

SUPREME COURT OF TEXAS

Memorial Hermann Health System v. Miguel A. Gomez, III, M.D. and Miguel A. Gomez, M.D., P.A.

Memorial Hermann · No. No. 19-0872 · Decided April 22, 2022

SUMMARY

The Supreme Court of Texas reviewed a judgment awarding damages to cardiovascular surgeon Miguel A. Gomez and his professional association on defamation and business disparagement claims against Memorial Hermann Health System. The court held that the jury charge referred to specific quoted statements, not generally to the dissemination of mortality data, and concluded that no evidence showed publication of one statement or supported damages based on the other. The court reversed the court of appeals and rendered judgment for Memorial Hermann.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Chief Justice Nathan L. Hecht
JURISDICTION	Texas
DECIDED	April 22, 2022
DOCKET	No. 19-0872
DISPOSITION	reversed
PROCEDURAL POSTURE	Memorial Hermann petitioned for review after the Texas Court of Appeals for the First District affirmed a trial-court judgment awarding Gomez and his professional association more than \$6.3 million on defamation and business-disparagement claims.
STANDARD OF REVIEW	The court reviewed the legal sufficiency of the evidence in light of the jury charge, viewing the evidence in the light most favorable to the verdict. It independently interpreted the unobjected-to jury charge according to its plain, commonsense meaning.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Memorial Hermann Health System v. Miguel A. Gomez, III, M.D., Miguel A. Gomez, M.D., P.A.

TOPICS

defamation

commercial litigation

appellate procedure

standard of review

professional negligence

PRACTICE AREAS

defamation

business litigation

appellate procedure

torts

QUESTIONS PRESENTED

1. Whether the unobjected-to jury charge asked the jury to decide whether Memorial Hermann published the specific quoted statement made by Auzenne to Gomez, or instead whether Memorial Hermann generally published the mortality data referenced in that statement.
2. Whether legally sufficient evidence supported the defamation and business-disparagement damages attributed to Auzenne's statement.
3. Whether legally sufficient evidence established that Todd's specific statement to Peña proximately caused Gomez's reputational damages and his professional association's lost profits.

HOLDINGS

1. The plain text and context of the jury charge required the jury to determine whether Memorial Hermann published Auzenne's specific quoted statement to Gomez, not whether Memorial Hermann generally published the underlying mortality data.
2. No legally sufficient evidence supported defamation or business-disparagement liability based on Auzenne's statement because there was no evidence that the statement, as quoted in the charge, was published to a third party.
3. No legally sufficient evidence supported the jury's awards for Gomez's reputational damages or his professional association's lost profits because Todd's specific statement to Peña was not shown to have caused either injury.

KEY QUOTATIONS

"We hold that the plain text of the charge must be given its commonsense meaning in the context of the case."
(1)

"The charge directed the jury to consider Auzenne's statement to Gomez, not Auzenne's use of the individual surgeon mortality data." (17)

"Accordingly, we reverse the judgment of the court of appeals and render a take-nothing judgment for Memorial Hermann." (24)

FACTUAL BACKGROUND

Miguel Gomez was a cardiovascular surgeon at Memorial Hermann's Memorial City campus who became concerned that the hospital was using raw, non-risk-adjusted mortality data that inaccurately portrayed his quality of care. After a peer review found no quality-of-care issues, Memorial Hermann allegedly continued using and sharing the data. As Gomez considered moving his practice to a competing hospital, a Memorial Hermann employee told a Methodist West recruiter that Gomez had bad quality, high mortality rates, and

performed unnecessary surgeries. Gomez sued after leaving Memorial Hermann, alleging that the hospital's statements and data-sharing injured his reputation and practice.

PROCEDURAL HISTORY

Gomez and his professional association sued Memorial Hermann for antitrust conspiracy, tortious interference with prospective business relations, defamation, and business disparagement. After a three-week jury trial, the jury rejected the anticompetition claims but found for Gomez on defamation and business disparagement and awarded damages. The trial court entered judgment exceeding \$6.3 million, and the court of appeals affirmed. The Supreme Court of Texas reversed and rendered a take-nothing judgment for Memorial Hermann.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The court reversed the court of appeals' judgment and rendered a take-nothing judgment for Memorial Hermann; no remand was ordered.

CASES CITED

- In re Memorial Hermann Hospital System, 464 S.W.3d 686 (Tex. 2015)
- Anderson v. Durant, 550 S.W.3d 605, 617-618, 621-623 (Tex. 2018)
- Forbes Inc. v. Granada Biosciences, Inc., 124 S.W.3d 167, 170 (Tex. 2003)
- Hurlbut v. Gulf Atlantic Life Insurance Co., 749 S.W.2d 762, 766 (Tex. 1988)
- Broughton v. Humble Oil & Refining Co., 105 S.W.2d 480, 485-486 (Tex. Civ. App.—El Paso 1937, writ ref'd)
- Jackson v. U.S. Fidelity & Guaranty Co., 689 S.W.2d 408, 412 (Tex. 1985)
- Saenz v. Fidelity & Guaranty Insurance Underwriters, 925 S.W.2d 607, 613 (Tex. 1996)
- State v. Hale, 146 S.W.2d 731, 739-740 (Tex. 1941)
- Seger v. Yorkshire Insurance Co., Ltd., 503 S.W.3d 388, 407 (Tex. 2016)
- Osterberg v. Peca, 12 S.W.3d 31, 55 (Tex. 2000)
- Brady v. Klentzman, 515 S.W.3d 878, 887-888 (Tex. 2017)
- Burbage v. Burbage, 447 S.W.3d 249, 259-262 (Tex. 2014)
- Innovative Block of South Texas, Ltd. v. Valley Builders Supply, Inc., 603 S.W.3d 409, 418 (Tex. 2020)
- Waste Management of Texas, Inc. v. Texas Disposal Systems Landfill, Inc., 434 S.W.3d 142, 155 (Tex. 2014)
- In re Lipsky, 460 S.W.3d 579, 593-594 (Tex. 2015)
- Hancock v. Variyam, 400 S.W.3d 59, 65-66 (Tex. 2013)
- MBM Financial Corp. v. Woodlands Operating Co., 292 S.W.3d 660, 665 (Tex. 2009)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/texas-supreme-court-of-texas/2022/memorial-hermann-health-system-v-miguel-a-gomez-iii-m-d-and-a0nednww>