

SUPREME COURT OF THE STATE OF IDAHO

Judy Nield v. Pocatello Health Services, Inc.

Nield v. Pocatello Health Services, Inc., 2014 Opinion No. 20 · No. 38823-2011 · Decided February 14, 2014

SUMMARY

The Idaho Supreme Court reviewed a summary judgment dismissing Judy Nield's negligence action against Pocatello Health Services, Inc., arising from MRSA and pseudomonas infections allegedly acquired while receiving wound care. The court held that the district court improperly used a differential-diagnosis analysis to determine the admissibility of Nield's expert testimony and improperly relied on the opposing expert's affidavit as a measure of admissibility. The judgment was vacated and the case was remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Burdick, Chief Justice
JURISDICTION	Idaho
DECIDED	February 14, 2014
DOCKET	38823-2011
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from a district court judgment granting the defendant summary judgment and dismissing the plaintiff's negligence action based on exclusion of the plaintiff's expert affidavits.
STANDARD OF REVIEW	Abuse of discretion applies to a trial court's determination of the admissibility of testimony offered in connection with summary judgment. The trial court must correctly perceive the issue as discretionary, act within the bounds of discretion under the correct legal standards, and reach its decision through an exercise of reason.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential
PARTIES	Judy Nield v. Pocatello Health Services, Inc., a Nevada corporation, d/b/a Pocatello Care and Rehabilitation Center

TOPICS

expert testimony

summary judgment

medical malpractice

negligence

appellate procedure

PRACTICE AREAS

evidence

medical malpractice

professional negligence

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court erred by using a differential-diagnosis analysis to determine the admissibility of Nield's expert affidavit.
2. Whether the district court erred by relying on Dr. Coffman's affidavit without first ruling on Nield's objections to its admissibility.
3. Whether the district court erred by using the opposing expert's affidavit as the standard for determining the admissibility of Nield's experts' affidavits.
4. Whether expert medical testimony was required to establish how and where Nield contracted the infections.

HOLDINGS

1. The district court erred by excluding Dr. Selznick's affidavit solely because it did not eliminate every possible alternate source of Nield's MRSA and pseudomonas infections. Where the diagnosis is undisputed and the expert states a causation opinion to a reasonable degree of medical certainty, differential diagnosis is not required merely to resolve an opposing expert's competing account of when, where, or how the infection was acquired.
2. The district court erred by relying on portions of Dr. Coffman's affidavit before determining whether the challenged portions were admissible.
3. An expert's opinion must be evaluated on its own merits and need not address every opinion stated by an opposing expert to be admissible under Idaho Rule of Evidence 702.
4. Expert testimony may explain that a disease is infectious and identify potential sources of transmission, but expert testimony is not necessarily required to establish how a particular person contracted the disease; factual witnesses may provide the relevant details.

KEY QUOTATIONS

“The district court should have focused on what Dr. Selznick said in his affidavit and incorporated reports, rather than what he did not say or what Dr. Coffman said.” (at 10)

“An expert's opinion testimony should be judged on its own merits in determining admissibility and not upon what some other expert claims to be the correct standard.” (at 17)

“Thus, the medical experts lay the groundwork for how these infections can spread. It is not necessary to have expert testimony to establish how the infections may actually have been acquired by a particular patient.” (at 20)

FACTUAL BACKGROUND

Nield entered Pocatello Care and Rehabilitation Center on August 25, 2007, with open wounds on her lower left leg after an earlier hospitalization whose wound culture did not reveal MRSA or pseudomonas. A November 9, 2007 culture obtained while she was at the facility revealed both MRSA and pseudomonas, and her condition later progressed to infection, hip complications, and below-knee amputation. Nield's experts attributed the infections to deficient infection-control and wound-care practices at the facility, while the defendant's expert identified possible alternative sources and stated that the place and manner of infection could not be determined.

PROCEDURAL HISTORY

Nield sued Pocatello Health Services for negligent wound care and unsanitary conditions allegedly causing MRSA and pseudomonas infections that led to amputation of her leg and other injuries. The district court granted summary judgment after determining that her experts' opinions were inadmissible under Idaho Rule of Evidence 702 because they did not rule out alternate sources of infection. The Idaho Supreme Court vacated the judgment and remanded for further proceedings.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The district court must conduct further proceedings consistent with the opinion, including ruling on objections to Dr. Coffman's affidavit before relying on it, evaluating each expert affidavit and incorporated report independently under Idaho Rule of Evidence 702, and reconsidering summary judgment. Costs on appeal are awarded to Nield.

CASES CITED

- Weeks v. Eastern Idaho Health Services, 143 Idaho 834, 153 P.3d 1180 (2007)
- Clausen v. M/V New Carissa, 339 F.3d 1049 (9th Cir. 2003)
- McClain v. Metabolife International, Inc., 401 F.3d 1233 (11th Cir. 2005)
- Edmunds v. Kraner, 142 Idaho 867, 136 P.3d 338 (2006)
- Sheridan v. St. Luke's Regional Medical Center, 135 Idaho 775, 25 P.3d 88 (2001)
- Formont v. Kircher, 91 Idaho 290, 420 P.2d 661 (1966)
- Gerdon v. Rydalch, 153 Idaho 237, 280 P.3d 740 (2012)
- Hecla Mining Co. v. Star-Morning Mining Co., 122 Idaho 778, 839 P.2d 1192 (1992)
- Ryan v. Beisner, 123 Idaho 42, 844 P.2d 24 (Ct. App. 1992)
- Bromley v. Garey, 132 Idaho 807, 979 P.2d 1165 (1999)
- Montgomery v. Montgomery, 147 Idaho 1, 205 P.3d 650 (2009)
- Slack v. Kelleher, 140 Idaho 916, 104 P.3d 958 (2004)
- Karlson v. Harris, 140 Idaho 561, 97 P.3d 428 (2004)
- Dulaney v. St. Alphonsus Regional Medical Center, 137 Idaho 160, 45 P.3d 816 (2002)

- Coombs v. Curnow, 148 Idaho 129, 219 P.3d 453 (2009)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)
- Warren v. Sharp, 139 Idaho 599, 83 P.3d 773 (2003)
- West v. Sonke, 132 Idaho 133, 968 P.2d 228 (1998)
- Clair v. Clair, 153 Idaho 278, 281 P.3d 115 (2012)
- J-U-B Engineers, Inc. v. Security Insurance Co. of Hartford, 146 Idaho 311, 193 P.3d 858 (2008)
- Olsen v. J.A. Freeman Co., 117 Idaho 706, 791 P.2d 1285 (1990)
- Swallow v. Emergency Medicine of Idaho, P.A., 138 Idaho 589, 67 P.3d 68 (2003)
- Harrison v. Binnion, 147 Idaho 645, 214 P.3d 631 (2009)
- Evans v. Twin Falls County, 118 Idaho 210, 796 P.2d 87 (1990)

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