

SUPREME COURT OF IDAHO

Kirk Hartman, Individually, and as Surviving Spouse of Sheri Hartman; Kirk Hartman, as Personal Representative of the Estate of Sheri Hartman; Ashley Hartman Roberts; Jordan Hartman; and Josh Hartman v. Pocatello Hospital, LLC dba Portneuf Medical Center, LLC; Dr. Amber Schroeder, P.A.; Dr. Willis Parmley; Rocky Mountain Physician Group, LLC; Dr. Stephen Hansen; Idaho Sports and Spine, LLC

Hartman v. Pocatello Hospital · No. 52101 · Decided June 1, 2026

SUMMARY

The Idaho Supreme Court reviews discovery sanctions and summary judgment in a medical malpractice action arising from Sheri Hartman’s death after treatment with transdermal fentanyl patches. The court holds that plaintiffs must disclose non-testifying local standard-of-care experts consulted by testifying experts and affirms the sanctions striking the plaintiffs’ liability experts. It reverses summary judgment on proximate causation as to Portneuf Medical Center, holding that the relevant foreseeability inquiry concerns the general risk of harm rather than the precise mechanism of injury, and remands for further proceedings.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Brody, Justice; Bevan, Chief Justice; Moeller, Justice; Zahn, Justice; Meyer, Justice
JURISDICTION	Supreme Court of Idaho
DECIDED	June 1, 2026
DOCKET	52101
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiffs appealed from discovery-sanction orders striking their liability experts, summary judgment orders dismissing most claims, and the resulting amended judgment in a medical-malpractice action.
STANDARD OF REVIEW	Discovery sanctions are reviewed for abuse of discretion, including whether the district court correctly perceived the issue as discretionary,

acted within the outer boundaries of its discretion, applied the governing legal standards, and exercised reason, with the decision also supported by substantial and competent evidence. Summary judgment is reviewed under the same standard as the district court, viewing facts and reasonable inferences in favor of the nonmoving party and asking whether a genuine dispute of material fact exists.

PRECEDENTIAL VALUE

published opinion; precedential

PARTIES

Kirk Hartman, Kirk Hartman, as Personal Representative of the Estate of Sheri Hartman, Ashley Hartman Roberts, Jordan Hartman, Josh Hartman v. Pocatello Hospital, LLC dba Portneuf Medical Center, LLC, Dr. Amber Schroeder, P.A., Dr. Willis Parmley, Rocky Mountain Physician Group, LLC, Dr. Stephen Hansen, Idaho Sports and Spine, LLC

TOPICS

discovery dispute

sanctions

summary judgment

health law

negligence

PRACTICE AREAS

medical malpractice

civil procedure

appellate procedure

tort causation

attorney fees

QUESTIONS PRESENTED

1. Whether plaintiffs were required to disclose the identities of non-testifying local standard-of-care experts who provided information to their testifying experts, even when the testifying experts primarily relied on defendants' deposition testimony.
2. Whether the district court acted within its discretion under the Idaho Rules of Civil Procedure in striking plaintiffs' liability experts as a discovery sanction for untimely and incomplete disclosure.
3. Whether summary judgment on actual and proximate causation was proper when competing expert testimony existed regarding whether fentanyl patches administered by the defendants substantially contributed to the decedent's death.
4. Whether foreseeability of proximate cause requires proof of the specific pharmacokinetic mechanism of injury or only the general risk of harm created by the alleged negligent treatment.
5. Whether partial attorney fees should be awarded because plaintiffs' appeal of the discovery sanctions was frivolous, unreasonable, and without foundation.

HOLDINGS

1. In a medical-malpractice action, a plaintiff must disclose the identity of any non-testifying local standard-of-care expert who provides information relied on by a testifying expert, regardless of whether the local expert was a primary or secondary source of information.

2. The district court acted within its discretion in striking plaintiffs' liability experts under Idaho Rules of Civil Procedure 16(e) and 37(c)(1) because plaintiffs intentionally failed to timely disclose their non-testifying local standard-of-care experts, the failure was not substantially justified or harmless, and defendants were prejudiced.
3. Summary judgment on actual causation was improper because competing expert testimony created a genuine dispute over whether the defendants' dispensing and administration of the initial fentanyl patch was a substantial factor in causing the decedent's death.
4. To withstand summary judgment on proximate causation, a medical-malpractice plaintiff must show that a reasonable medical provider in the defendant's position could have foreseen the general risk of harm from the allegedly negligent treatment; the plaintiff need not show foreseeability of the precise mechanism by which the injury occurred.
5. Partial attorney fees were properly awarded against plaintiffs for pursuing the appeal of the expert-striking orders frivolously, unreasonably, and without foundation.

