

## **SUMMARY STATEMENT**

*Gomersall v. St. Luke's Regional Medical Center, Ltd.*

Docket No. 47664

This appeal involves a constitutional challenge to Idaho Code section 5-230, the statute governing the time limitation for tort claims involving minor children. Greg and Cyndi Gomersall brought this action on behalf of their minor child, W.G.G., claiming he received negligent medical treatment at St. Luke's Regional Medical Center (SLRMC) in Boise when he was injured in December 2010. W.G.G. was 6 years old at the time of the incident. The Gomersalls filed suit against SLRMC on January 25, 2019, more than eight years after W.G.G. was injured.

SLRMC moved for summary judgment on the basis that the Gomersalls' medical malpractice action was time-barred under Idaho Code sections 5-219(4) and 5-230. The district court granted SLRMC's motion and dismissed the complaint with prejudice. The Gomersalls asserted that the district court erred because Idaho Code section 5-230 is unconstitutional. More specifically, they argued that section 5-230 violates W.G.G.'s due process and equal protection rights by failing to toll the statute of limitations for medical malpractice claims until the age of majority. They also asserted that the district court erred when it held that the doctrine of equitable estoppel did not preclude SLRMC's statute of limitations defense. The Gomersalls timely appealed to the Idaho Supreme Court.

First, the Idaho Supreme Court held that the district court did not err when it excluded two declarations provided by the Gomersalls in opposition to SLRMC's motion for summary judgment. Next, the Court held that the six-year tolling period in Idaho Code section 5-230 does not violate W.G.G.'s due process right to access Idaho's courts under Article I, Section 18 of the Idaho Constitution. Additionally, the Court held that the statute does not violate W.G.G.'s equal protection rights under the United States Constitution or the Idaho Constitution. Lastly, the Court held that the doctrine of equitable estoppel did not preclude SLRMC's statute of limitations defense. Thus, the Court affirmed the district court's decision granting summary judgment in favor of SLRMC.

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