

## City man wins malpractice suit six years after his death: Doctor negligent for not properly diagnosing colon cancer

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EDMONTON - When Aaron Lindahl saw the sick man on the court videotape -- one month left to live, stomach distended from liver cancer, face gaunt after losing 55 pounds -- he asked his mother who the man was.

"It's your dad," said Jocelyn Lindahl.

"Is he talking to us from heaven?" asked Aaron, who was one year old when his father died of colon cancer in March 1999.

Almost six years later, the Court of Queen's Bench has ruled that Dr. Terry Milton Olsen was negligent for not properly diagnosing Grant Lindahl. Without sending him for further tests, the doctor repeatedly insisted Lindahl had hemorrhoids and told him to take Preparation H.

Lindahl was 36 when he died from cancer.

Had the disease been caught after that first visit to Dr. Olsen in February 1997, it would likely have been completely treatable, said Ed Robinson, the trial lawyer for the family.

In his 89-page written decision dated Sept. 2, 2004, Justice Jack Watson wrote: "Grant Lindahl would probably have survived even Stage III cancer on proper medical intervention. ... I find that Dr. Olsen's negligence substantially contributed to the death of Grant Lindahl."

Olsen continues to work as an emergency room doctor in the Edmonton area, Robinson said.

Jocelyn Lindahl has received an undisclosed settlement, agreed upon before the three-week trial ended in March 2004.

The large claim awarded damages to the Lindahl family and helped cover financial loss to Jocelyn and her three sons, now ages seven, 14 and 18.

"Their dad did this for them," said Jocelyn Lindahl, 40, who said her husband was devoted to his children. He regularly kicked a soccer ball with them, and went fishing with them on camping trips.

"A doctor tells you something and you never think to question," she said. "Grant rarely got angry. In a way, he was kind of angry with himself. (He would ask) 'Why didn't I keep questioning?'"

He had experienced hemorrhoids before, but the bleeding that began in 1997 was unusual. Despite questioning his doctor's diagnosis -- even arguing in the doctor's office -- Lindahl followed the advice.

"I had already spoken to two doctors about it and felt their word must have meant something," he said in the videotape played at the trial.

"I believed in what they had told me. I trusted their word ... that I should continue on with the treatment of Preparation H."

"This could be you," warned Carol Frieser, a lawyer who helped represent the Lindahls. "He's assured. It's what everyone wants to hear. 'Thank God.' ... (But) if you have concerns about yourself, have a second opinion. Insist on testing. It's important doctors in Alberta understand they are accountable for the decisions they make."

Grant Lindahl first went to Dr. Olsen in February 1997 after he noticed blood in his stools. He returned three-and-a-half weeks later and argued with the doctor, saying he didn't think he had hemorrhoids.

In June 1998, Lindahl doubled over in pain while working as a landscaper. He went for a doctor's appointment at the same clinic. Test results from a barium enema set off alarm bells, but Dr. David Hasinoff, who was not found negligent, downgraded the urgency of a colonoscopy.

When the procedure was finally done in August 1998, it confirmed the seriousness of the situation.

Lindahl underwent colon surgery later that month, but never recovered. The disease spread to his liver, pelvis and lymph nodes and he died on March 30, 1999, after starting court action.

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