

COURT OF APPEALS OF MARYLAND

Copsey v. Park, 453 Md. 141

160 A.3d 623 (2017) · No. No. 34, September Term, 2016 · Decided May 24, 2017

SUMMARY

The Maryland Court of Appeals held that a defendant who generally denies liability in a medical negligence action may present evidence of a non-party's negligence and causation. The court also held that whether subsequent medical negligence constituted an intervening and superseding cause was an issue for the jury. It affirmed the judgment in favor of the defendant radiologist and his employer.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Greene, J.; Barbera, C.J.; McDonald, J.; Watts, J.; Hotten, J.; Getty, J.; Rodowsky, Lawrence F., Senior Judge, specially assigned
JURISDICTION	Maryland
DECIDED	May 24, 2017
DOCKET	No. 34, September Term, 2016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioners appealed after a jury returned a verdict for Dr. Park in a medical negligence and wrongful death action. The Court of Special Appeals affirmed, and the Court of Appeals granted certiorari to review the admission of non-party negligence evidence and the superseding-cause issue.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for error or a clear abuse of discretion. Jury instructions are reviewed to determine whether the law was fairly covered, with reversible error requiring both error and prejudice.
PRECEDENTIAL VALUE	Published opinion of the Maryland Court of Appeals; binding Maryland precedent.
PARTIES	Jenny J. Copsey, individually and as personal representative of the Estate of Lance D. Copsey, deceased, et al. v. John S. Park, M.D., et al.

TOPICS

medical malpractice

negligence

proximate cause

evidence

appellate procedure

PRACTICE AREAS

medical malpractice

negligence

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court erred by admitting evidence that non-party subsequent treating physicians were negligent and had previously been defendants who settled or were dismissed.
2. Whether the trial court erred by permitting Dr. Park to assert that the negligence of subsequent treating physicians was an intervening and superseding cause of Copsey's death.

HOLDINGS

1. When a defendant generally denies liability in a negligence action, the defendant may present evidence of a non-party's negligence and causation as a defense. Evidence concerning the non-party physicians' negligence, former defendant status, and settlements was relevant and necessary to provide Dr. Park a fair trial, and its probative value was not substantially outweighed by unfair prejudice.
2. A defendant may present to the jury the defense that subsequent negligence was an intervening and superseding cause. An intervening negligent act breaks the chain of causation when it is extraordinary and not reasonably foreseeable by the allegedly negligent party, and whether that standard is met is generally a question for the jury unless the facts permit only one inference.

KEY QUOTATIONS

"We answer each question in the negative and hold that a defendant generally denying liability may present evidence of a non-party's negligence and causation as an affirmative defense." (at 11)

"Negligence by a subsequent actor breaks the chain of causation when the action by the subsequent actor is extraordinary and not reasonably foreseeable." (at 23)

"Dr. Park, who generally denied liability, was entitled to present evidence of the non-parties' negligence as it was relevant and necessary in providing him a fair trial." (at 31)

FACTUAL BACKGROUND

Lance Copsey presented with recurring neurological symptoms and underwent CT and MRI/MRA imaging on June 4, 2010, which Dr. Park interpreted as normal. His symptoms continued and worsened, and subsequent treating physicians failed to timely recognize or act on evidence of an evolving stroke despite new imaging and urgent concerns on June 9. Copsey suffered a major stroke on June 10 and died on June 13 after treatment for vertebral artery dissections and brainstem and cerebellar strokes. At trial, experts disputed whether Dr. Park breached the standard of care and whether the subsequent physicians' conduct caused or superseded any negligence by Dr. Park.

PROCEDURAL HISTORY

Petitioners sued Dr. Park, his employer, and several subsequent treating physicians and employers for alleged negligent failure to diagnose and treat Lance Copsey's evolving stroke. Petitioners settled with or dismissed the other defendants, leaving Dr. Park and Annapolis Radiology as the remaining defendants at trial. The circuit court denied petitioners' motions in limine, the jury found Dr. Park had not breached the standard of care, and the Court of Special Appeals affirmed. The Court of Appeals affirmed that judgment.

DISPOSITION

affirmed

CASES CITED

- Martinez ex rel. Fielding v. Johns Hopkins Hosp., 212 Md. App. 634, 70 A.3d 397 (2013)
- Hartford Ins. Co. v. Manor Inn of Bethesda, Inc., 335 Md. 135, 642 A.2d 219 (1994)
- Pittway Corp. v. Collins, 409 Md. 218, 973 A.2d 771 (2009)
- Mehlman v. Powell, 281 Md. 269, 378 A.2d 1121 (1977)
- Thomas v. Corso, 265 Md. 84, 288 A.2d 379 (1972)
- Lamb v. Hopkins, 303 Md. 236, 492 A.2d 1297 (1985)
- Stone v. Chicago Title Ins. Co. of Md., 330 Md. 329, 624 A.2d 496 (1993)
- Peterson v. Underwood, 258 Md. 9, 264 A.2d 851 (1970)
- Eagle-Picher Indus., Inc. v. Balbos, 326 Md. 179, 604 A.2d 445 (1992)
- McGowans v. Howard, 234 Md. 134, 197 A.2d 915 (1964)
- Caroline v. Reicher, 269 Md. 125, 304 A.2d 831 (1973)
- Banks v. Iron Hustler Corp., 59 Md. App. 408, 475 A.2d 1243 (1984)
- ACandS, Inc. v. Asner, 344 Md. 155, 686 A.2d 250 (1996)
- Reiter v. ACandS, Inc., 179 Md. App. 645, 947 A.2d 570 (2008), aff'd sub nom. Reiter v. Pneumo Abex, LLC, 417 Md. 57, 8 A.3d 725 (2010)
- Plastic Assembled Prod., Inc. v. Benkoe, 224 Md. 256, 167 A.2d 589 (1961)
- Merzbacher v. State, 346 Md. 391, 697 A.2d 432 (1997)
- Cure v. State, 421 Md. 300, 26 A.3d 899 (2011)
- Thomas v. State, 429 Md. 85, 55 A.3d 10 (2012)
- Atlantic Mutual v. Kenny, 323 Md. 116, 591 A.2d 507 (1991)