

## SUMMARY STATEMENT

*Lepper v. Eastern Idaho Health Services*, Docket No. 42004

The Idaho Supreme Court vacated the Bonneville County district court's decision in a medical malpractice case. This appeal arose out of medical services that Eastern Idaho Health Services, Inc., d/b/a Eastern Idaho Regional Medical Center, and Dr. Stephen Marano (collectively, Respondents) provided to Charles Lepper. Charles and Janice Lepper (the Leppers) filed a complaint in district court alleging the negligence of Respondents rendered Charles Lepper a paraplegic. The district court excluded the Leppers' proffered expert witnesses on the grounds that their expert witness disclosures failed to establish familiarity with the applicable standard of care. The district court reasoned that its Scheduling Order, which required disclosure of expert witnesses, including opinions and conclusions, necessarily required disclosure of all expert witness opinions, including foundational information regarding the applicable standard of care. The district court subsequently granted Respondents' motion for summary judgment, and the Leppers appealed.

On appeal, the Idaho Supreme Court held that the district court abused its discretion when it excluded the Leppers' expert witnesses because the court's Scheduling Order did not explicitly require the Leppers' to include information relating to the evidentiary foundation for the local standard of care in their expert witness disclosures. The Court further held that because the district court's erroneous interpretation of its scheduling order was carried through to its subsequent decisions on summary judgment and the motions for reconsideration, the district court abused its discretion in those decisions as well. Because the district court abused its discretion in excluding the Leppers' experts, the Idaho Supreme Court held that the district court erred in granting summary judgment to Respondents and vacated the district court's judgment and remanded for further proceedings. The Court declined to award fees on appeal to Respondents and awarded costs to the Leppers.