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NEWS & INSIGHTS

LIGHTFOOT CLIENT GE HEALTHCARE WINS IMPORTANT RULING FROM NORTH CAROLINA SUPREME COURT

December 3, 2017

A decision issued last week by the North Carolina Supreme Court affirmed a lower court's summary judgment dismissing a negligence lawsuit against Lightfoot, Franklin & White client GE Healthcare (GE).

At issue in the case was GE's responsibility for severe and permanent injuries suffered by the plaintiff when an electric operating table uncontrollably folded upward during her surgery. The plaintiff filed suit against the hospital and GE, claiming that its maintenance of the surgical table pursuant to a contract with the hospital contributed to the table's malfunction during the surgery. The hospital also filed suit against GE, seeking indemnity for its alleged liability to the plaintiff. After the close of discovery, GE obtained summary judgment in the trial court on both the plaintiff's and the hospital's claims.

Both the plaintiff and the hospital appealed to the North Carolina Court of Appeals, which affirmed the summary judgement in a lengthy opinion. The court adopted the positions advanced by GE, finding that no conduct on the part of GE proximately caused the injury. The court also affirmed the trial court's conclusion that GE did not owe the hospital indemnity and that the hospital's attempt to amend its complaint after years of litigation to assert new indemnity theories came too late.

General Electric was represented by Lightfoot lawyers **Chris King** and David Rich, as well as Jon Berkelhammer of the Ellis and Winters firm in North Carolina.