

SUPREME COURT OF IOWA

Christy v. Miulli

692 N.W.2d 694 (Iowa 2005) · No. No. 03-2055 · Decided February 18, 2005

SUMMARY

The Supreme Court of Iowa reviewed the dismissal of a medical malpractice and wrongful death action as barred by the statute of limitations. The court held that fraudulent concealment operates as equitable estoppel and that a genuine issue of material fact existed regarding the physician's alleged concealment, requiring reversal as to the physician and employer but affirmance as to the hospital. The court also held that minor children's loss-of-parental-consortium claims are governed by the minor-specific limitations period in Iowa Code section 614.1(9)(b).

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Ternus, Justice
JURISDICTION	Iowa
DECIDED	February 18, 2005
DOCKET	No. 03-2055
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from summary judgments dismissing medical-malpractice wrongful-death, loss-of-spousal-consortium, and loss-of-parental-consortium claims as barred by the statute of limitations.
STANDARD OF REVIEW	Summary-judgment rulings are reviewed for correction of errors at law. The record is viewed in the light most favorable to the nonmoving party, with every legitimate inference drawn in that party's favor.
PRECEDENTIAL VALUE	Published, precedential Iowa Supreme Court opinion
PARTIES	Joyce Christy, M.D., individually and as next friend and parent of Cole Hocker, Alex Hocker, and Erin Hocker, and as executor of the estate of Daniel L. Hocker, deceased v. Daniel E. Miulli, D.O., Douglas R. Koontz, M.D., P.C., a/k/a Iowa Neurological Surgery, P.C., and f/k/a Neurological Surgery, P.C., Mercy Hospital Medical Center, legally known as Catholic Health Initiatives Iowa, Corp.

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QUESTIONS PRESENTED

1. Whether fraudulent concealment in a medical-malpractice case is governed by the equitable-estoppel doctrine and, if so, whether genuine issues of material fact precluded summary judgment for Dr. Miulli and his employer.
2. Whether the hospital could be estopped from asserting the medical-malpractice statute of limitations absent evidence that it made a misrepresentation or concealed material facts.
3. Whether Iowa Code section 614.1(9)(b), rather than section 614.1(9)(a) or section 614.8(2), governs minor children's loss-of-parental-consortium claims arising from a parent's death.

HOLDINGS

1. Fraudulent concealment is a form of equitable estoppel, not a modification of the statutory limitations period or a discovery rule. Section 614.1(9) does not restrict the showing required for fraudulent concealment; a plaintiff may rely on equitable estoppel if the defendant's affirmative misrepresentations or concealment induced reasonable reliance and delayed suit.
2. Summary judgment was improper on the wrongful-death and loss-of-spousal-consortium claims against Dr. Miulli and Koontz P.C. because genuine issues of material fact existed regarding affirmative concealment, Christy's reasonable reliance, and when she should have discovered the alleged fraud.
3. The hospital was entitled to summary judgment on the wrongful-death and loss-of-spousal-consortium claims because Christy identified no misrepresentation or concealment by the hospital that could support equitable estoppel.
4. Iowa Code section 614.1(9)(b) governs loss-of-parental-consortium claims brought on behalf of minors, including claims arising from a deceased parent's alleged malpractice. The children's claims were timely because they were under eight when the alleged occurrence happened and under ten when suit was filed.

KEY QUOTATIONS

“Under this view, fraudulent concealment does not affect the running of the statutory limitations period; rather, it estops a defendant from raising a statute-of-limitations defense.” (at 701)

“It should not matter what particular fact is concealed so long as the defendant's conduct prevents the timely filing of the claim and the other prerequisites for equitable estoppel are established.” (at 702)

“The child's claim should be governed by the statute of limitations applicable to minors.” (at 706)

FACTUAL BACKGROUND

Dr. Daniel Miulli performed a brain biopsy on Daniel Hocker on September 21, 1998. Hocker suffered a brain hemorrhage during the procedure and died on September 28, 1998; Miulli nevertheless recorded that the procedure was without complication and attributed the death to viral encephalitis. Miulli repeated those representations to Hocker's wife, Joyce Christy, including after a medical-board investigation began. In July 2001, Christy learned from an anesthesiologist that the bleeding was related to the biopsy site, and she filed suit in August 2001.

