

Cancer patient wins malpractice suit

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Jury awards \$8.1 million in case involving podiatrist.

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Eric and Renee Flora felt reassured in the spring of 2004 when a local podiatrist removed a growth from her big toe and life for the New Carlisle couple returned to normal.

But when the growth resurfaced a year later, they received some frightening news. Renee Flora, a then 33-year-old nurse's aide and mother of two young girls, had malignant melanoma.

A St. Joseph Superior Court jury has found podiatrist Dr. W. Douglas Kolmodin liable for medical malpractice, concluding that Renee Flora's odds at beating the cancer were greatly reduced because he failed to have tissue from the excised growth tested for cancer.

Now in stage three of the cancer, she has just a 17 percent chance of living another 12 years, according to national cancer statistics, said her attorney, Rob Gonderman.

After a five-day trial last week, the jury awarded the Floras more than \$8.1 million in damages.

The couple declined to comment on the verdict, as did Kolmodin.

Kolmodin's attorneys, W. Todd Woelfer and Georgianne Walker, did not return calls seeking comment.

During the trial and in sworn affidavits contained in court records, the Floras testified they saw Kolmodin place the lesion in a container, and he told them he would send it for testing.

That was the last day Kolmodin practiced in his office at 711 W. McKinley Ave. During the firm's move several days later to a building in the Edison Lakes area in Mishawaka, the specimen was apparently lost, Gonderman said.

Kolmodin, 37, testified in a deposition that a local boy's baseball team helped with the move, partly to show their gratitude for a donation he had made to the team.

Kolmodin denied the specimen was lost, according to court records. Rather, he said, it disintegrated upon removal, and there was nothing left to have tested. However, the three podiatrists who reviewed the case for the Indiana Department of Insurance concluded there should have been enough tissue for the test, Gonderman said.

Gonderman said he was pleased with the verdict, but noted he has a long fight ahead in trying to recover the damages.

Fortunately for the Floras, Gonderman said, it appears Kolmodin's former practice, Northern Indiana Foot & Ankle Associates, had failed to participate in the state program that caps malpractice damages at \$1.25 million for all care providers involved in a case.

Kolmodin will be shielded by Indiana's \$250,000 damages cap against individual doctors under the law.

Gonderman said Northern Indiana Foot & Ankle Associates' status is unclear. Kolmodin now works for South Bend Clinic, which has acquired the firm, Kolmodin testified at trial.