



Langell v. Physician Healthcare Network (Mich. S. Ct.)

Topics Covered: Abusive Litigation Against Physicians

Outcome: Somewhat Unfavorable

Issue

The issue in this case is whether damages were properly calculated in a wrongful death action.

AMA Interest

The AMA supports efforts to curb lawsuit abuse against physicians.

Case Summary

Garylyn Langell woke up with moderate back pain and went to a hospital emergency room. The physician working in the emergency room that night, Dr. Paul, ordered an EKG, cardiac panel, chest x-ray, and pain medication. After reviewing the test results, he diagnosed a muscle strain and prescribed an anti-inflammatory, a muscle relaxer, and pain medication and then sent Langell home. He also instructed her to follow up with her primary care physician. Within the next few days, Langell died from an aortic dissection.

Langell's estate sued for wrongful death against several defendants, including Dr. Paul and his employer. The estate alleged that the defendants negligently failed to rule out an aortic dissection.

The jury found for the estate and awarded \$490,000 in economic damages and \$3.5 million in noneconomic damages. The defendants moved for a new trial or to reduce the amount of the verdict. The defendants argued, in part, that Langell was receiving disability benefits at the time and unlikely to ever return to work, thus making her economic damages much lower. The trial court denied the motions. The defendants appealed, but the court of appeals affirmed the decision of the trial court and upheld the full damages award.

The defendants then applied for leave to appeal with the Michigan Supreme Court, but the court declined to hear the case.

Litigation Center Involvement

The Litigation Center, Michigan State Medical Society, and University of Michigan Health System filed an *amicus* brief in the Michigan Supreme Court in support of the defendants' motion for leave to appeal.

Michigan Supreme Court Brief