

SUMMARY STATEMENT

Beebe v. North Idaho Day Surgery, LLC

Docket No. 49137-2021

The Idaho Supreme Court vacated the district court's judgment and remanded the matter for a new trial. On remand, the Court ordered a new district court judge be assigned to the case. This appeal arose from a medical malpractice action. In 2018, John Beebe was diagnosed with melanoma cancer in his foot. After his diagnosis, oncology specialists at North Idaho Day Surgery, LLC ("NWSH") recommended a forefoot amputation to remove the melanoma and a sentinel lymph node biopsy ("SLNB") to assist the oncologist with staging the cancer. John scheduled both procedures, which were completed without complications. After both procedures, NWSH surgeons placed the forefoot specimen and the SNLB in sealed specimen bags for transfer to Incyte Pathology, Inc. and Incyte Pathology Professional, P.S. ("Incyte"). Two days after the surgery, NWSH received notice from Incyte that the lymph node was missing. The lymph node was never found and as a result was never tested.

John and his wife, Cheryl Beebe, filed suit against NWSH and Incyte. Relevant to this appeal, John asserted claims for medical malpractice and negligence, and Cheryl asserted a claim for loss of consortium. NWSH filed a motion for summary judgment, arguing the Beebes' claims lacked sufficient evidence. The district court subsequently dismissed several claims, including Cheryl's loss of consortium claim because John failed to prove he suffered a physical injury. Before trial, Incyte settled with John and the lawsuit was tried solely against NWSH.

During the trial, NWSH argued that it did not breach the standard of care, that it did not proximately cause John's injury, and that there were other potential causes of John's injury. At the close of trial, John asked the district court for a "substantial factor" instruction on proximate cause, while NWSH asked for a "but for" proximate cause instruction. The district court gave the "but for" instruction. The jury unanimously returned a verdict in favor of NWSH. John appealed, arguing the district court erred by refusing to give his requested jury instruction and dismissing Cheryl's loss of consortium claim.

The Supreme Court vacated the jury verdict in favor of NWSH. The Court explained that a "substantial factor" instruction should have been given because there were multiple potential causes of John's injury. Further, the Court reversed the district court's dismissal of Cheryl's loss of consortium claim. The Court clarified that a loss of consortium claim can attach to *any* tortious act against a spouse, not just those resulting in physical injury or intentional infliction of emotional distress to a spouse.

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