

## SUMMARY STATEMENT

*Navo v. Bingham Memorial Hospital, Docket No. 42540*

In an appeal arising out of Bingham County, the Idaho Supreme Court vacated the district court's grant of summary judgment and award of costs and fees and remanded for further proceedings. Specifically, this Court held: (1) the district court did not abuse its discretion by refusing to admit Dr. Steinberg's expert testimony because Dr. Steinberg's conversation with Judith Nagel was not sufficient to show that he acquired actual knowledge of the local standard of care, and the statewide and national standards cited by Dr. Steinberg had not replaced the local standards of care; (2) the district court erred in holding that Appellants were barred from arguing apparent authority in response to BMH's motion for summary judgment because the Complaint was sufficient to put defendants on notice that Appellants sought to hold BMH liable for Sayre and Monroe's actions; (3) the district court erred in finding that no genuine issues of material facts existed as to whether Sayre was BMH's agent under a theory of apparent authority because a factfinder could reasonably find that Navo believed Sayre was an agent or employee of BMH, and by signing the Admission Form, Navo accepted Sayre's services with the belief that Sayre was acting as BMH's agent; and (4) no party is entitled to attorney fees on appeal.