

Court: Universities can be sued over cancer gene mix-up

February 13 2021, by Ed White

The Michigan Court of Appeals has reinstated lawsuits against two universities over mistaken results that were discovered years after two sisters were tested for a high risk of skin cancer.

The court said lawsuits filed by the Ohio family were not untimely, reversing decisions by a judge who had ruled in favor of the University of Michigan and Yale University.

In 1999, Michael and Susan Lonsway consulted with a university cancer genetics expert because of a family history of melanoma. Blood samples from their daughters, ages 5 and 3, were sent to a laboratory at Yale University.

The Lonsways were told that Cameryn, like her father, had a [gene mutation](#) associated with melanoma but Delaney did not. With the news, the family took extra steps to protect Cameryn's skin.

Years later, in 2014, the Yale lab discovered that the results were not reported accurately; it was Delaney who had the mutation, not Cameryn.

Yale informed the University of Michigan, but a genetic counselor there, Jessica Everett, didn't tell the family. Delaney subsequently was diagnosed with melanoma in 2016. New tests in Pittsburgh in 2017 confirmed that she had the gene mutation.

Everett "did not remember why she failed to convey the information" to

the family, the [appeals court](#) said in a summary of the case.

The appeal centered on technical aspects of Michigan law about deadlines to file a lawsuit. The court said the Lonsways had cleared the hurdle.

The University of Michigan's failure to tell the [family](#) that their test results were incorrect "arguably prevented plaintiffs from benefiting from the essential purpose of the genetic testing in the first place: to take precautionary measures and modify behavior" to reduce the risk of cancer, the [court](#) said in a 3-0 opinion Thursday.

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Citation: Court: Universities can be sued over cancer gene mix-up (2021, February 13) retrieved 2 May 2024 from

<https://medicalxpress.com/news/2021-02-court-universities-sued-cancer-gene.html>

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