



# Chan v. Curran, 237 Cal. App. 4th 601 (Cal.Ct.App. 2015)

Topics Covered: Professional Liability, Tort Reform

## **Outcome: Very Favorable**

### **Issue**

The issue in this case was whether MICRA's (Medical Injury Compensation Reform Act) cap on noneconomic damages, Cal. Civ. Code § 3333.2, is constitutional.

### **AMA Interest**

Medical liability is the AMA's highest legislative priority.

### **Case Summary**

Michele Woo underwent mitral valve replacement surgery. Following the surgery, she was prescribed Coumadin to prevent her from developing blood clots around her new mechanical mitral valve. She was discharged from the hospital and into the care of Peter Curran, M.D., a cardiologist, who was to monitor the anticoagulant effect of the Coumadin.

Subsequently, Ms. Woo was admitted to the hospital emergency department. She died shortly thereafter, as a result of hemorrhagic bleeding.

Jessica Chan, Ms. Woo's daughter, sued Dr. Curran for wrongful death. She claimed that Dr. Curran's care was substandard, that his inadequate care caused her mother's death, and that she (Jessica Chan) was injured as a consequence.

The case was heard before a jury, which found Dr. Curran liable to Ms. Chan. In addition to her economic losses, it awarded her non-economic damages of \$1,000,000. Following the trial, Dr. Curran filed a motion to reduce the non-economic damages to the MICRA cap of \$250,000. In opposition to Dr. Curran's post-trial motion to reduce the non-economic damages, Ms. Chan claimed the MICRA cap was unconstitutional.

The trial court upheld the \$250,000 MICRA cap on non-economic damages. Ms. Chan appealed, but on June 9, 2015 the Court of Appeal affirmed. It held that MICRA is constitutional and does not violate the rights of due process, trial by jury, and equal protection of the laws.

### **Litigation Center Involvement**

The Litigation Center, along with the California Medical Association, filed an *amicus* brief supporting the MICRA cap on non-economic damages.

California Court of Appeal brief