

SUMMARY STATEMENT

Bybee v. Gorman, Docket No. 40887

In an appeal from Bonneville County, the Supreme Court unanimously vacated the decision of the district court granting summary judgment in favor of Dr. Patrick Gorman. The Supreme Court held that the district court abused its discretion in excluding the testimony of the Bybees' expert because the district court failed to act consistently with the admissibility requirements of Idaho Code sections 6-1012 and 6-1013. Specifically, the Supreme Court concluded that although the district court erred by concluding, as a matter of law, that Pocatello was outside the scope of the geographical area ordinarily served by Eastern Idaho Regional Medical Center, this error was harmless. However, the Supreme Court held that an out-of-area expert's use of an unidentified local expert to familiarize the out-of-area expert with the community standard of health care practice is not a bar to the admissibility of the out-of-area expert's testimony.