PROCEDURAL HISTORY

Christy filed suit approximately three years after her husband's death, alleging that Dr. Miulli's misrepresentations fraudulently concealed the cause of death. The district court granted defendants' summary judgment motions, concluding that the claims were untimely and that the minor children's claims were not governed by the extended limitations period for minors. The Iowa Supreme Court affirmed dismissal of the claims against the hospital, reversed summary judgment for Dr. Miulli and Koontz P.C. on the wrongful-death and spousal-consortium claims, reversed dismissal of the children's claims, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings. The hospital's summary judgment on the wrongful-death and loss-of-spousal-consortium claims remains affirmed. The claims against Dr. Miulli and Koontz P.C. proceed subject to factual determination of fraudulent concealment and equitable estoppel. The children's loss-of-parental-consortium claims proceed as timely under section 614.1(9)(b).

CASES CITED

- Cubit v. Mahaska County, 677 N.W.2d 777, 779 (Iowa 2004)
- Walker v. Gribble, 689 N.W.2d 104, 108 (Iowa 2004)
- Schlote v. Dawson, 676 N.W.2d 187, 188, 194-95 (Iowa 2004)
- Schultze v. Landmark Hotel Corp., 463 N.W.2d 47, 48, 50-51 (Iowa 1990)
- Koppes v. Pearson, 384 N.W.2d 381, 386-88 (Iowa 1986)
- Meier v. Alfa-Laval, Inc., 454 N.W.2d 576, 578-80 (Iowa 1990)
- Beeck v. Aquaslide 'N' Dive Corp., 350 N.W.2d 149, 157-59 (Iowa 1984)
- King v. Knudson, 209 Iowa 1214, 1217, 229 N.W. 839, 841 (1930)
- DeWall v. Prentice, 224 N.W.2d 428, 430 (Iowa 1974)
- Gruener v. City of Cedar Falls, 189 N.W.2d 577, 580 (Iowa 1971)
- Van Overbeke v. Youberg, 540 N.W.2d 273, 276 (Iowa 1995)
- Borderlon v. Peck, 661 S.W.2d 907, 909 (Tex. 1983)
- Holman v. Omaha & C.B. Ry. & Bridge Co., 117 Iowa 268, 274, 90 N.W. 833, 834 (1902)
- Faust v. Hosford, 119 Iowa 97, 99-101, 93 N.W. 58, 58-59 (1903)

- Ranney v. Parawax Co., 582 N.W.2d 152, 154 (Iowa 1998)
- American Legion v. Cedar Rapids Board of Review, 646 N.W.2d 433, 437 (Iowa 2002)
- Beeck v. S.R. Smith Co., 359 N.W.2d 482, 486-87 (Iowa 1984)
- In re Estate of Sylvester, 559 N.W.2d 285, 288 (Iowa 1997)
- Bloomquist v. Wapello County, 500 N.W.2d 1, 8 (Iowa 1993)
- Madison v. Colby, 348 N.W.2d 202, 209 (Iowa 1984)
- In re Marriage of Hutchinson, 588 N.W.2d 442, 450 (Iowa 1999)
- Randolph v. Methodist Hospitals, Inc., 793 N.E.2d 231, 234 (Ind. Ct. App. 2003)
- Awve v. Physicians Insurance Co. of Wisconsin, Inc., 181 Wis. 2d 815, 512 N.W.2d 216, 219 (Wis. Ct. App. 1994)
- Holt v. Lenko, 791 A.2d 1212, 1215 (Pa. Super. Ct. 2002)