

INDIANA SUPREME COURT

Kathy L. Siner, Personal Representative of the Estate of Geraldine A. Siner, Deceased, and John T. Siner, Prior Enduring Power of Attorney and Medical Representative of the Deceased v. Kindred Hospital Limited Partnership, d/b/a Kindred Hospital of Indianapolis, et al., Mohammed A. Majid, M.D., Dennis Nicely, and David Uhrin, R.N.

51 N.E.3d 1184 (Ind. 2016) · No. No. 49S05-1604-CT-219 · Decided April 28, 2016

SUMMARY

The Indiana Supreme Court reversed summary judgment for Kindred Hospital and Dr. Mohammed Majid in a medical malpractice action brought by representatives of Geraldine Siner's estate. The court held that the defendants' designated evidence, including affidavits and the medical review panel's opinion, created a genuine issue of material fact regarding causation. The court concluded that conflicting evidence must be resolved by a trier of fact rather than on summary judgment.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Rush, Chief Justice; Dickson, Justice; Rucker, Justice; David, Justice; Massa, Justice
JURISDICTION	Indiana
DECIDED	April 28, 2016
DOCKET	No. 49S05-1604-CT-219
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiffs appealed the trial court's grants of summary judgment to the medical-malpractice defendants. The Indiana Court of Appeals affirmed in part and reversed in part. The Indiana Supreme Court granted transfer, vacated the Court of Appeals decision, and reviewed the summary-judgment rulings.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. The court draws all reasonable inferences in favor of the nonmoving party and affirms only when the designated evidence shows no genuine issue of material

	fact and that the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Kathy L. Siner, Personal Representative of the Estate of Geraldine A. Siner, Deceased, John T. Siner, Prior Enduring Power of Attorney and Medical Representative of the Deceased v. Kindred Hospital Limited Partnership, d/b/a Kindred Hospital of Indianapolis, Mohammed A. Majid, M.D., Dennis Nicely, David Uhrin, R.N.

TOPICS

summary judgment medical malpractice standard of review civil procedure appellate procedure

PRACTICE AREAS

medical malpractice civil procedure appellate procedure health law

QUESTIONS PRESENTED

1. Whether the defendants' designated evidence affirmatively negated at least one element of the plaintiffs' medical-malpractice claims.
2. Whether conflicting medical opinions concerning causation created a genuine issue of material fact precluding summary judgment.
3. Whether the medical review panel opinion was too speculative to create a genuine issue of material fact for summary-judgment purposes.

HOLDINGS

1. A party moving for summary judgment in Indiana bears the initial burden of affirmatively demonstrating the absence of a genuine issue of material fact on at least one element of the opposing party's claim; merely showing that the opponent lacks evidence is insufficient.
2. Conflicting expert medical opinions on the ultimate issue of causation create a genuine issue of material fact and preclude summary judgment, even when the conflicting evidence might be insufficient by itself to support a verdict.
3. Evidence need not be sufficient to support a verdict in order to defeat summary judgment; a medical review panel opinion that creates a genuine conflict on a material issue is sufficient to preclude summary judgment.

KEY QUOTATIONS

“To obtain summary judgment in Indiana, a moving party must demonstrate the absence of any genuine issue of material fact on at least one element of the opposing party’s claim.” (51 N.E.3d at 1184)

“Because their designated evidence shows that a conflict of evidence may exist on the element of causation, summary judgment for Kindred and Dr. Majid is inappropriate.” (51 N.E.3d at 1188)

FACTUAL BACKGROUND

Geraldine Siner, an eighty-three-year-old patient with advanced dementia, was treated at Kindred Hospital for aspiration pneumonia. Her children repeatedly instructed providers to maintain full-code status, but Kindred's Ethics Committee changed her status to no-code and the family transferred her to another hospital. After her condition deteriorated, she died. The defendants designated affidavits from Dr. James Krueger stating that they did not cause injury in connection with pulmonary care, while the medical review panel opinion stated that defendants' conduct may have contributed to some resultant damages.

PROCEDURAL HISTORY

The plaintiffs filed a medical-malpractice complaint with the Indiana Department of Insurance, and a medical review panel concluded that defendants failed to comply with the appropriate standard of care and that their conduct may have contributed to some damages but not Geraldine Siner's death. The trial court granted summary judgment to Kindred and Dr. Majid. The Court of Appeals reversed as to Kindred but affirmed as to Dr. Majid; the Indiana Supreme Court granted transfer and reversed both summary-judgment grants.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The conflicting evidence on causation must be resolved by a trier of fact. The trial court's grants of summary judgment to Kindred and Dr. Majid are reversed.

CASES CITED

- Siner v. Kindred Hosp. Ltd. P'ship, 33 N.E.3d 377 (Ind. Ct. App. 2015)
- Hughley v. State, 15 N.E.3d 1000, 1003-06 (Ind. 2014)
- Tankersley v. Parkview Hosp., Inc., 791 N.E.2d 201, 203 (Ind. 2003)
- Landmark Health Care Assocs. L.P. v. Bradbury, 671 N.E.2d 113, 116 (Ind. 1996)
- Mayhue v. Sparkman, 653 N.E.2d 1384, 1386 (Ind. 1995)
- Stafford v. Szymanowski, 31 N.E.3d 959, 961 (Ind. 2015)
- In re Ind. State Fair Litig., No. 49S02-1601-CT-51, 2016 WL 348155, at *2 (Ind. Jan. 28, 2016)
- Manley v. Sherer, 992 N.E.2d 670, 673 (Ind. 2013)
- Schmidt v. Ind. Ins. Co., 45 N.E.3d 781, 785 (Ind. 2015)
- Jarboe v. Landmark Cmty. Newspapers of Ind., Inc., 644 N.E.2d 118, 123 (Ind. 1994)
- Palace Bar, Inc. v. Fearnot, 269 Ind. 405, 381 N.E.2d 858, 861 (1978)
- Topp v. Leffers, 838 N.E.2d 1027, 1036 (Ind. Ct. App. 2005)

- City of E. Chi. v. Litera, 692 N.E.2d 898, 901-02 (Ind. Ct. App. 1998)
- Purcell v. Old Nat. Bank, 972 N.E.2d 835, 841 (Ind. 2012)
- Estate of Mintz v. Conn. Gen. Life Ins. Co., 905 N.E.2d 994, 998 (Ind. 2009)
- Atl. Coast Airlines v. Cook, 857 N.E.2d 989, 994-95 (Ind. 2006)
- Chi Yun Ho v. Frye, 880 N.E.2d 1192, 1200-01 (Ind. 2008)
- Jordan v. Deery, 609 N.E.2d 1104, 1106, 1111 (Ind. 1993)
- Ayres v. Indian Heights Volunteer Fire Dep't, Inc., 493 N.E.2d 1229, 1234 (Ind. 1986)
- Clarian Health Partners, Inc. v. Wagler, 925 N.E.2d 388 (Ind. Ct. App. 2010), trans. denied
- Malooley v. McIntyre, 597 N.E.2d 314 (Ind. Ct. App. 1992)

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