



# Lora v. Universal Health Services, 2015 Cal. App. Unpub. LEXIS 5136 (Cal. 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 reform is the AMA's highest legislative priority.

### **Case Summary**

Dioresly Lora, then 24 years old, was hospitalized at Palmdale Regional Medical Center on account of an asthma attack. While in a telemetry monitoring unit, she suffered cardiorespiratory arrest and was discovered with no pulse or blood pressure. After she was administered CPR, she was transferred to an intensive care unit. She became cognitively impaired and tracheostomy dependent.

Lora sued Universal Health Services, the owner and operator of Palmdale Regional Medical Center. Following a jury trial, the hospital was found liable. Not counting non-economic losses, the damages came to over \$18 million. In addition, the jury found non-economic damages of slightly over \$3 million.

The hospital filed a post-trial motion to reduce the non-economic damages to \$250,000, pursuant to MICRA. Lora opposed the motion, arguing, in part, that the MICRA cap violated the right of trial by jury. She further argued that the cap violated equal protection, in part because inflation had eroded the original amount of compensation. However, the trial court granted the motion to reduce the non-economic damages.

Lora appealed to the California Court of Appeal, which affirmed on July 22, 2015 in an unpublished opinion.

### **Litigation Center Involvement**

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

California Court of Appeal brief