



Robinson v. Taylor, 2015 UT 69 (UT 2015)

F/K/A Robinson v. Mountain View Family Care

Topics Covered: Tort Reform

Outcome: Neutral

Issue

The issue in this case was whether Utah's limitation on noneconomic damages applies to a wrongful death suit.

AMA Interest

Tort reform is the AMA's highest legislative priority.

Case Summary

Paul Ray Taylor, MD prescribed methadone for his patient, Bradford Robinson, AND Mr. Robinson died from an overdose of the drug. His two surviving children, both non-dependent adults, sued Dr. Taylor (and others). They alleged that, as a result of Dr. Taylor's negligence, the prescription was excessive and this excessive dosage caused Mr. Robinson's death.

The jury found Dr. Taylor to be 100% at fault. It awarded the plaintiffs \$3,000,000 in damages for loss of love, companionship, society, comfort, pleasure, advice, care, protection, and affection. It also awarded \$300,000 in punitive damages and \$3,213.04 in funeral expenses.

Before entry of final judgment, Dr. Taylor filed a motion to reduce the jury verdict, based on the Utah Health Care Malpractice Act cap on noneconomic damages. Dr. Taylor contended that the \$3,000,000 award should be reduced to \$440,000. In response, the plaintiffs argued that the damage cap did not apply in a malpractice action involving a wrongful death. They further argued that even if the cap did apply to a wrongful death action, it violated numerous provisions of the Utah Constitution.

The trial court ruled that the damage cap did not apply to a wrongful death suit, even if the claim was based on medical malpractice. Holding that both the Utah Wrongful Death Statute and the Wrongful Death Clause of the Utah Constitution forbade such application, it ordered that judgment be entered in conformity with the jury's award.

Dr. Taylor appealed to the Utah Supreme Court. On August 11, 2015, the Utah Supreme Court reversed and remanded on account of an evidentiary error. It did not reach the constitutional question.

Litigation Center Involvement

The Litigation Center, along with the Utah Medical Association filed an *amicus* brief to the Utah Supreme Court. The brief argued that the cap applies in a wrongful death suit and is valid.

Utah Supreme Court brief