

SUMMARY JUDGMENT OBTAINED FOR PHYSICIAN IN CIRCUIT COURT OF KANAWHA COUNTY

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Salem Smith and Morgan Villers obtained summary judgment for their client in the Circuit Court of Kanawha County and successfully defended the summary judgment award before the Intermediate Court of Appeals of West Virginia. The client, a Kanawha County physician, had been sued for alleged medical negligence where it was alleged that a foreign object had been left behind in a patient's abdomen during surgery. The Circuit Court found summary judgment was appropriate due to the plaintiff's failure to prove that the defendant physician had proximately caused her injury. The plaintiff appealed the decision to the Intermediate Court of Appeals. After hearing oral argument, the Intermediate Court of Appeals upheld the Circuit Court's decision that the physician was entitled to summary judgment.

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