

SUMMARY STATEMENT

Phillips v. Eastern Idaho Health Services, Inc.

Docket No. 45890

This case involved a medical malpractice lawsuit brought by Penny Phillips, her son, and daughter, against various Idaho Falls health care providers (Medical Defendants). Phillips and her children alleged the health care providers were negligent in the care they provided to Phillips' husband, Scott Phillips, immediately prior to his death by suicide. The district court rejected the Phillipses' claims by granting summary judgment in favor of the health care providers. The Phillipses appealed several adverse rulings by the district court. The Medical Defendants cross-appealed, contending the district court abused its discretion in amending the scheduling order to allow the Phillipses to name a rebuttal expert.

The Idaho Supreme Court made several holdings. First, the Court held that the district court abused its discretion in preventing the Phillipses from conducting an I.R.C.P. 30(b)(6) deposition regarding the community standard of care. Second, the Court held that the district court abused its discretion in allowing depositions of the local familiarization experts because it applied the wrong standard; however, this error was not reversible. Third, the Court held that the district court abused its discretion in striking the expert testimony of the Phillipses' expert witness, Dr. Fred Moss. Fourth, the Court held that the district court erred in granting the Medical Defendants' motions for summary judgment. Finally, the Court held that the district court did not abuse its discretion in permitting the Phillipses to amend the scheduling order. As a result, the Court reversed the district court's grant of the Medical Defendants' motion to strike, reversed the district court's order granting summary judgment against the Phillipses, and remanded the case for further proceedings.