

# Moncus Trial Law, LLC Files Alabama Lawsuit Alleging Deadly Failures in Delivery of Critical Cancer Test Results

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Birmingham, Alabama – An Alabama family has filed a high-profile lawsuit in Shelby County Circuit Court, alleging that a life-altering medical failure led to a missed diagnosis of advanced, incurable colon cancer. The lawsuit, brought by Douglas and Shannon Petty, claims multiple medical providers—including a major lab company and a local physician—failed to notify Mr. Petty of his positive Cologuard cancer screening result for nearly three years, squandering his only chance at early, lifesaving intervention.

According to the suit, Mr. Petty's sample tested positive for cancer in 2021, but neither his physician's office nor the laboratory, Exact Sciences Laboratories, notified him. The result sat unreported and effectively hidden for years, tucked away in both the doctor's and lab's records, while Mr. Petty remained unaware his life was at risk. Even worse, the doctor's chart contained misleading and false information stating the test was negative, when it was actually labeled "positive" by the lab from day one—a critical error that further buried the truth. The missed result was only discovered by coincidence during a 2024 office visit—by then, Mr. Petty's cancer had silently progressed to stage IV.

"This wasn't just a lost paper or a technical glitch—this was a failure at every level of patient safety, compounded when the medical record itself was used to mask the truth," said attorney James R. Moncus III, who represents the Petty family. "When something as serious as a positive cancer diagnosis can be quietly overwritten by a false entry, it becomes almost impossible for a patient to fight for their own life."

Studies estimate that between 7% and 26% of laboratory test results in the U.S. are lost, overlooked, or never communicated to patients by doctors' offices or labs—a system flaw that causes thousands of delayed diagnoses and avoidable deaths each year. The Petty family's experience underscores just how devastating these failures can be—not just through neglect, but through active misinformation hiding in supposedly authoritative medical records.

The lawsuit details more than a one-time oversight—it alleges systemic negligence, not only in the failure to inform Mr. Petty, but also in the basic design of how life-threatening information is handled and communicated. It raises urgent questions about the sufficiency of notification safeguards nationwide, the reliability of health records, and the critical need for transparency when lives depend on a phone call or a single honest note in a patient chart.

"Patients trust that critical health information will always reach them. When that trust is broken, the consequences are immediate and devastating," said Moncus. "This case is a call to action for transparent, fail-safe communication of all medical test results, especially those that can change or save a life. When a patient comes in for an annual physical or standard battery of tests, we as

patients trust that we'll be told immediately about any life-altering result—especially when a test is positive for cancer.”

Another critical dimension of the case centers on the Cologuard product itself, highlighting significant concerns about how the test is designed and whether patients are given sufficient, direct access to their own vital, positive results.

The Pettys are raising their voice so others won't be forced to discover the truth by chance, after it's too late for a cure. They hope their tragedy will prompt hospitals, laboratories, and lawmakers alike to strengthen protocols, require direct patient notification for all critical results, and finally end the era of “hidden” diagnoses. No family, physician, or laboratory should allow a patient's only chance at survival to slip through the cracks of an imperfect system.

“As lawyers, our work in these cases is vital to protect patient safety and ensure our healthcare system is worthy of the trust people place in it,” said Moncus. “When a healthcare provider is the sole guardian of potentially life-saving information—such as a positive cancer test—it is imperative that patients are fully and promptly informed. Justice in these cases not only brings answers to the families affected but helps promote the basic standard of care every patient deserves.”

Shelby County, Alabama

Petty v. Southern Care Internal Medicine

58-CV-2025-900728.00

James R. Moncus, III is a seasoned trial attorney with more than 20 years of experience representing individuals and families in complex medical malpractice, product liability, and catastrophic injury cases. He is the founding attorney of Moncus Trial Law, LLC in Birmingham, Alabama, and is widely recognized for achieving significant verdicts and settlements for clients harmed by preventable medical errors and unsafe products. Mr. Moncus is known for his meticulous case preparation, compassion for his clients, and dedication to holding powerful interests accountable.

Medical malpractice cases are essential to our community because they ensure healthcare providers are held accountable when negligence devastates a patient, upholding the trust that patients must be able to place in their doctors. While their broader importance may not always be clear at first, these cases are vital to maintaining the integrity of the patient-physician partnership and the overall quality of healthcare.

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