

SUPREME COURT OF VIRGINIA

Cothran v. Jauregui

Cothran v. Jauregui · No. 250019 · Decided December 30, 2025

SUMMARY

The Supreme Court of Virginia held that the continuing treatment rule did not extend the statute of limitations for Renee Jauregui’s medical malpractice claim against Dr. Shannon Cothran. The Court concluded that the ten-month gap between appointments constituted a substantial interruption in the physician-patient relationship and reversed the Court of Appeals, reinstating the trial court’s judgment sustaining the plea in bar.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Justice Cleo E. Powell; All the Justices
JURISDICTION	Supreme Court of Virginia
DECIDED	December 30, 2025
DOCKET	250019
DISPOSITION	reversed
PROCEDURAL POSTURE	Physician appealed the Court of Appeals of Virginia's reversal of a circuit court order sustaining her plea in bar based on the medical-malpractice statute of limitations.
STANDARD OF REVIEW	Factual findings made by a circuit court after hearing evidence ore tenus are entitled to the same weight as a jury verdict and will not be disturbed unless plainly wrong or unsupported by the evidence. Whether the continuing course of examination or treatment was substantially uninterrupted is a question of fact.
PRECEDENTIAL VALUE	Published and precedential decision of the Supreme Court of Virginia.
PARTIES	Shannon J. Cothran, M.D. v. Renee Jauregui

TOPICS

- medical malpractice
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the continuing treatment rule requires the existence of treatment, or may apply based on a continuous course of examination alone.
2. Whether the course of examination concerning Jauregui's breast lump was substantially uninterrupted despite the approximately ten-month gap between appointments.
3. Whether the circuit court's factual finding that a substantial interruption occurred was plainly wrong or unsupported by the evidence.

HOLDINGS

1. The continuing treatment rule does not require proof of treatment; it requires a continuous and substantially uninterrupted course of either examination or treatment concerning a specific injury, condition, or malady.
2. The phrase "substantially uninterrupted" refers to a physician-patient relationship that is mostly, but not necessarily entirely, continuous and incorporates a reasonableness component into the continuity requirement.
3. The circuit court did not err in finding that the course of examination was substantially interrupted after the October 2018 appointment and in sustaining Dr. Cothran's plea in bar.

KEY QUOTATIONS

"Under the continuing treatment rule, when malpractice is claimed to have occurred during a continuous and substantially uninterrupted course of examination and treatment in which a particular illness or condition should have been diagnosed in the exercise of reasonable care, the date of injury occurs, the cause of action for that malpractice accrues, and the statute of limitations commences to run when the improper course of examination, and treatment if any, for the particular malady terminates." (at 4)

"Taken as a whole, the proper application of the continuing treatment rule focuses on the existence of a continuous and uninterrupted relationship between a physician and a patient with regard to a specific injury, condition, or malady." (at 5)

"Taken together, the phrase refers to a physician/patient relationship that is mostly, but not necessarily entirely, continuous." (at 8)

FACTUAL BACKGROUND

Jauregui alleged that Dr. Cothran failed to properly diagnose a breast lump during several pregnancy-related visits from May through October 2018. At the October 2018 postpartum visit, according to Jauregui's testimony, Dr. Cothran instructed her to monitor the lump and return if it changed. Jauregui returned approximately ten months later, in August 2019, and testing revealed metastatic breast cancer. The circuit court found that the physician-patient relationship concerning the lump had been substantially interrupted after the October 2018 visit.

PROCEDURAL HISTORY

Jauregui filed a medical-malpractice action against Dr. Cothran. The Circuit Court of Fairfax County sustained Dr. Cothran's plea in bar, concluding that the statute of limitations barred claims arising from the 2018 appointments because the continuing treatment rule did not apply. The Court of Appeals of Virginia reversed in an unpublished opinion, holding that the continuing treatment rule could apply despite the absence of specific treatment and that the course of examination was substantially uninterrupted. The Supreme Court of Virginia reversed the Court of Appeals and reinstated the circuit court's ruling.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Court of Appeals' decision was reversed, and the trial court's decision sustaining Dr. Cothran's plea in bar was reinstated. The judgment was final; no further remand was ordered.

CASES CITED

- Jauregui v. Cothran, Record No. 1133-23-4, 2024 Va. App. LEXIS 652 (Nov. 12, 2024)
- Farley v. Goode, 219 Va. 969 (1979)
- Chalifoux v. Radiology Assocs. of Richmond, Inc., 281 Va. 690, 696 (2011)
- Grubbs v. Rawls, 235 Va. 607, 612 (1988)
- Mulford v. Walnut Hill Farm Grp., LLC, 282 Va. 98, 106 (2011)
- Westgate at Williamsburg Condo. Ass'n v. Philip Richardson Co., 270 Va. 566, 573 (2005)
- Borgia v. City of New York, 187 N.E.2d 777, 778-79 (N.Y. 1962)