



# Rashidi v. Moser, 219 Cal. App. 4th 1170 (Cal. App. 2013)

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, violated the California constitutional guarantees of trial by jury, separation of powers, and equal protection of the laws.

## AMA Interest

Medical liability reform is the AMA's highest legislative priority.

## Case Summary

Hamid Rashidi underwent an embolization procedure to stop a nose bleed. During the procedure, embospheres, which are in the nature of glue pellets, mistakenly blocked an artery that led from his nose to his right eye. As a result, he became blind in that eye. He sued his physician, Dr. Franklin Moser, for failing to take the necessary precautions to prevent the embospheres from traveling to his eye.

The trial court reduced the jury's award of \$1,325,000 in noneconomic damages to \$250,000 to conform to the MICRA damages cap. Rashidi appealed to the California Court of Appeal.

On September 23, 2013, the Court of Appeal affirmed, finding that the California Supreme Court had resolved the constitutional arguments against the plaintiffs.

## 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