

SUMMARY STATEMENT

Fisk v. McDonald

Case No. 46639

In an appeal arising out of Kootenai County, the Idaho Supreme Court vacated a judgment of the district court dismissing David and Margaret Fisk's medical malpractice claim against Dr. Jeffery D. McDonald and North Idaho Day Surgery, LLC, d/b/a Northwest Specialty Hospital ("the Hospital").

The Fisks filed their medical malpractice claim in 2017 after Mrs. Fisk suffered health issues following a 2015 spinal fusion surgery performed by McDonald at the Hospital's facilities. The district court granted summary judgment in favor of McDonald and the Hospital after concluding that the Fisks had failed to produce admissible expert testimony with respect to the applicable community standard of care. The Fisks subsequently filed a motion for reconsideration along with additional expert witness declarations, which was denied.

On appeal, the Fisks argued that the district court erred in determining that they failed to show their four out-of-area experts were familiar with the community standard of care. The Idaho Supreme Court concluded that the district court did not err in granting summary judgment on the grounds that the Fisks had failed to produce admissible expert testimony. However, the Court further determined that the district court erred in denying the Fisks' motion for reconsideration because the additional declaration of one of their experts demonstrated that he had actual knowledge of the community standard of care. Accordingly, the Court vacated the district court's judgment and remanded for further proceedings.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.