



# Molloy v. Meier, 679 N.W.2d 711 (Minn. S. Ct. 2004)

Topics Covered: Professional Liability, Abusive Litigation Against Physicians

**Outcome: Very Unfavorable**

## **Issue**

The issues in this case were the legal duties a pediatrician owes to a patient's mother and the accrual, under the Minnesota Statute of Limitations, of a cause of action for "wrongful conception."

## **AMA Interest**

The AMA seeks to avoid abusive litigation against physicians.

## **Case Summary**

This medical malpractice suit was brought against a pediatrician who allegedly failed to test for a genetic abnormality in one of her patients. More than five years after the alleged misdiagnosis, the patient's mother conceived another child, who, after birth, was found to suffer from the same genetic abnormality. The Minnesota Court of Appeals found, on the pleadings, in favor of the patient's mother. The case was then appealed to the Minnesota Supreme Court, which affirmed.

## **Litigation Center Involvement**

The Litigation Center, along with the Minnesota Medical Association and two other not-for-profit organizations, filed an amicus curiae brief on the pediatrician's behalf.

Minnesota Supreme Court