

SUMMARY STATEMENT

Rodney and Joyce Herrett v. St. Luke's Magic Valley Regional Medical Center, LTD.

Docket No. 44567

In an appeal from Twin Falls County, the Supreme Court affirmed the jury's verdict awarding Rodney and Joyce Herrett \$3,775,864.21 in damages resulting from medical malpractice. Ms. Herrett was hospitalized in December 2013 at St. Luke's Magic Valley Regional Medical Center (St. Luke's). As part of her treatment, doctors installed a central venous catheter (CVC) to deliver fluid and medications directly to Ms. Herrett's blood stream. As Ms. Herrett was preparing to be discharged on December 24, 2013, her CVC was still in place and she asked her nurse about it. After conferring with Ms. Herrett's treating physician, the nurse removed the CVC. It was the first time this nurse had removed a CVC and she did not remove it correctly, causing Ms. Herrett to suffer a stroke. St. Luke's admitted liability. On appeal, St. Luke's argued that the district court erred in the admission of expert testimony from three experts because that testimony was either outside the scope of the disclosures made in discovery or lacked the proper foundation. St. Luke's also argued that the district court's jury instruction defining "reckless" misstated the law. In affirming the district court's judgment, the Supreme Court held that St. Luke's had opened the door to the undisclosed expert witness testimony by asking questions outside the scope of the disclosure on cross-examination and that the witness was entitled to explain the answers on redirect. Additionally, adequate foundation had been laid for the expert testimony from the Herretts' life-care planning expert. The Supreme Court also held that the jury instruction defining "reckless" was an accurate statement of the law.