

## SUMMARY STATEMENT

*Wyman v. Eck*

No. 43730

The Idaho Supreme Court affirmed the Ada County district court's grant of summary judgment to Dr. John J. Eck, Julie L. Scott, P.A., and Center for Lifetime Health, LLC (Respondents). John and Margo Wyman sued Respondents for various medical malpractice claims arising from Respondents' alleged failure to diagnose John's cancer. The Court affirmed the district court's holding that the Wymans' claims were barred by Idaho Code section 5-219(4)'s two-year statute of limitations. The Court rejected the Wymans' argument that John's cancer did not become objectively ascertainable until a biopsy was performed because uncontradicted expert testimony established that John's cancer was capable of being diagnosed before the biopsy was performed. Reasoning that the undisputed facts rendered the Wymans' claims untimely, the Court affirmed that summary judgment was properly granted to Respondents.