

SUPREME COURT OF THE STATE OF MONTANA

Horn v. St. Peter's Hospital

2017 MT 298 (2017) · No. DA 16-0730 · Decided December 5, 2017

SUMMARY

The Montana Supreme Court affirmed judgment as a matter of law for St. Peter’s Hospital after a jury verdict in favor of Eric Horn in a medical negligence action involving an inferior vena cava filter. The Court held that Horn failed to present expert testimony establishing the applicable medical standard of care, breach, and resulting damages, and that manufacturer materials could not substitute for the required expert evidence.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Chief Justice Mike McGrath; Mike McGrath; Laurie McKinnon; Michael E. Wheat; Dirk M. Sandefur; Beth Baker; James Jeremiah Shea; Jim Rice
JURISDICTION	Montana
DECIDED	December 5, 2017
DOCKET	DA 16-0730
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from posttrial orders granting the defendant judgment as a matter of law after a jury returned a verdict for the plaintiff in a medical negligence action.
STANDARD OF REVIEW	The Supreme Court reviewed the grant of judgment as a matter of law de novo, considering the evidence and all legitimate inferences in the light most favorable to the party opposing the motion. Judgment as a matter of law is proper only when there is a complete absence of evidence that would justify submitting the issue to the jury.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential
PARTIES	Eric Horn v. St. Peter's Hospital

TOPICS

- medical malpractice
- standard of care
- negligence
- civil procedure
- appellate procedure

PRACTICE AREAS

medical malpractice

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the District Court erred in granting judgment as a matter of law for St. Peter's Hospital after the jury returned a verdict for Eric Horn.
2. Whether Horn presented sufficient expert testimony to establish the applicable medical standard of care and its breach in his medical negligence claim.
3. Whether manufacturer information concerning the Optease filter could, standing alone, establish the medical standard of care.

HOLDINGS

1. Judgment as a matter of law was proper because Horn presented no legally sufficient evidence establishing the applicable medical standard of care, breach, and resulting damage.
2. A manufacturer's recommendation or package insert may be relevant evidence for the jury, but standing alone it does not establish the medical standard of care.

KEY QUOTATIONS

“A manufacturer’s recommendation or package insert can be relevant evidence to be considered by the jury, but it is not a substitute for the required expert evidence that describes the standard of care.” (¶ 25)

“The issue is not the absence of magic words, but rather trial counsel’s failure to meet the clear and established requirements for maintaining a medical negligence case.” (¶ 27)

“Even under the very high standard for granting a Rule 50(b) motion, it is clear that Horn’s representatives at trial utterly failed to present evidence on the fundamental requirements of a medical negligence case—the applicable medical standard of care; a breach of the standard of care; and damage resulting from that breach.” (¶ 30)

FACTUAL BACKGROUND

Eric Horn suffered serious injuries after falling from a roof and underwent multiple surgeries and prolonged immobilization. During his treatment at St. Peter's Hospital, an Optease retrievable blood-clot filter was implanted in his inferior vena cava. An attempted retrieval approximately 120 days later failed because the filter was embedded, and subsequent attempts at other medical facilities resulted in additional complications before the filter was eventually removed. Horn alleged that the Hospital negligently failed to assess filter risks, track the filter, and timely arrange its retrieval.

PROCEDURAL HISTORY

Horn sued St. Peter's Hospital for medical negligence. After a four-day jury trial, the jury returned a verdict for Horn and the District Court entered judgment awarding \$492,268.39. The Hospital renewed its motion for judgment as a matter of law under Montana Rule of Civil Procedure 50(b) and also moved under Rules 59 and

60; the District Court granted judgment as a matter of law for the Hospital and dismissed the complaint. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Schumacher v. Stephens, 1998 MT 58, ¶ 14, 288 Mont. 115, 956 P.2d 76
- Johnson v. Costco Wholesale, 2007 MT 43, ¶¶ 13, 18, 336 Mont. 105, 152 P.3d 727
- Labair v. Carey, 2012 MT 312, ¶ 29, 367 Mont. 453, 291 P.3d 1160
- Dalton v. Kalispell Regional Hosp., 256 Mont. 243, 246-47, 846 P.2d 960, 962 (1993)
- Norris v. Fritz, 2012 MT 27, ¶ 44, 364 Mont. 63, 270 P.3d 79
- Montana Deaconess Hospital v. Gratton, 169 Mont. 185, 190, 545 P.2d 670, 673 (1976)
- Hyman & Armstrong, P.S.C. v. Gunderson, 279 S.W.3d 93, 114 (Ky. 2008)
- Richardson v. Miller, 44 S.W.3d 1, 16-17 (Tenn. Ct. App. 2000)
- Morlino v. Medical Center of Ocean County, 684 A.2d 944, 949 (N.J. Super. App. Div. 1996)
- Craft v. Peebles, 893 P.2d 138, 151 (Haw. 1995)