

IN THE SUPREME COURT OF THE STATE OF IDAHO

2000 Opinion No. 13

PAULINE COLLINS PERRY,	)	
	)	
Plaintiff-Respondent,	)	
	)	
v.	)	Docket No. 24709
	)	
MAGIC VALLEY REGIONAL MEDICAL	)	
CENTER, a political subdivision of Twin Falls	)	
County,	)	
	)	
Defendant-Appellant.	)	

Appeal from the District Court of the Fifth Judicial District of the State of Idaho, Twin Falls County. Hon. Daniel B. Meehl, District Judge.

The judgment of the district court is affirmed in part and remanded in part.

Tolman Law Office, Twin Falls, for appellant. Jennifer K. Brizee argued.

May, Sudweeks, Kershaw & Browning, Twin Falls; Spence, Moriarity & Schuster, Provo, Utah, for respondent. Lynn C. Harris argued.

Magic Valley Regional Medical Center (Hospital) appealed from the judgment in a medical malpractice case. The jury awarded plaintiff Pauline Collins Perry \$1,550,000 in economic damages and \$150,000 in non-economic damages for injuries to the sciatic nerve sustained from an injection that a Hospital nurse administered to Perry's gluteal area. In a decision released today, the Idaho Supreme Court affirmed the district court's judgment.

Perry visited the Hospital's emergency room in June 1994 for an infected cut. The emergency room physician ordered treatment with two tetanus shots. An emergency room nurse administered the injections. The Hospital claimed that the shots were administered appropriately in the hip area, but Perry claimed that the shots were administered in the middle of the right buttock, causing injury to her sciatic nerve. A neurologist later diagnosed right sciatica as a result of the Hyper-Tet injection. In succeeding years, Perry had six surgical procedures to control pain, had an electrical device implanted in her abdomen to control pain, and had incurred \$119,000 in medical expenses.

The Hospital asserted that the trial court erred in many of its rulings allowing or excluding evidence and witnesses. The Hospital also contended that certain jury instructions and the special verdict form were erroneous. In addition, it asserted that the trial court erred in awarding certain costs to Perry.

The Idaho Supreme Court held that the trial court had not abused its discretion in any of the disputed evidentiary rulings. The Court also held that the jury instructions and special verdict form were not erroneous. The Court remanded to the trial court for express findings on disputed discretionary costs and for a reduction of \$489 in costs as a matter of right.