

SUPREME COURT OF WYOMING

Ted Nobles v. Memorial Hospital of Laramie County, d/b/a United Medical Center and d/b/a Cheyenne Regional Medical Center and the Board of Trustees of Memorial Hospital of Laramie County, d/b/a United Medical Center and d/b/a Cheyenne Regional Medical Center

Ted Nobles v. Memorial Hospital of Laramie County, 2013 WY 66 (Wyo. 2013) · No. S-12-0054 · Decided May 28, 2013

SUMMARY

The Wyoming Supreme Court reviewed a summary judgment ruling in a medical malpractice action involving an alleged brachial plexus injury sustained while the plaintiff was hospitalized. The court held that evidence raised a factual question about whether Wyoming's continuous treatment rule applied, including whether treatment continued until the plaintiff's discharge. It reversed the district court's grant of summary judgment for the hospital.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Burke, Justice; Kite, Chief Justice; Hill, Justice; Voigt, Justice; Davis, Justice
JURISDICTION	Wyoming
DECIDED	May 28, 2013
DOCKET	S-12-0054
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a district court order granting the defendants summary judgment in a medical-malpractice action on statute-of-limitations grounds.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. Summary judgment is appropriate when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law; the record is viewed in the light most favorable to the nonmoving party, with reasonable favorable inferences and doubts about material factual disputes resolved against the movant.
PRECEDENTIAL VALUE	published precedential opinion

PARTIES

Ted Nobles v. Memorial Hospital of Laramie County, d/b/a United Medical Center and d/b/a Cheyenne Regional Medical Center, Board of Trustees of Memorial Hospital of Laramie County, d/b/a United Medical Center and d/b/a Cheyenne Regional Medical Center

TOPICS

medical malpractice

standard of review

statutory interpretation

appellate procedure

health law

PRACTICE AREAS

medical malpractice

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QUESTIONS PRESENTED

1. Whether the continuous treatment rule applied to determine when the medical-malpractice statute of limitations began to run.
2. Whether Wyoming should recognize a single-act exception to the continuous treatment rule and, if so, whether it applied to Nobles's claim.
3. Whether summary judgment for the Hospital was proper.

HOLDINGS

1. Wyoming's continuous treatment rule applies beyond misdiagnosis cases and encompasses continuing treatment for the same or related injury. Where the Hospital continued treating Nobles's shoulder and arm condition, the act, error, or omission was not complete until termination of that treatment.
2. Wyoming declines to adopt the single-act exception to the continuous treatment rule.
3. Summary judgment for the Hospital was improper because evidence viewed in Nobles's favor established a genuine issue regarding whether his course of treatment ended upon discharge on March 15, 2008; his March 11, 2010 claim was therefore timely under the continuous treatment rule.

KEY QUOTATIONS

“We hold with the foregoing authorities that the act, error or omission which starts the running of the statute of limitations against medical malpractice actions is the termination of the course of treatment for the same or related illnesses or injuries.” (§ 18)

“The continuous treatment doctrine remains applicable in Wyoming.” (§ 33)

“Because the single act exception is inconsistent with our precedent, not widely accepted, and difficult to apply, we decline to adopt the single act exception to the continuous treatment rule in Wyoming.” (§ 44)

FACTUAL BACKGROUND

Nobles was hospitalized in Cheyenne from December 21, 2007, through March 15, 2008, after suffering acute respiratory failure and other serious complications. During his intensive-care stay, he developed right shoulder

and arm pain and dysfunction that he attributed to hospital personnel pulling, tugging, or twisting his arm while moving or repositioning him. The Hospital continued evaluating and treating the shoulder and arm condition, including imaging and physical and occupational therapy, until his discharge, after which doctors in Washington diagnosed a brachial plexus injury.

PROCEDURAL HISTORY

Nobles presented a governmental claim and filed a claim with the Wyoming Medical Review Panel on March 11, 2010. After the Hospital waived panel review and the panel authorized suit, Nobles filed his complaint on June 11, 2010. The district court treated the Hospital's motion to dismiss or, alternatively, for summary judgment as a summary-judgment motion, granted judgment for the Hospital, and Nobles appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the opinion.

CASES CITED

- Metzger v. Kalke, 709 P.2d 414, 415-17 (Wyo. 1985)
- Echols v. Keeler, 735 P.2d 730, 731-32 (Wyo. 1987)
- Sharsmith v. Hill, 764 P.2d 667, 669-71 (Wyo. 1988)
- Jauregui v. Memorial Hospital, 2005 WY 59, ¶¶ 9-17, 111 P.3d 914, 917-19
- Adelizzi v. Stratton, 2010 WY 148, ¶¶ 12-13, 243 P.3d 563, 566
- Lucky Gate Ranch, L.L.C. v. Baker & Associates, 2009 WY 69, ¶ 19, 208 P.3d 57, 65
- Roberts v. Francis, 128 F.3d 647, 651-52 (8th Cir. 1997)
- Ballinger v. Thompson, 2005 WY 101, ¶ 29, 118 P.3d 429, 438
- Williams v. Elias, 140 Neb. 656, 1 N.W.2d 121, 124 (1941)
- Doyle v. Kuch, 611 N.W.2d 28, 31-32 (Minn. App. 2000)
- Fabio v. Bellomo, 504 N.W.2d 758, 760, 762 (Minn. 1993)
- Grondahl v. Bulluck, 318 N.W.2d 240, 243 (Minn. 1982)
- Offerdahl v. University of Minnesota Hospitals & Clinics, 426 N.W.2d 425, 428-29 (Minn. 1988)
- Swang v. Hauser, 288 Minn. 306, 309, 180 N.W.2d 187, 189-90 (1970)
- Glenn v. Union Pacific R.R. Co., 2008 WY 16, ¶ 6, 176 P.3d 640, 642
- Jacobs Ranch Coal Co. v. Thunder Basin Coal Co., LLC, 2008 WY 101, ¶ 8, 191 P.3d 125, 128-29
- Metz Beverage Co. v. Wyoming Beverages, Inc., 2002 WY 21, ¶ 9, 39 P.3d 1051, 1055
- Elk Ridge Lodge, Inc. v. Sonnett, 2011 WY 106, ¶ 9, 254 P.3d 957, 960

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