

Jury Hits Pa. Dentist With \$11M Verdict for Delayed Cancer Diagnosis, Alleged Cover-Up

The suburban Pennsylvania jury awarded \$8 million in punitive damages based in part on the allegation that the defendant tried to undermine the patient’s claims by withholding dental records.

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What You Need to Know

- A Luzerne County jury awarded \$11 million against a dentist for a failing to detect a patient's tongue cancer.
- The verdict included \$8 million in punitive damages.
- The patient alleged that the dentist withheld or destroyed dental records to undermine the plaintiff's delayed diagnosis claims.

A suburban Pennsylvania jury hit a dentist with an \$11 million verdict Thursday for failing to investigate a sore on a patient’s tongue that turned out to be cancerous.

The award, out of Luzerne County, included \$8 million in punitive damages based in part on the allegation that the defendant tried to undermine the patient’s claims by withholding dental records.

Without those records, counsel for plaintiff Mary Heffelfinger was left to piece together the details of the patient’s treatment through other means, according to her attorney, Kline & Specter partner Braden Lepisto.

“We used every way possible to try to figure out when she was actually seen by the dentist,” Lepisto said.

Lepisto said his team, in the case captioned *Heffelfinger v. Shen*, relied on evidence like the plaintiff’s memory, pharmacy records and gas receipts to establish when she visited defendant Linda Shen.

Heffelfinger claimed she saw Shen eight times over the course of about seven months to address a lesion on her tongue, but Shen never referred the patient for a biopsy. In that time, Heffelfinger said, the improperly treated sore developed into stage four squamous cell carcinoma requiring invasive treatments like chemotherapy and the removal of part of her tongue.

Shen first conditioned the release of the records on the patient signing a liability waiver, then purposefully withheld or destroyed the documents when Heffelfinger refused.

Heffelfinger contended that the dentist sought to keep the records out of the plaintiff’s hands because she knew she was responsible for the delayed diagnosis.

The defendant, however, claimed she tried to produce the records but could not find them. Shen said she suspected that the plaintiff’s sister, who worked in the dentist’s office, stole the documents.

Shen, represented by solo practitioner Andrew Katsock III, denied that her care was negligent and argued that she had referred Heffelfinger to a specialist to address the lesion. The defendant further claimed the plaintiff contributed to the delay in diagnosis by failing to follow instructions from her doctors.

Katsock did not respond to requests for comment.

But, according to Lepisto, Shen’s testimony about what happened was inconsistent.

“For the first time in the three and a half years of the litigation, she claimed that she actually saw this sore one month earlier than she had testified to before,” Lepisto said.

Lepisto said Shen claimed she had provided an oral surgeon with a referral slip to address Heffelfinger’s lesion alongside another dental issue. But, unbeknownst to Shen, Lepisto said, plaintiffs counsel had obtained a copy of the referral slip, which did not mention the lesion.

“She thought she could make that lie and not get caught because we did not have her dental chart,” Lepisto alleged.

Lepisto contended that Shen, in the case before Judge Richard Hughes III of the Luzerne County Court of Common Pleas, further hurt her position by leaving the court after her cross-examination and not returning for the remainder of the trial.

“Because Dr. Shen was not present in the courtroom,” Lepisto said, “I told the jury that they needed to render a verdict that Dr. Shen would be able to hear and feel 50 miles away in her office.”