



McDaniel v. Payson Healthcare Management (Ariz. S. Ct.)

Topics Covered: Abusive Litigation Against Physicians

Issue

The issue in this case is whether an Arizona court rule that limits each side to one expert witness in a medical malpractice lawsuit can prohibit each of the defendants who treated the patient from giving expert testimony in a case with multiple defendants.

AMA Interest

The AMA supports efforts to curb lawsuit abuse against physicians.

Case Summary

Dallas Haught fell off his dirt bike and lacerated his right knee. He received treatment and was discharged the same day. He returned several hours later, complaining of “severe pain.” He was discharged again, with directions to see his primary care physician.

The next day, he saw his primary care physician and an orthopedic surgeon. The physicians ordered various tests, but the orthopedic surgeon misread one of the test results. In the ensuing days, Haught saw other health care professionals. He was ultimately diagnosed with necrotizing fasciitis, and he had to have all of the skin on his right leg, in addition to other tissues, surgically removed.

Ronnie McDaniel, the conservator of Haught’s estate, filed a medical malpractice suit, contending that the misreading of the test results had exacerbated Haught’s injury. Four of his treating physicians, who were defendants, testified that the results, even if read correctly, would not have been medically significant. The jury found for the defendants, and the trial court entered judgment based on that finding.

McDaniel appealed, asserting that the defendants violated an Arizona rule that limits each side of a lawsuit to only one expert witness for any given issue. McDaniel argued that the testimony regarding the test results went beyond factual statements as to what care was provided and why. Rather, they were expert opinions and should have been considered cumulative expert testimony. The Court of Appeals agreed with McDaniel. It reversed and remanded for a new trial.

The defendants have appealed to the Arizona Supreme Court.

Litigation Center Involvement

The Litigation Center, the Arizona Medical Association, and other Arizona health care organizations filed a brief in support of the defendants with the Arizona Supreme Court.

Arizona Supreme Court Brief