



Murray v. Valley Health System (Nev. S. Ct.)

Topics Covered: Abusive Litigation Against Physicians

Issue

The issue in this case is whether a \$48 million jury verdict in a wrongful death suit improperly relied on breach of fiduciary duty claims to circumvent the state's damages cap.

AMA Interest

The AMA supports efforts to curb lawsuit abuse against physicians.

Case Summary

LaQuinta Murray died from alleged medical malpractice. Her heirs brought a wrongful death action against the hospital alleging both negligence and breach of fiduciary duty. The allegations in these counts were substantively the same, so that a medical malpractice claim was effectively relabeled as a breach of fiduciary duty claim.

After a jury trial, the plaintiffs were awarded \$48 million, including \$32 million in punitive damages. The parties then filed multiple post-judgment motions regarding the size of the verdict and whether it violated the statutory damages cap by relying on a claim of breach of fiduciary duty, rather than negligence. The trial court entered judgment for the full amount of the jury award.

The case has been appealed to the Nevada Supreme Court.

Litigation Center Involvement

The Litigation Center and the Nevada State Medical Association filed an *amicus* brief in support of the defendants in the Nevada Supreme Court.

Supreme Court of Nevada Brief