



# Park v. Wellstar Health System (Ga. S.Ct.)

Topics Covered: Professional Liability

**Outcome: Neutral**

## Issue

The primary issue in this case was whether Georgia's cap on non-economic damages in medical malpractice cases violates the Equal Protection Clause of the Georgia Constitution.

## AMA Interest

Medical liability reform is the AMA's highest legislative priority.

## Case Summary

Cheon Park and his wife, Lynne Park, sued Wellstar Health System, two individual physicians, two group medical practices and another individual for medical malpractice. The plaintiffs alleged that Mr. Park had become a permanent quadriplegic as a result of defendants' negligent treatment.

The trial court held that the Parks had legal standing to challenge the caps and that the issue of the caps' constitutionality was ripe for adjudication at the pleading stage. The court then found an equal protection violation, reasoning that the caps discriminated in favor of a specific group of professional defendants. The court also found no "substantial relationship" between the caps and the legislative objective of allowing the medical profession to function effectively. The defendants appealed directly to the Georgia Supreme Court.

Before the Supreme Court could render a decision, the case was settled and the appeal was withdrawn.

## Litigation Center Involvement

The Litigation Center, the Medical Association of Georgia, and the American Tort Reform Association planned to submit an amicus brief to the Georgia Supreme Court supporting the defendants and the validity of the caps.