

COURT OF APPEALS OF MARYLAND

Scott Wadsworth, et al. v. Poornima Sharma, et al.

Wadsworth v. Sharma · No. No. 40, September Term, 2021 · Decided July 15, 2022

SUMMARY

The Maryland Court of Appeals held that a plaintiff bringing a wrongful death action arising from alleged medical malpractice must prove by a preponderance of the evidence that the alleged malpractice proximately caused the decedent’s death. The Court rejected application of the loss of chance doctrine to the claim and affirmed summary judgment for the defendants. It concluded that any change to Maryland’s causation standard or wrongful death law should be made by the General Assembly.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Getty, C.J.; McDonald, J.; Watts, J.; Hotten, J.; Booth, J.; Biran, J.; Harrell, J.; Glenn T. Harrell, Jr., Senior Judge, specially assigned
JURISDICTION	Maryland
DECIDED	July 15, 2022
DOCKET	No. 40, September Term, 2021
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petition for writ of certiorari from the judgment of the Court of Special Appeals affirming the Circuit Court for Baltimore County's grant of summary judgment in a wrongful death medical-malpractice action.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. The appellate court independently reviews the record in the light most favorable to the nonmoving party and construes reasonable inferences against the moving party.
PRECEDENTIAL VALUE	Published precedential opinion of the highest court of Maryland.
PARTIES	Scott Wadsworth, Elizabeth Wadsworth, Matthew Wadsworth, Joseph Eline, Jr. v. Poornima Sharma, M.D., University of Maryland Oncology Associates, P.A., University of Maryland Community Medical Group, Inc.

TOPICS

wrongful death

medical malpractice

proximate cause

statutory interpretation

negligence

PRACTICE AREAS

medical malpractice

wrongful death

tort law

statutory interpretation

civil procedure

QUESTIONS PRESENTED

1. Whether Maryland's Wrongful Death Act permits recovery when alleged medical negligence reduced a terminally ill decedent's chance of surviving for a longer period but did not more likely than not cause the decedent's death.
2. Whether Maryland recognizes the loss-of-chance doctrine in a wrongful death action.
3. Whether the circuit court properly granted summary judgment because the plaintiffs could not prove by a preponderance of the evidence that the alleged negligence proximately caused the decedent's death.

HOLDINGS

1. Maryland does not recognize the loss-of-chance doctrine in wrongful death actions.
2. The plaintiffs could not proceed on the wrongful death claim because the undisputed evidence did not show that Dr. Sharma's alleged negligence more likely than not caused Ms. Wadsworth's death.

KEY QUOTATIONS

"Therefore, reading CJ § 3-902(a) consistently with the legal meaning of cause, it is clear that the plaintiff bears the burden of proving by a preponderance of the evidence that the alleged wrongful act or omission proximately caused the decedent's death." (11-12)

"Under the doctrine of stare decisis, we hold that Mr. Wadsworth's wrongful death claim cannot proceed because the loss of chance doctrine is not recognized in Maryland." (24)

"Consistent with the plain language and legislative history of CJ § 3-902(a), principles of stare decisis, and our decisions in Weimer and Fennell, we hold that the plaintiff in a wrongful death claim bears the burden of proving, by a preponderance of the evidence, that the defendant's negligence proximately caused the decedent's death." (25)

FACTUAL BACKGROUND

Stephanie Wadsworth had previously been treated for Stage IIIC breast cancer, and follow-up scans were negative for metastatic disease. In April 2013, a PET/CT scan showed a potentially cancerous clavicle lesion, but Dr. Sharma allegedly failed to report the result or order further testing. The cancer was later found to have metastasized, and Ms. Wadsworth died in June 2017. Expert evidence established that metastatic breast cancer was not curable and did not establish that she had more than a fifty-percent chance of survival absent the alleged negligence.

PROCEDURAL HISTORY

Scott Wadsworth filed survival and wrongful death claims against Dr. Sharma and related entities after his wife's death from metastatic breast cancer. The circuit court granted summary judgment, concluding that the wrongful death claim was based on Maryland's unrecognized loss-of-chance doctrine. The Court of Special Appeals affirmed, and the Court of Appeals of Maryland granted a petition for a writ of certiorari. The Court of Appeals affirmed the intermediate appellate court's judgment.

DISPOSITION

affirmed

CASES CITED

- Weimer v. Hetrick, 309 Md. 536 (1987)
- Fennell v. S. Md. Hosp. Ctr., Inc., 320 Md. 776 (1990)
- Marcantonio v. Moen, 406 Md. 395, 959 A.2d 764 (2008)
- Pittway Corp. v. Collins, 409 Md. 218 (2009)
- Peterson v. Underwood, 258 Md. 9 (1970)
- Henley v. Prince George's County, 305 Md. 320 (1986)
- Parker v. Hamilton, 453 Md. 127 (2017)
- Mummert v. Alizadeh, 435 Md. 207 (2013)
- Moore v. RealPage Util. Mgmt., Inc., 476 Md. 501 (2021)
- Lawrence v. State, 475 Md. 384 (2021)
- Wallace v. State, 452 Md. 558 (2017)
- Coleman v. Soccer Ass'n of Columbia, 432 Md. 679 (2013)
- Chateau Foghorn LP v. Hosford, 455 Md. 462 (2017)
- Md. Small MS4 Coal. v. Md. Dep't of the Env't, 2022 WL 1771709 (2022)