

SUPREME COURT OF UTAH

Smith v. United States

2015 UT 68 (Utah 2015) · No. 20131030 · Decided August 11, 2015

SUMMARY

The Utah Supreme Court answered certified questions from the United States District Court for the District of Utah concerning whether Utah’s medical-malpractice noneconomic-damages cap applies to wrongful-death claims. The court held that article XVI, section 5 of the Utah Constitution protects certain economic and noneconomic wrongful-death damages from statutory limitation, and that the constitutional compensation exception applies only to schemes akin to workers’ compensation. It therefore held Utah Code section 78B-3-410 unconstitutional as applied to wrongful-death cases.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Justice Parrish; Chief Justice Durrant; Associate Chief Justice Lee; Justice Durham; Judge Kate A. Toomey
JURISDICTION	Utah
DECIDED	August 11, 2015
DOCKET	20131030
DISPOSITION	other
PROCEDURAL POSTURE	The Utah Supreme Court answered certified questions from the United States District Court for the District of Utah concerning the constitutionality of Utah's noneconomic-damages cap as applied to wrongful-death medical-malpractice cases.
STANDARD OF REVIEW	On certification from a federal court, the court stated that there was no prior decision and thus no standard of review; it answered the certified legal questions without resolving the underlying dispute.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Utah; precedential.
PARTIES	Gregory Lynn Smith v. United States of America

TOPICS

- medical malpractice
- wrongful death
- damages
- constitutional law
- statutory interpretation

PRACTICE AREAS

medical malpractice

constitutional law

damages

wrongful death

statutory interpretation

QUESTIONS PRESENTED

1. Whether Utah Code section 78B-3-410's limitation on noneconomic damages applies to wrongful-death claims caused by medical malpractice.
2. Whether the noneconomic-damages cap in Utah Code section 78B-3-410 is permissible under article XVI, section 5 of the Utah Constitution when applied to wrongful-death cases.
3. What categories of wrongful-death damages are protected by article XVI, section 5 of the Utah Constitution.
4. Whether the compensation exception in article XVI, section 5 applies to the medical-malpractice damages cap.

HOLDINGS

1. Article XVI, section 5 of the Utah Constitution protects economic damages and certain noneconomic damages available in wrongful-death cases at the time of Utah's statehood, including losses relating to the deceased's financial productivity, assistance, association, care, comfort, companionship, nurture, pleasure, protection, society, and support. Damages for survivors' mental anguish and suffering are not constitutionally protected because they were unavailable at statehood.
2. The compensation exception in article XVI, section 5 applies only to compensation schemes akin to workers' compensation and does not authorize a statutory cap on tort damages based on medical-provider fault.
3. The noneconomic-damages cap in Utah Code section 78B-3-410 is unconstitutional as applied to wrongful-death cases to the extent it limits damages protected by article XVI, section 5 of the Utah Constitution.

KEY QUOTATIONS

"We hold that article XVI, section 5 protects both economic and certain noneconomic damages in wrongful-death cases and that its exception is not implicated except in the context of a scheme akin to workers' compensation." (¶ 6)

"Accordingly, we hold that the compensation exception to article XVI, section 5 of the constitution does not apply in cases implicating the damages cap of the Malpractice Act." (¶ 19)

"Accordingly, we hold that the damages cap in section 78B-3-410 of the Malpractice Act is unconstitutional as applied to cases of wrongful death." (¶ 20)

FACTUAL BACKGROUND

Gregory Lee Smith died on October 22, 2010, from acute drug intoxication involving pain medications prescribed by medical staff at the Salt Lake City VA medical center after back surgery. Gregory Lynn Smith alleged in federal court that the VA medical staff negligently caused his son's death.

PROCEDURAL HISTORY

Gregory Lynn Smith sued the United States in federal court, alleging that medical negligence by staff at a Salt Lake City VA medical center caused his son's death. The federal district court certified two questions to the Utah Supreme Court: whether Utah Code section 78B-3-410 applies to wrongful-death claims caused by medical malpractice and, if so, whether the cap is permissible under article XVI, section 5 of the Utah Constitution. The Utah Supreme Court accepted certification and answered that the cap is unconstitutional as applied to wrongful-death cases.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand instructions were issued. The court answered the certified questions and did not resolve the underlying federal action.

CASES CITED

- Everard v. Hopkins, (c. 1600) 80 Eng. Rep. 1164 (K.B.)
- Garfield Smelting Co. v. Industrial Commission, 178 P. 57 (Utah 1918)
- Webb v. Denver & R.G.W. Railway, 24 P. 616 (Utah Terr. 1890)
- Chilton v. Union Pac. Ry., 29 P. 963 (Utah Terr. 1892)
- Pool v. S. Pac. R.R., 26 P. 654 (Utah Terr. 1891)
- Hyde v. Union Pac. Ry., 26 P. 979 (Utah Terr. 1891)
- Wells v. Denver & R.G.W. Ry., 27 P. 688 (Utah Terr. 1891)
- English v. S. Pac. Co., 45 P. 47 (Utah 1896)
- Corbett v. Or. Short Line R.R., 71 P. 1065 (Utah 1903)
- Rogers v. Rio Grande W. Ry. Co., 90 P. 1075 (Utah 1907)
- Spiking v. Consol. Ry. & Power Co., 93 P. 838 (Utah 1908)
- Evans v. Or. Short Line R.R., 108 P. 638 (Utah 1910)
- White v. Shipley, 160 P. 441 (Utah 1916)
- Moore v. Utah Idaho Cent. R.R., 174 P. 873 (Utah 1918)
- Burbidge v. Utah Light & Traction Co., 196 P. 556 (Utah 1921)
- Am. Bush v. City of South Salt Lake, 2006 UT 40, 140 P.3d 1235
- Egbert v. Nissan N. Am., Inc., 2007 UT 64, 167 P.3d 1058
- Parks v. Utah Transit Authority, 2002 UT 55, 53 P.3d 473
- Tindley v. Salt Lake City School District, 2005 UT 30, 116 P.3d 295
- Tiede v. State, 915 P.2d 500 (Utah 1996)
- Star v. Industrial Commission, 615 P.2d 436 (Utah 1980)

- LPI Servs. v. McGee, 2009 UT 41, 215 P.3d 135
- Uzelac v. Thurgood (In re Estate of S.T.T.), 2006 UT 46, 144 P.3d 1083
- Judd v. Drezga, 2004 UT 91, 103 P.3d 135

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