

NORTH DAKOTA SUPREME COURT

Johnson v. Bronson

2013 ND 78 · No. 20120239 · Decided May 14, 2013

SUMMARY

The North Dakota Supreme Court affirmed summary judgment for the defendants in Carol J. Johnson's action arising from her involuntary hospitalization. The Court held that Johnson lacked sufficient expert evidence to establish medical negligence and failed to establish causation for her legal malpractice claim. The Court also upheld the district court's award of costs and disbursements and denial of Johnson's motion for relief under Rule 60(b).

CASE DETAILS

COURT	North Dakota Supreme Court
WRITING FOR THE COURT	Carol Ronning Kapsner, Justice; Mary Muehlen Maring, Justice; Daniel J. Crothers, Justice; Dale V. Sandstrom, Justice; Gerald W. VandeWalle, Chief Justice
JURISDICTION	North Dakota
DECIDED	May 14, 2013
DOCKET	20120239
DISPOSITION	affirmed
PROCEDURAL POSTURE	Johnson appealed from a district court judgment granting the defendants' summary judgment motions, denying her summary judgment and motion-to-amend motions, awarding costs and disbursements, and denying her Rule 60(b) motion for reconsideration.
STANDARD OF REVIEW	Summary judgment is reviewed de novo on the entire record. Awards of costs and disbursements and denials of Rule 60(b) relief are reviewed for abuse of discretion; an abuse occurs when the court acts arbitrarily, unreasonably, or unconscionably, or misinterprets or misapplies the law.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential within North Dakota.
PARTIES	Carol J. Johnson v. Natalya Bronson, M.D., Prairie St. John's Fargo, LLC, dba Prairie St. John's Hospital, B.R. Clark, R.N., Steven Mottinger, John Does 1-100, Jane Does 1-100

TOPICS

summary judgment

medical malpractice

professional negligence

costs

motion for reconsideration

PRACTICE AREAS

civil procedure

medical malpractice

professional negligence

appellate procedure

QUESTIONS PRESENTED

1. Whether summary judgment was proper on Johnson's medical-negligence claim against Dr. Bronson when Johnson failed to produce qualified expert evidence establishing the applicable standard of care, breach, and causation.
2. Whether summary judgment was proper on Johnson's legal-malpractice claim against attorney Steven Mottinger when her expert did not establish causation or that the preliminary-hearing outcome would have been different absent the alleged negligence.
3. Whether the district court abused its discretion in awarding the defendants costs and disbursements.
4. Whether the district court abused its discretion in denying Johnson's Rule 60(b) motion for reconsideration based on additional evidence and arguments.

HOLDINGS

1. Summary judgment was proper for Dr. Bronson because Johnson failed to produce expert evidence establishing the applicable standard of care and causation, both essential elements of a prima facie medical-negligence claim.
2. Summary judgment was proper for Mottinger because Johnson failed to establish that any alleged negligence caused her damages or that the preliminary-hearing result would have been more favorable absent the alleged negligence.
3. The district court did not abuse its discretion in awarding the prevailing defendants costs and disbursements because the award followed a rational, reasoned determination that the claimed expenses were necessary and reasonable.
4. The district court properly denied Johnson's Rule 60(b) motion because it merely attempted to reargue the summary-judgment issues and submit evidence that could have been presented earlier, without establishing exceptional circumstances or another basis for relief.

KEY QUOTATIONS

"Summary judgment is a procedural device for the prompt resolution of a controversy on the merits without a trial if there are no genuine issues of material fact or inferences that can reasonably be drawn from undisputed facts, or if the only issues to be resolved are questions of law." (§ 9)

"In this context, the 'case-within-a-case' doctrine applies to alleged negligently-conducted litigation and requires that, but for the attorney's alleged negligence, the litigation would have terminated in a result more favorable for the client." (§ 22)

“A Rule 60(b) motion is not an opportunity “to provide a litigant with a second chance to present new explanations, legal theories, or proof to a court.”” (¶ 34)

FACTUAL BACKGROUND

Johnson was involuntarily detained and hospitalized at Prairie St. John's Hospital in July 2007 after reporting perceived electronic hazards and being evaluated as paranoid and delusional. A mental-health professional determined that statutory criteria for emergency detention and hospitalization were met, and a preliminary hearing court found probable cause to hospitalize her; she was discharged several days later against medical advice. Johnson later sued the medical defendants and the attorney who represented her at the preliminary hearing, but her proffered experts did not establish the applicable standards of care or causation.

PROCEDURAL HISTORY

Johnson sued medical providers, a hospital, and her appointed attorney based on her involuntary hospitalization and asserted medical negligence, legal malpractice, false imprisonment, emotional-distress, and related claims. The Cass County District Court granted the defendants summary judgment, denied Johnson's motion to amend, awarded costs and disbursements, and later denied her Rule 60(b) motion. The North Dakota Supreme Court affirmed the judgment and orders.

DISPOSITION

affirmed

CASES CITED

- Golden v. SM Energy Co., 2013 ND 17, ¶ 7, 826 N.W.2d 610
- Barbie v. Minko Constr., Inc., 2009 ND 99, ¶ 6, 766 N.W.2d 458
- Van Klootwyk v. Baptist Home, Inc., 2003 ND 112, ¶ 10, 665 N.W.2d 679
- Scheer v. Altru Health Sys., 2007 ND 104, ¶ 18, 734 N.W.2d 778
- Haugenoe v. Bambrick, 2003 ND 92, ¶ 10, 663 N.W.2d 175
- Larsen v. Zarrett, 498 N.W.2d 191, 195 (N.D. 1993)
- Dan Nelson Constr., Inc. v. Nodland & Dickson, 2000 ND 61, ¶ 14, 608 N.W.2d 267
- Wastvedt v. Vaaler, 430 N.W.2d 561, 565 (N.D. 1988)
- Swanson v. Sheppard, 445 N.W.2d 654, 658 (N.D. 1989)
- Holkesvig v. Welte, 2011 ND 161, ¶ 12, 801 N.W.2d 712
- Wheeler v. Southport Seven Planned Unit Dev., 2012 ND 201, ¶ 30, 821 N.W.2d 746
- Watts v. Magic 2 x 52 Mgmt., Inc., 2012 ND 99, ¶ 11, 816 N.W.2d 770
- Follman v. Upper Valley Special Educ. Unit, 2000 ND 72, ¶¶ 10-12, 609 N.W.2d 90
- Larson v. Larson, 2002 ND 196, ¶ 11, 653 N.W.2d 869