

SUPREME COURT OF ALASKA

T.C. Greywolf v. William N. Carroll, M.D.

151 P.3d 1234 (Alaska 2007) · No. S-11830 · Decided January 5, 2007

SUMMARY

The Alaska Supreme Court affirmed summary judgment for a psychiatrist in a patient's claims for malicious prosecution, abuse of process, invasion of privacy, and medical malpractice. The court held that probable cause supported the arrest and prosecution, that the plaintiff failed to identify an improper act in the use of legal process, and that the psychiatrist was protected by absolute quasi-judicial immunity on the malpractice claim.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Justice Fabe; Chief Justice Bryner; Justice Matthews; Justice Carpeneti
JURISDICTION	Alaska
DECIDED	January 5, 2007
DOCKET	S-11830
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from superior-court summary judgments dismissing Greywolf's malicious-prosecution, abuse-of-process, invasion-of-privacy, and medical-malpractice claims.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, drawing all reasonable inferences in favor of the nonmoving party. Whether probable cause exists is a mixed question of law and fact; historical factual findings are accepted absent clear error, while probable cause based on established facts is reviewed de novo. Whether immunity applies is also reviewed de novo.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential.
PARTIES	T.C. Greywolf v. William N. Carroll, M.D.

TOPICS

- summary judgment
- malicious prosecution
- abuse of process
- invasion of privacy
- medical malpractice

PRACTICE AREAS

Torts

Civil Procedure

Mental Health Law

Medical Malpractice

Immunity

QUESTIONS PRESENTED

1. Whether summary judgment was proper on Greywolf's malicious-prosecution claim where the arresting officer independently determined that probable cause existed.
2. Whether Greywolf presented a genuine issue of material fact that Dr. Carroll committed a willful misuse of legal process beyond initiating the criminal proceeding, as required for abuse of process.
3. Whether police entry into and investigation within the locked mental-health unit constituted an actionable intrusion upon seclusion or private affairs.
4. Whether Dr. Carroll was entitled to absolute quasi-judicial immunity for acts taken while serving as the court-appointed locum tenens psychiatrist evaluating Greywolf and deciding whether she should be released or involuntarily committed.

HOLDINGS

1. Summary judgment for Dr. Carroll was proper because the undisputed facts known to Officer Korshin established probable cause to arrest, and the officer independently exercised judgment rather than merely relying on Carroll's information.
2. Summary judgment for Dr. Carroll was proper because Greywolf failed to show a willful act in the use of process that was improper in the regular conduct of the proceeding, even though a factual issue may have existed regarding Carroll's ulterior purpose.
3. Summary judgment for Dr. Carroll was proper because Greywolf could not establish either a reasonable expectation of privacy or an intrusion unreasonable in manner or purpose.
4. Dr. Carroll was entitled to absolute quasi-judicial immunity from Greywolf's medical-malpractice claim because the challenged acts were integrally linked to his court-appointed function of evaluating Greywolf and deciding whether she should be committed or released.

KEY QUOTATIONS

"Probable cause to arrest does not require an 'actual showing that [criminal] activity occurred' but 'requires only a fair probability or substantial chance of criminal activity.'" (151 P.3d at 1243)

"The usual case of abuse of process is one of some form of extortion, using the process to put pressure upon the other to compel him to pay a different debt or to take some other action or refrain from it." (151 P.3d at 1244)

"Absolute quasi-judicial immunity applies 'no matter how erroneous the act may have been, how injurious its consequences, how informal the proceeding, or how malicious the motive.'" (151 P.3d at 1248)

FACTUAL BACKGROUND

Greywolf, a psychiatric patient at Fairbanks Memorial Hospital, made statements and gestures that Dr. Carroll and hospital staff understood as threats to kill or shoot Carroll, after which Carroll contacted police. The police independently interviewed Carroll, two nurses, and Greywolf and arrested her for third-degree assault; a grand jury indicted her, but the criminal court later acquitted her because the alleged threats were not sufficiently unequivocal, immediate, and specific and were not sufficiently repeated. Greywolf then brought tort and medical-malpractice claims against Carroll arising from the arrest, police investigation, treatment decisions, and discharge process.

PROCEDURAL HISTORY

After Greywolf was acquitted of third-degree assault, she sued Dr. Carroll. The superior court granted summary judgment for Carroll on the malicious-prosecution, abuse-of-process, and invasion-of-privacy claims, and later dismissed the medical-malpractice claim with prejudice based on absolute quasi-judicial immunity. The superior court denied reconsideration, and Greywolf appealed; the Alaska Supreme Court affirmed in all respects.

DISPOSITION

affirmed

CASES CITED

- Snyder v. Am. Legion Spenard Post No. 28, 119 P.3d 996, 1001 (Alaska 2005)
- Preblich v. Zorea, 996 P.2d 730, 733 (Alaska 2000)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Stephens v. State, Dep't of Revenue, 746 P.2d 908, 911 (Alaska 1987)
- Van Sandt v. Brown, 944 P.2d 449, 452 (Alaska 1997)
- State v. Joubert, 20 P.3d 1115, 1118-19 (Alaska 2001)
- Sands v. Living Word Fellowship, 34 P.3d 955, 961 (Alaska 2001)
- Hayes v. A.J. Associates, Inc., 960 P.2d 556, 571 (Alaska 1998)
- Meidinger v. Koniag, Inc., 31 P.3d 77, 86 (Alaska 2001)
- Luedtke v. Nabors Alaska Drilling, Inc., 768 P.2d 1123, 1133, 1137 (Alaska 1989)
- State v. Page, 911 P.2d 513, 515-16 (Alaska App. 1996)
- Bauman v. State, Div. of Family & Youth Servs., 768 P.2d 1097, 1100 (Alaska 1989)
- Lythgoe v. Guinn, 884 P.2d 1085, 1086-89 (Alaska 1994)
- Karen L. v. State, Dep't of Health & Soc. Servs., Div. of Family & Youth Servs., 953 P.2d 871, 878 (Alaska 1998)
- Trapp v. State, 53 P.3d 1128, 1130 (Alaska 2002)