvic region, and she underwent a course of interferon treatment. Her medical bills came to about \$120,000.

Yarborough said the patient is now cancer-free, but her oncologist estimates a 50 percent chance of her cancer recurring within five years. According to a life care planner Yarborough consulted, the patient can expect one of three scenarios: her cancer remains in remission and requires preventative care and maintenance for her lifetime at a cost of \$1.4 million; her melanoma recurs and she survives, requiring local palliative therapy and surgery at a cost of \$2.4 million; or her cancer recurs and progresses to stage 4, causing her death within eight years, requiring health care at a cost of \$3.3 million.

The doctor's insurance policy had a \$1 million limit and no other insurance coverage was in place.

"We were, of course, hoping that there would be some excess coverage because it was in our opinion that this it was inadequate to cover all of her damages," Yarborough said.

### STAY CONNECTED WITH US



SC Lawyers Weekly keeps you connected with the latest legal news, Daily Practice and Breaking News alerts.

[Sign-up for SC Lawyers Weekly Email Alerts](#)

Since the cancer treatment, the patient has suffered physically, mentally and emotionally, Yarborough said. She is unable to work full time as a hair stylist because surgery-related pain prohibits her from standing for long periods of time. The interferon treatment caused her to be depressed, and she has sought grief counseling to deal with her diminished life expectancy.

Yarborough said the settlement helped return some sense of stability to the patient's life.

"She is in remission, that is the positive of the story," Yarborough said. "She has benefited greatly from this settlement. At this stage, it really is a great thing to be able to resolve it. Even though it was an inadequate amount of insurance, it is still a lot of money for her. It enabled her not to struggle."

## Settlement Report

**Type of action:** Settlement

**Injuries alleged:** Medical malpractice

**Verdict or settlement:** Settlement

**Date of settlement:** January 2012

**Amount:** \$1 million

**Highest offer:** \$650,000

**Attorneys for plaintiff:** David B. Yarborough Jr. of Yarborough Applegate in Mount Pleasant

**Were liability and damages contested?** Yes

**Was opposing party represented by the legal counsel?** No

**Has the plaintiff been successful in collecting the judgment?** Yes



Powered by [Bookmarkify™](#)

[< Previous Article](#)

## POST A COMMENT

Your name:

E-mail:

Homepage:

producer *henejar*

Type the two words:

reCAPTCHA™  
stop spam.  
read books.

SUBMIT