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Courthouse News & Cases



PORTRAITS OF THE COURT

Jury Finds Doctor Missed Deadly Diagnosis

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In this courtroom sketch, Hon. Lawrence Knipel (center) listens as plaintiff's attorney Lambros Y. Lambrou (right) of the Manhattan law firm McHugh & Lambrou, addresses the jury during summations this month in the medical malpractice trial of Marisa Dragonetti v. Bartolo Peloro, taking place in Kings County Supreme Court Civil Term.

Josephine Cicoello died from lung cancer within days of her diagnosis in 2004. The plaintiff, as administrator of Cicoello estate, alleged negligence in the failure to diagnose Cicoello's condition as long as three and a half years earlier.

The statute of limitations for medical malpractice is two and a half years from the date of the alleged negligence, unless in continuous treatment.

The patient had multiple co-morbidities, including obesity, smoking and high blood pressure. The defendant claimed he was not negligent, and that Cicoello underwent several different disease processes independent of cancer, notwithstanding an ominous finding on an X-ray in 2001.

The defendant was represented by attorney Michael Chin, of the Garden City law firm Montfort, Healy, McGuire & Salley.

After several days of trial, the jury deliberated for less than a day before returning a verdict for the plaintiff.



Eagle sketch by Alba Acevedo

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