



# Ambach v. French, 216 P.3d 405 (Wash. 2009)

## 173 P.3d 941 (Wash. App. 2007)

Topics Covered: Professional Liability

### **Outcome: Very Favorable**

#### **Issue**

The issue in this case is whether an allegation that a physician recommended unnecessary surgeries raised a claim under the Washington Consumer Protection Act (CPA).

#### **AMA Interest**

The AMA strives to avoid the expansion of professional liability theories against physicians, which can lead to abusive malpractice litigation.

#### **Case Summary**

Teresa Ambach sued Harold Graeme French, M.D., alleging that he routinely made fictitious diagnoses, which led to unnecessary surgeries. She asserted claims for medical negligence and for a CPA violation. The trial court granted Dr. French partial summary judgment on the CPA claim, but the Washington Court of Appeals reversed.

Dr. French appealed to the Washington Supreme Court. The court reversed the Washington Court of Appeals and held for Dr. French. It found that the increased cost Ms. Ambach paid for surgery instead of alternative treatment was not an injury to "business or property" that would be required under the CPA.

#### **Litigation Center Involvement**

The Litigation Center and the Washington State Medical Association filed *amicus curiae* brief supporting Dr. French and opposing the creation of a malpractice theory based on the CPA.

Supreme Court of the State of Washington brief