

BOISE, TUESDAY, SEPTEMBER 23, 2025, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52415

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| KELLY J. NORK |) |
| |) |
| Plaintiff-Appellant |) |
| |) |
| v. |) |
| |) |
| BENEDICT J. TAYLOR, M.D., and |) |
| SAINT ALPHONSUS REGIONAL |) |
| MEDICAL CENTER, INC., |) |
| |) |
| Defendants-Respondents |) |
| |) |

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Derrick J. O'Neill, District Judge.

Points Law, PLLC; Michelle R. Points, Boise, for appellant.

Duke Evett, PLLC; Keely E. Duke, Boise, for respondent.

This case arises from the medical care and treatment provided to Kelly J. Nork by Dr. Benedict J. Taylor at Saint Alphonsus Regional Medical Center (collectively the respondents). Nork was diagnosed with stage IV metastatic melanoma. Nork experienced severe pain from a pathological fracture of her left fourth rib and was referred to Dr. Taylor to determine whether surgery was appropriate. Ultimately, Dr. Taylor performed a rib resection and chest wall reconstruction on Nork. As part of the surgery, Dr. Taylor installed a titanium plate in place of the removed rib. Following the surgery, Nork experienced discomfort at or near the area of her operation. About ten months after the surgery, Dr. Taylor discovered the implanted plate had fractured and he removed it. Nork subsequently filed her complaint against the respondents, alleging medical malpractice. Thereafter, Nork filed an expert witness disclosure in which she identified her standard of care expert. The respondents moved for summary judgment, arguing Nork's complaint failed as a matter of law because she failed to establish that her proposed standard of care expert had "actual knowledge" of the applicable standard of care. Following a hearing on the motion, the district court determined that Nork's proposed expert lacked "actual knowledge" of the applicable local standard of care and granted summary judgment in favor of the respondents. Nork filed a motion for reconsideration, which the district court also denied. Nork appeals.