

COURT WATCH

FROM THE OFFICES OF FLAHERTY, SENSABAUGH, & BONASSO, P.L.L.C.

March 25, 2007

Riggs v. WVUH

Petition for appeal from the Circuit Court of Monongalia County to the West Virginia Supreme Court of Appeals

TOPIC: Whether infection control negligence falls within the parameters of the MPLA and attempted challenge to the constitutionality of the cap on non-economic damages established in 1986.

Riggs v. WVUH was first reported in the January 4, 2007, Court Watch edition. On March 14, 2007 the West Virginia Supreme Court of Appeals granted the plaintiffs' appeal as to the plaintiffs' allegations that infection control negligence does not fall within the Medical Professional Liability Act ("MPLA"). However the Court declined to hear the plaintiffs' claims that the 1986 MPLA's one million dollar cap is unconstitutional. Additional Court Watch updates will be provided as this case develops.