

COURT OF APPEALS OF NORTH CAROLINA

Griffin v. Brown

No. COA25-524 (N.C. Ct. App. Feb. 4, 2026) · No. No. COA25-524 · Decided February 4, 2026

SUMMARY

The North Carolina Court of Appeals affirmed summary judgment for the defendants in a medical negligence action arising from an alleged delayed cancer diagnosis. The court held that the plaintiff’s expert testimony did not establish proximate cause with sufficient specificity and probability. Because the underlying negligence claim failed on proximate cause, the plaintiff’s corporate negligence and negligent supervision claims also failed.

CASE DETAILS

COURT	Court of Appeals of North Carolina
WRITING FOR THE COURT	Judge John Tyson; Judge Wood; Judge Freeman
JURISDICTION	North Carolina Court of Appeals
DECIDED	February 4, 2026
DOCKET	No. COA25-524
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from the Forsyth County Superior Court's order granting defendants' motion for summary judgment and dismissing with prejudice his remaining negligence, corporate-negligence, and negligent-supervision, hiring, training, and retention claims.
STANDARD OF REVIEW	The court reviews summary judgment de novo to determine whether there is any genuine issue of material fact and whether the moving party is entitled to judgment as a matter of law. The moving party must establish the absence of a triable issue; after that showing, the nonmoving party must forecast specific evidence sufficient to establish a prima facie case.
PRECEDENTIAL VALUE	published
PARTIES	Michael Eugene Griffin v. Kenneth R. Brown, DDS, University Dental Associates, Scott F. Tucker, DDS, MS, PA d/b/a University Dental Associates and/or UDA Dental and/or UDA and/or UDA-COMP Rehab

TOPICS

medical malpractice

proximate cause

summary judgment

negligent supervision

standard of review

PRACTICE AREAS

medical malpractice

professional negligence

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether summary judgment was proper on Griffin's ordinary medical-negligence claim against Dr. Brown where his experts criticized the standard of care but did not provide non-speculative evidence that any breach proximately caused his injuries.
2. Whether Griffin presented sufficient evidence of proximate cause to maintain corporate-negligence claims against University Dental Associates.
3. Whether Griffin presented sufficient evidence of proximate cause to maintain negligent hiring, supervision, training, and retention claims against University Dental Associates.

HOLDINGS

1. Summary judgment was proper for Dr. Brown because Griffin failed to forecast competent expert evidence, stated in terms of probabilities and specific facts, that any breach of the professional standard of care proximately caused his injuries.
2. Summary judgment was proper on Griffin's corporate-negligence claim because he failed to forecast evidence that any omission by University Dental Associates proximately caused his injuries.
3. Summary judgment was proper on Griffin's negligent hiring, supervision, training, and retention claims because he failed to forecast evidence that UDA's alleged omissions proximately caused his injuries.

KEY QUOTATIONS

“A plaintiff in a medical malpractice case must rely upon expert testimony to establish proximate cause, if the purported negligence is not obvious or per se speaks for itself.” (8)

“Proof of proximate cause in a malpractice case requires more than a showing that a different treatment would have improved the patient’s chances of recovery.” (13)

“As held above, Plaintiff has failed to forecast Dr. Brown’s negligence proximately caused his injuries, and Plaintiff cannot also prove his corporate negligence and negligent supervision claims.” (14)

FACTUAL BACKGROUND

Griffin was examined in July 2020 after reporting difficulty opening his mouth and pressure, and a dentist noted a mass under his left lower jaw. Dr. Brown examined him, diagnosed temporomandibular joint disorder, and did not order a biopsy; later examinations did not document a tumor or lesion. In March and May 2021, other providers identified a palatal and nasopharyngeal mass, and biopsies confirmed squamous cell carcinoma. Griffin's experts criticized Dr. Brown's examination and treatment but could not testify with reasonable medical

certainty that the July 2020 swelling was cancerous, that cancer existed then, or how an earlier diagnosis would have changed his outcome.

PROCEDURAL HISTORY

Griffin filed suit in the Forsyth County Superior Court alleging ordinary negligence, corporate negligence, negligent supervision, negligent infliction of emotional distress, and intentional infliction of emotional distress arising from an alleged delayed cancer diagnosis. He voluntarily dismissed the emotional-distress claims. The superior court granted defendants' motion for summary judgment on the remaining claims and dismissed them with prejudice on October 15, 2024. Griffin timely appealed, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Willis v. Town of Beaufort, 143 N.C. App. 106, 108, 544 S.E.2d 600, 603 (2001)
- Pembee Mfg. Corp. v. Cape Fear Constr. Co., 313 N.C. 488, 491, 329 S.E.2d 350, 353 (1985)
- James v. Clark, 118 N.C. App. 178, 181, 454 S.E.2d 826, 828 (1995)
- Moore v. Fieldcrest Mills, Inc., 296 N.C. 467, 470, 251 S.E.2d 419, 422 (1979)
- Gaunt v. Pittaway, 139 N.C. App. 778, 784-85, 534 S.E.2d 660, 664 (2000)
- Roumillat v. Simplistic Enterprises, Inc., 331 N.C. 57, 64, 414 S.E.2d 339, 342 (1992)
- Cousart v. Charlotte-Mecklenburg Hosp. Auth., 209 N.C. App. 299, 302-03, 704 S.E.2d 540, 543 (2011)
- Hawkins v. Emergency Med. Physicians of Craven Cnty., PLLC, 240 N.C. App. 337, 341-42, 770 S.E.2d 159, 162-63 (2015)
- Young v. Hickory Bus. Furn., 353 N.C. 227, 230, 538 S.E.2d 912, 915 (2000)
- Liller v. Quick Stop Food Mart, Inc., 131 N.C. App. 619, 625, 507 S.E.2d 602, 606 (1998)
- Lord v. Beerman, 191 N.C. App. 290, 294-95, 664 S.E.2d 331, 334-35 (2008)
- Lindsey v. Clinic for Women, 40 N.C. App. 456, 253 S.E.2d 304 (1979)
- Bridges v. Shelby Women's Clinic, P.A., 72 N.C. App. 15, 323 S.E.2d 372 (1984)
- Turner v. Duke University, 325 N.C. 152, 381 S.E.2d 706 (1989)
- White v. Hunsinger, 88 N.C. App. 382, 386-87, 363 S.E.2d 203, 206 (1988)
- Bost v. Riley, 44 N.C. App. 638, 648, 262 S.E.2d 391, 397 (1980)
- Gower v. Davidian, 212 N.C. 172, 193 S.E.2d 28 (1937)