KEY QUOTATIONS

"We further hold that, to withstand summary judgment on the issue of proximate causation, a medical-malpractice plaintiff must demonstrate that a reasonable medical provider in a defendant's position would have foreseen the general risk of harm arising from the allegedly negligent treatment, not the specific mechanism of injury through which the harm ultimately occurred." (at 2)

"Nowhere does the rule distinguish between primary and secondary 'bas[es],' 'reasons,' 'data,' or 'other information,' let alone excuse disclosure based on the degree to which a testifying expert relies on them in forming an opinion." (at 12)

"Instead, the correct inquiry is whether dispensing and administering a potent opioid to a person taking an antidepressant created a general risk of opioid-related harm that a reasonable medical provider should have foreseen." (at 20)

FACTUAL BACKGROUND

Sheri Hartman received treatment for severe back pain at Portneuf Medical Center, including a transdermal fentanyl patch dispensed by the hospital pharmacist and administered by a physician assistant. An orthopedic surgeon later prescribed additional fentanyl patches, and Kirk Hartman applied replacement patches at seventy-two-hour intervals. Sheri died several days later; her death certificate listed respiratory depression, acute fentanyl intoxication, and fentanyl overdose. Plaintiffs' causation experts offered opinions that the combined patches could have contributed to the death, while the defense expert opined that fentanyl from the initial patch would no longer have remained in her system.

PROCEDURAL HISTORY

The plaintiffs sued medical providers and related entities after Sheri Hartman died following treatment involving transdermal fentanyl patches. The district court denied a protective order, struck the plaintiffs' liability experts for failing to timely disclose non-testifying local standard-of-care consultants, and granted summary judgment dismissing the resulting medical-malpractice and informed-consent claims, except for an informed-consent claim

against PMC. The Idaho Supreme Court affirmed the discovery sanctions and resulting judgments as to the individual providers, reversed summary judgment on causation insofar as it dismissed the negligence claim against PMC, vacated the amended judgment in part, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the amended judgment in part as to PMC; reverse the summary judgment insofar as it dismissed Count II against PMC; remand for further proceedings on Count II against PMC based on alleged negligence by the hospital's in-house pharmacist; and instruct the district court to dismiss Count V, the lack-of-informed-consent claim, based on plaintiffs' concession that they did not seek remand on that claim.

CASES CITED

- Quigley v. Kemp, 162 Idaho 408, 398 P.3d 141 (2017)
- Orthman v. Idaho Power Co., 130 Idaho 597, 944 P.2d 1360 (1997)
- Gem State Roofing, Inc. v. United Components, Inc., 168 Idaho 820, 488 P.3d 488 (2021)
- State Ins. Fund v. Jarolimek, 139 Idaho 137, 75 P.3d 191 (2003)
- Easterling v. Kendall, 159 Idaho 902, 367 P.3d 1214 (2016)
- Lunneborg v. My Fun Life, 163 Idaho 856, 421 P.3d 187 (2018)
- Fragnella v. Petrovich, 153 Idaho 266, 281 P.3d 103 (2012)
- Dlouhy v. Kootenai Hosp. Dist., 167 Idaho 639, 474 P.3d 711 (2020)
- Bybee v. Gorman, 157 Idaho 169, 335 P.3d 14 (2014)
- Phillips v. Eastern Idaho Health Services, Inc., 166 Idaho 731, 463 P.3d 365 (2020)
- Newberry v. Martens, 142 Idaho 284, 127 P.3d 187 (2005)
- Garcia v. Windley, 144 Idaho 539, 164 P.3d 819 (2007)
- Fussell v. St. Clair, 120 Idaho 591, 818 P.2d 295 (1991)
- Ballard v. Kerr, 160 Idaho 674, 378 P.3d 464 (2016)
- Cramer v. Slater, 146 Idaho 868, 204 P.3d 508 (2009)
- Clark v. Klein, 137 Idaho 154, 45 P.3d 810 (2002)
- Hickman v. Boomers, LLC, 174 Idaho 1048, 554 P.3d 99 (2024)
- United States v. Procter & Gamble Co., 356 U.S. 677, 682 (1958)
- Hickman v. Taylor, 329 U.S. 495, 501 (1947)
- Idaho Mil. Hist. Soc'y, Inc. v. Maslen, 156 Idaho 624, 329 P.3d 1072 (2014)