



Marquardt v. Umashankar (Mich. S. Ct.)

Topics Covered: Professional Liability, Tort Reform

Outcome: Favorable

Issue

The issue in this case was whether the plaintiff properly gave the defendant physician notice of a malpractice suit as required by Michigan's notice of intent (NOI) statute.

AMA Interest

Medical liability reform is a high legislative priority for the AMA, and the AMA opposes lawsuit abuse against physicians.

Case Summary

On July 20, 2007, Sandra Marquardt underwent mitral valve replacement surgery at the University of Michigan Hospital. During the surgery, she was administered the drug Trasyolol. Marquardt died, allegedly because of complications resulting from the Trasyolol.

On July 20, 2009, Marquardt's estate notified the University of Michigan Health System that the estate "intends to file suit against Jonathan Haft, M.D., Umashankar Vellaiah, M.D., Ranjiv Saran, M.D., and the University of Michigan Health System, Inc." Although the notice letter identified individual physicians as defendants in the contemplated lawsuit, it was not sent to the individual physicians.

The Michigan Supreme Court denied the application for leave to appeal, which is the outcome the Litigation Center supported.

Litigation Center Involvement

The Litigation Center and the Michigan State Medical Society submitted an *amicus* brief to the Michigan Supreme Court to support the physicians.

Michigan Supreme Court Brief