

SUPREME COURT OF THE STATE OF IDAHO

Lepper v. Eastern Idaho Health Services, Inc.

160 Idaho 104 (2016) · No. 42004 · Decided March 4, 2016

SUMMARY

The Idaho Supreme Court reviewed the exclusion of plaintiffs' medical-malpractice experts for failing to disclose foundational information concerning the applicable local standard of care. The court held that the scheduling order required disclosure of the experts' opinions and conclusions but did not expressly require disclosure of all foundational requirements under Idaho Code sections 6-1012 and 6-1013. It vacated the judgment and remanded for further proceedings, concluding that the district court abused its discretion in excluding the experts and granting summary judgment.

CASE DETAILS

COURT	Supreme Court of the State of Idaho
WRITING FOR THE COURT	Burdick, Justice; Burdick, Chief Justice; J. Jones, Chief Justice; Eismann, Justice; Horton, Justice; W. Jones, Justice
JURISDICTION	Idaho
DECIDED	March 4, 2016
DOCKET	42004
DISPOSITION	vacated
PROCEDURAL POSTURE	Plaintiffs appealed from the Bonneville County district court's final judgment granting defendants' motions for summary judgment after excluding plaintiffs' medical-malpractice experts for allegedly deficient disclosures under the scheduling order.
STANDARD OF REVIEW	Summary judgment is reviewed under the same standard applied by the district court, viewing facts and inferences in favor of the nonmoving party. Evidentiary rulings and rulings on motions for reconsideration are reviewed for abuse of discretion. A discovery sanction under Idaho Rule of Civil Procedure 16(i) is reviewed for manifest abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Charles Edward Lepper, Janice Lepper v. Eastern Idaho Health Services, Inc., d/b/a Eastern Idaho Regional Medical Center, Stephen R. Marano, M.D.

TOPICS

summary judgment

expert testimony

civil procedure

appellate procedure

standard of review

PRACTICE AREAS

medical malpractice

civil procedure

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by interpreting its scheduling order to require disclosure of foundational facts establishing the experts' competency and familiarity with the local standard of care.
2. Whether the district court abused its discretion by excluding the Leppers' expert witnesses.
3. Whether the district court erred in its rulings on the parties' motions for reconsideration.
4. Whether the district court erred by granting summary judgment to the defendants after excluding the experts.
5. Whether the defendants were entitled to attorney fees on appeal.

HOLDINGS

1. A scheduling order requiring disclosure of expert witnesses, including their opinions and conclusions, does not by its plain language require disclosure of all foundational facts establishing the experts' familiarity with the applicable medical standard of care unless the order expressly requires that information.
2. The district court abused its discretion by excluding Dr. DeLong and Arruda for failing to disclose foundational information that was not required by the scheduling order.
3. The district court abused its discretion in denying the Leppers' motions for reconsideration and in granting the defendants' motion for reconsideration because those rulings rested on the same erroneous interpretation of the scheduling order.
4. The district court erred by granting summary judgment because it should have considered the Leppers' expert affidavits after the experts were improperly excluded.
5. The defendants were not entitled to attorney fees on appeal because they were not the prevailing parties.

KEY QUOTATIONS

“We emphasize again that scheduling orders must be detailed to put parties on notice as to what specific information is required for expert witness disclosures.” (160 Idaho at 111-12)

“The district court erred when it made the inferential leap that “opinions and conclusions” necessarily included all foundational facts, including the standard of care.” (160 Idaho at 112)

“Because we held that the district court abused its discretion in excluding Dr. DeLong and Arruda as experts, the district court should have considered the affidavits of Dr. DeLong and Arruda to determine whether there was a genuine issue of material fact that precluded summary judgment.” (160 Idaho at 116)

FACTUAL BACKGROUND

Charles Lepper underwent lower-back surgery at Eastern Idaho Regional Medical Center and was later readmitted because of pain and complications. Hospital nurses allegedly failed to contact Dr. Marano and failed to communicate worsening symptoms, and Charles was eventually diagnosed with cauda equina compression caused by an epidural hematoma. He suffered permanent paralysis and bowel and bladder dysfunction. The Leppers designated Dr. Bradford DeLong and Elizabeth Arruda as experts, but their initial disclosures did not describe their familiarity with the applicable standard of care.

PROCEDURAL HISTORY

The Leppers filed a medical-malpractice action against Eastern Idaho Regional Medical Center and later added Dr. Stephen R. Marano. The district court struck their experts because the disclosures did not state the experts' familiarity with the applicable local standard of care, denied related motions for reconsideration, and granted summary judgment to defendants. The Idaho Supreme Court vacated the judgment and remanded.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the district court judgment and remand for further proceedings consistent with the opinion, including consideration of the Leppers' expert affidavits and whether they create a genuine issue of material fact. Costs were awarded to the Leppers; no appellate attorney fees were awarded to defendants.

CASES CITED

- *Edmunds v. Kraner*, 142 Idaho 867, 136 P.3d 338 (2006)
- *Evans v. Griswold*, 129 Idaho 902, 935 P.2d 165 (1997)
- *Dulaney v. St. Alphonsus Regional Medical Center*, 137 Idaho 160, 45 P.3d 816 (2002)
- *Rocky Mountain Power v. Jensen*, 154 Idaho 549, 300 P.3d 1037 (2012)
- *Morris ex rel. Morris v. Thomson*, 130 Idaho 138, 937 P.2d 1212 (1997)
- *Perry v. Magic Valley Regional Medical Center*, 134 Idaho 46, 995 P.2d 816 (2000)
- *Kolln v. Saint Luke's Regional Medical Center*, 130 Idaho 323, 940 P.2d 1142 (1997)
- *Hoene v. Barnes*, 121 Idaho 752, 828 P.2d 315 (1992)
- *Mattox v. Life Care Centers of America, Inc.*, 157 Idaho 468, 337 P.3d 627 (2014)
- *Citizens Against Range Expansion v. Idaho Fish & Game Department*, 153 Idaho 630, 289 P.3d 32 (2012)
- *Easterling v. Kendall*, 159 Idaho 902, 367 P.3d 1214 (2016)