

SUMMARY STATEMENT
Brauner v. AHC of Boise, LLC
Docket No. 45980

The Idaho Supreme Court affirmed the judgment entered against AHC of Boise, dba Aspen Transitional Rehab (Aspen). The case involved a suit for medical malpractice brought by Leila Brauner against Aspen. The claim arose out of Aspen's delay in sending Brauner to the hospital following her knee replacement surgery, which was a substantial factor resulting in the amputation of Brauner's right leg at the mid-thigh. After a trial, the jury entered a verdict in favor of Brauner and awarded her \$2,265,204 in damages. Aspen appeals alleging that various pre-trial and post-trial rulings were in error and resulted in an unsustainable judgment.

The Idaho Supreme Court made several holdings. First, the Court held that the district court did not err in allowing Brauner's life care planner, Michelle Nielsen Cook, to testify regarding future expenses. Second, the Court held that the district court did not err in admitting Cook's report because the late disclosure was both substantially justified and harmless. Third, the Court held that the district court abused its discretion by failing to determine whether certain notes made on Cook's preliminary report constituted a protected draft report; however, the error was harmless. Fourth, the Court held that the district court did not abuse its discretion in allowing Dr. Richard Moore to testify because his late disclosure was harmless. Fifth, the Court held that the district court did not commit reversible error by excluding evidence of a settlement agreement between Brauner and Moore, a prior defendant in the case. Finally, the Supreme Court held that the district court did not err in denying Aspen's Rule 60(b)(3) motion because there was no clear and convincing evidence of misconduct and Aspen was afforded a fair trial.