

SUMMARY STATEMENT

Eldridge v. West, Turpin & Summit

Docket No. 45214

This case involved a permissive appeal brought by Phillip and Marcia Eldridge in a medical malpractice action brought by them against Dr. Gregory West (West), Lance Turpin, PA-C (Turpin), and Summit Orthopaedics Specialists, PLLC (Summit). The Eldridges allege that Phillip became infected with Methicillin-Resistant Staphylococcus Aureus (MRSA) as a result of malpractice committed by West, Turpin, and agents of Summit. The Eldridges claim West and Turpin breached the standard of care that was due them and as a result, sustained damages. The district court granted various motions, including a motion to dismiss certain causes of action against West, Turpin, and Summit, as well as a motion for summary judgment brought by Turpin and Summit, and a motion for partial summary judgment brought by West.

The Idaho Supreme Court vacated the orders by the district court and remanded the case for further proceedings. First, the Supreme Court held that Idaho's Medical Malpractice Act does not supplant common law causes of action relating to malpractice; instead, if the cause of action alleges damages that arise out of the "account of the provision of or failure to provide health care," a plaintiff must comply with the evidentiary requirements set forth in Idaho Code sections 6-1012 and 6-1013. Second, the Supreme Court held that the district court erred in refusing to strike portions of West's first affidavit and Turpin's affidavit because the affidavits were conclusory. Third, the Supreme Court held that the district court abused its discretion in precluding the Eldridges from putting on evidence of proof of damages after April 24, 2013. Finally, The Supreme Court held that the district court erred in limiting the Eldridges' presentation of damages to the amounts that were actually paid, rather than the amounts billed by the medical care providers. Instead, the jury should be presented with the amount billed by the medical care provider, and then after the jury enters an award, if any, the district court may offset the jury award by any analogous collateral source.