

SUPREME COURT OF IDAHO

Carol English v. James Taylor, D.O.

160 Idaho 737 (2016) · No. 42947 · Decided July 12, 2016

SUMMARY

The Idaho Supreme Court affirmed summary judgment dismissing Carol and Eric English's medical negligence claims against James Taylor, D.O., and Eastern Idaho Health Services, Inc. The court held that, under Idaho law, an action adding new defendants commences when the amended complaint is filed, not when a motion for leave to amend is filed, and therefore the claims were barred by the medical malpractice statute of limitations. The court also awarded Eastern Idaho Health Services attorney fees on appeal.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Burdick, Justice; J. Jones, Chief Justice; W. Jones, Justice; Eismann, Justice; Horton, Justice
JURISDICTION	Idaho
DECIDED	July 12, 2016
DOCKET	42947
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Bonneville County district court order granting summary judgment to the medical defendants on statute-of-limitations grounds and denying reconsideration.
STANDARD OF REVIEW	Summary judgment is reviewed under the same standard applied by the district court. Summary judgment is proper when the pleadings, depositions, admissions, and affidavits show no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; disputed facts and reasonable inferences are construed in favor of the nonmoving party.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; precedential.
PARTIES	Carol English, Eric English v. James Taylor, D.O., Eastern Idaho Health Services, Inc., d/b/a Eastern Idaho Regional Medical Center

TOPICS

medical malpractice

statute of limitations

summary judgment

statutory interpretation

appellate procedure

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medical malpractice

civil procedure

appellate procedure

statute of limitations

summary judgment

QUESTIONS PRESENTED

1. Whether Idaho or federal law determines when the Englishes' medical-malpractice claims commenced for purposes of tolling Idaho's statute of limitations.
2. Whether filing a motion for leave to amend, rather than filing the amended complaint itself, commenced claims against new parties under Idaho law.
3. Whether Eastern Idaho Regional Medical Center was entitled to attorney fees on appeal.

HOLDINGS

1. State law, rather than Federal Rule of Civil Procedure 3 or other federal procedural law, determines when the action commenced for purposes of tolling Idaho's medical-malpractice statute of limitations.
2. When an amended complaint adds new parties to an existing action, the action against those new parties commences when the amended complaint itself is filed, not when a motion for leave to amend is filed.
3. The claims against Dr. Taylor and Eastern Idaho Health Services were barred by Idaho's medical-malpractice statute of limitations because the second amended complaint adding them was filed after the limitations period expired.
4. Eastern Idaho Regional Medical Center was entitled to reasonable attorney fees on appeal because the appeal was frivolous, unreasonable, and without foundation.

KEY QUOTATIONS

“Consistent with Idaho Code section 5-228, Idaho Rule of Civil Procedure 3(a), and Griggs, we hold that in the context of amended complaints that seek to add new parties to an existing cause of action, it is the filing of the amended complaint itself that commences proceedings against the new parties, not the filing of the motion to amend.” (at 745)

“Therefore, we award reasonable attorney fees on appeal to EIRMC.” (at 745)

FACTUAL BACKGROUND

Carol English underwent surgery at Eastern Idaho Regional Medical Center on September 17, 2011, and allegedly suffered a stroke because of complications during the procedure. The Englishes initially sued the medical-device manufacturers but did not name Dr. Taylor or Eastern Idaho Health Services and did not assert medical-malpractice claims. Although they submitted a prelitigation screening-panel application and later filed a motion for leave to add the medical defendants before the limitations deadline, they did not serve those defendants with the motion or proposed complaint before the deadline.

PROCEDURAL HISTORY

The Englishes initially sued medical-device manufacturers in state court, and the case was removed to federal court. They moved in federal court to add Dr. Taylor and Eastern Idaho Health Services as defendants and assert medical-malpractice claims, but they did not serve the proposed amendment on the new defendants before the limitations period expired. After remand, the second amended complaint was filed in state court on January 27, 2014. The district court granted summary judgment to the medical defendants, denied reconsideration, and the Idaho Supreme Court affirmed and awarded attorney fees on appeal to Eastern Idaho Regional Medical Center.

DISPOSITION

affirmed

CASES CITED

- Foster v. Traul, 141 Idaho 890, 892, 120 P.3d 278, 280 (2005)
- Sprinkler Irrigation Co. v. John Deere Insurance Co., 139 Idaho 691, 695-96, 85 P.3d 667, 671-72 (2004)
- Lapham v. Stewart, 137 Idaho 582, 586, 51 P.3d 396, 400 (2002)
- James v. Buck, 111 Idaho 708, 709, 727 P.2d 1136, 1137 (1986)
- Walker v. Armco Steel Corp., 446 U.S. 740, 750-53 (1980)
- Wilson v. Garcia, 471 U.S. 261, 269 (1985)
- Gasperini v. Center for Humanities, 518 U.S. 415, 428 n. 7 (1996)
- Sain v. City of Bend, 309 F.3d 1134, 1138 (9th Cir. 2002)
- Obenchain v. McAlvain Construction, Inc., 143 Idaho 56, 57, 137 P.3d 443, 444 (2006)
- Dan Wiebold Ford, Inc. v. Universal Computer Consulting Holding, Inc., 142 Idaho 235, 240, 127 P.3d 138, 143 (2005)
- Seedman v. U.S. District Court, 837 F.2d 413, 414 (9th Cir. 1988)
- Pelleport Investors, Inc. v. Budco Quality Theatres, Inc., 741 F.2d 273, 279 n. 3 (9th Cir. 1984)
- United States v. Rice, 327 U.S. 742, 747 (1946)
- Griggs v. Nash, 116 Idaho 228, 234, 775 P.2d 120, 126 (1989)
- Terra-West, Inc. v. Idaho Mutual Trust, LLC, 150 Idaho 393, 401, 247 P.3d 620, 628 (2010)
- Buller Trucking Co. v. Owner Operator Independent Driver Risk Retention Group, Inc., 461 F. Supp. 2d 768, 776-77 (S.D. Ill. 2006)
- Hawley v. Green, 117 Idaho 498, 501, 788 P.2d 1321, 1324 (1990)
- Rudd v. Merritt, 138 Idaho 526, 531, 66 P.3d 230, 235 (2003)
- Mitchell v. Bingham Memorial Hospital, 130 Idaho 420, 425, 942 P.2d 544, 549 (1997)
- Page v. Pasquali, 150 Idaho 150, 153, 244 P.3d 1236, 1239 (2010)

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