

SUMMARY STATEMENT
Secol v. Fall River Medical, PLLC
Docket No. 47149

In an appeal from the Madison County district court, Cassie Secol and her four minor children (collectively “the Secols”) challenged several evidentiary rulings, jury instructions, and the denial of their motion for a new trial.

In late 2016, Cassie’s husband, Damian, passed away from a rare form of cancer, T-cell lymphoblastic lymphoma (“T-LBL”). Following his death, the Secols brought this medical malpractice action against Damian’s primary care providers—Kelly L. Dustin, D.O., Austin C. Gillette, M.D., and Fall River Medical, PLLC (collectively “Fall River”). At trial, the district court questioned Dr. Jeffery D. Hancock, Damian’s treating oncologist, in front of the jury concerning the treatment and diagnosis of T-LBL. The Secols moved the court for a mistrial, arguing the questioning prevented a fair trial. The district court denied the motion. After the jury returned a verdict in Fall River’s favor, the Secols moved the district court for a new trial, which was also denied.

The Idaho Supreme Court reversed the district court’s ruling denying the Secols a new trial, vacated the judgment following the jury verdict, and remanded for a new trial to be conducted by a new district judge. The Court held that the district court abused its discretion in questioning Dr. Hancock at trial and that the questioning prevented a fair trial. Next, the Court held that the district court abused its discretion in permitting Dr. Hancock to testify as to matters for which no foundation was laid and which were outside the scope of his expertise. The Court further held that the district court erred in admitting irrelevant testimony concerning the defendant’s families and hobbies. Finally, the Court held that the district court erred in delivering an instruction on medical malpractice that differed from the standard instruction.

The Court was unable to conclude whether the district court erred in permitting Fall River two experts on the standard of care because the record was insufficient for review. In addition, the Court declined to address whether the district court erred in granting Fall River’s motion for a directed verdict on the Secols claim of punitive damages because that issue was moot.

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