

## SUMMARY STATEMENT

*Hill v. Emergency Medicine of Idaho, P.A.*

Docket No. 50686-2023

This case concerns a medical malpractice claim brought by Jon and Shawna Hill and their children. The Hills alleged that Dr. Stuart Clive and his employer, Emergency Medicine of Idaho, P.A. (“EMI”), breached the standard of care by misdiagnosing Jon Hill with vertigo when he was suffering a stroke. Dr. Clive and EMI moved to dismiss the Hill children’s claims, arguing that Idaho does not recognize a claim for loss of parental consortium brought by a child for a non-fatal injury to the child’s parent. The district court agreed and dismissed the children’s claims from the lawsuit. Following a ten-day trial on the remaining claims, the jury rendered a verdict in favor of EMI and Dr. Clive after finding there was no breach of the standard of care.

On appeal, raised several issues, including that the district court erred by dismissing the Hill children’s claims for loss of consortium and that it erred during the trial when it overruled their relevancy objection to expert testimony on the topic of “hindsight bias.”

The Idaho Supreme Court affirmed the district court’s dismissal of the children’s claim. The Court declined to recognize a new cause of action for loss of parental consortium in cases where the parent suffered non-fatal injuries because it was not recognized at common law and had never been recognized by the Court. However, the Court reversed the district court’s decision overruling the Hills’ objection to expert testimony on the topic of “hindsight bias.” The Court concluded that the testimony was not relevant and that the error prejudiced a substantial right of the Hills. Therefore, the Court vacated the judgment and remanded the matter for a new trial.

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