

SUMMARY STATEMENT

Conner v. Hodges, Docket No. 40742

In an appeal from Ada County, the Supreme Court unanimously vacated-in-part and affirmed-in-part the decision of the district court granting summary judgment in favor of Dr. Bryan Hodges in a medical malpractice action brought by Ryan and Jami Conner. The Supreme Court held that Jami Conner's injuries were not objectively ascertainable immediately following the procedure because it was disputed whether a physician would be able to perform either of the two medically unnecessary tests that would allegedly show the damage. As a result, the Supreme Court concluded that it could not be determined that Jami Conner's cause of action accrued immediately following the procedure in 2007 so as to be barred by the two-year statute of limitations under Idaho Code section 5-219(4). However, the Supreme Court held that the district court properly dismissed Ryan Conner's claim for loss of consortium because he was not married to Jami Conner at the time of her injury. The Supreme Court also concluded that Jami Conner's breach of contract claim was precluded under Idaho Code section 6-1012 because her claim arose out of the failure to provide health care.