

# NYC hospital wins kidney transplant-cancer lawsuit

May 28 2010, By JENNIFER PELTZ , Associated Press Writer

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(AP) -- A prominent organ-transplant hospital wasn't to blame for the death of a man who became riddled with cancer after getting a kidney from a donor who unknowingly had uterine cancer, jurors found Friday.

The Queens jury found for NYU Langone Medical Center on Friday in the medical malpractice case surrounding Vincent Liew's 2002 death, said the hospital's lawyer, Robert Elliott. Experts have said it may be the only case of uterine cancer being transmitted by transplant, though the hospital has suggested Liew died of another form of cancer derived from the transplant.

Attorneys for Liew's widow, Kimberly, who had sued seeking more than \$3 million in damages, didn't immediately return a call.

The hospital had argued that after belatedly learning about the cancer, its doctors did their best to assess the unusual situation and give Liew good advice.

"This was a tragic result for all parties, and we want to once again extend our deepest sympathies to the Liew family," the hospital said in a statement. "Unfortunately, in this case, the outcome of the transplant could not have been predicted or even imagined by our transplant team."

Liew, a 37-year-old diabetic who had been on [dialysis](#) for four years, got a [kidney transplant](#) on Feb. 25, 2002. The donor had died of a stroke, and Liew's surgeon, Dr. Thomas Diflo, didn't learn about her cancer

until about six weeks after the transplant.

Liew decided to keep the kidney after Diflo concluded there was only a slim chance he'd be sickened by the feminine cancer. He ultimately had the kidney removed in August 2002 but died the next month of a cancer his [autopsy](#) said came from the donor.

His widow said the hospital should have urged him to have the organ removed immediately.

One of her lawyers, Daniel Buttafuoco, told jurors Thursday that the hospital took "a huge risk with Vincent Liew's life."

The hospital said it advised Liew there was a risk, respected his choice and aggressively monitored the kidney for signs of cancer. Repeated tests found nothing, though his cancer became apparent after the organ was removed.

NYU acknowledged the malignancy derived from the transplant and caused his death, but a cancer expert who reviewed Liew's records on the hospital's behalf said he believed Liew suffered from a type of immune-system cancer that sometimes afflicts transplant patients. Another cancer specialist, who reviewed the records for Liew's widow, concluded Liew's disease was indeed uterine cancer.

Liew, originally from Singapore, worked in the Hong Kong Economic and Trade Office in New York.

NYU Langone is one of the country's busiest transplant hospitals, having performed more than 1,300 liver and kidney transplants during the last 21 years, according to its website.

The federal Centers for Disease Control and Prevention estimate that 1

percent of U.S. organ transplants are suspected of transmitting illnesses, though data are sparse.

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