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eNewsletter

FROM



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SUMMARY JUDGMENT FOR DEFENDANT REVERSED IN NEGLIGENCE CASE

Plaintiff, Shauntoo Cottrell, suffered injuries when defendant Edward Laidley (“Laidley”) lost consciousness while driving and rear-ended plaintiff’s vehicle. The Superior Court granted summary judgment in Laidley’s favor under the “sudden medical emergency” doctrine, which can negate negligence if a defendant establishes the existence of a sudden medical emergency and its unforeseeable nature. The Appeals Court reversed, finding a genuine issue of material fact as to whether Laidley should have foreseen the emergency.

Laidley testified that, prior to the accident, he never had difficulty breathing, lethargy, shortness of breath, chest pains, or trouble sleeping. He stated that he had never been told by a doctor that he was unsafe to drive, never experienced a loss of consciousness, and never experienced any medical issues while driving. His medical records before the accident did not mention sleep apnea symptoms. After the accident, however, Laidley was diagnosed with sleep apnea. At that

time, Laidley had reported not being able to sleep more than a few consecutive hours at a time and being prone to dozing off during the day.

Plaintiff's medical expert, Dr. Kryger, opined that Laidley's sleep apnea would have caused him to feel very drowsy while driving and he should have known that his excessive sleepiness would make it dangerous to operate a vehicle. The Appeals Court found that a jury could credit Dr. Kryger's testimony because Laidley had no specific memory of the weeks leading up to the accident. Therefore, "[e]ven if Laidley did not know why he was experiencing excessive sleepiness, a jury could determine that he was negligent in driving."

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