David Willis, MG+M Partner, recently won summary judgment in the Rhode Island Superior Court

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MG+M recently won summary judgment on a potentially high-risk claim against Partner David Willis's clients, a hospital and its former supervisor of clerical staff, in the Rhode Island Superior Court. MG+M's motion work convinced the Plaintiff to pare down several of her remaining claims.

Plaintiff was a former patient services secretary at the hospital. She alleged that the hospital violated her privacy rights by publicizing her medical condition, that she was known to be disabled, and that she was terminated as a result of her disability. She also alleged that she was terminated for reporting a HIPAA privacy violation and/or for taking a leave of absence under the Family Medical Leave Act.

MG+M's motion argued that Plaintiff failed to demonstrate any fact which would support her allegation that she was unlawfully terminated. Rather, the record demonstrated that Plaintiff held a position that required strict adherence to specific rules for the safe and efficient care for patients. Plaintiff's repeated failure to follow such rules caused disruption not only to patient safety, but also to hospital operations. MG+M further asserted that Plaintiff's alleged disability could not have been a factor in her termination because it was unknown to staff. In response to MG+M's motion and aggressive advocacy, Plaintiff voluntarily dismissed her discrimination claims.

MG+M achieved even greater victory as it successfully convinced the Rhode Island Superior Court that Plaintiff caused the public dissemination of her own medical information and that her allegations that the hospital shared this information were entirely unsubstantiated. Under Rhode Island law, a right to privacy claim requires that a plaintiff demonstrate a reasonable expectation of privacy in a disclosed fact. MG+M argued that Plaintiff's privacy claims failed given that she voluntarily sent her health information to a publicly-accessible fax machine at the hospital.

The court acknowledged that MG+M stated a legitimate non-discriminatory reason for terminating Plaintiff, but that the existence of retaliation should be left to a jury to decide. Notwithstanding, MG+M significantly reduced liability for its clients with the dismissal of five counts in total, leaving Plaintiff's weakest claims to litigate.

MG+M Partner David Willis, Partner Rachel Moynihan, Associate Marissa Morte, and Associate Teri Gibbs drafted the motion papers, and David presented the oral argument. David and Teri thoroughly prepared the corporate witness for her deposition and delivered a focused cross-examination of the witness at the deposition. This proved to be instrumental in obtaining summary judgment on Plaintiff's privacy claims and convincing Plaintiff to dismiss her discrimination claims. For more information on this win or the issues involved, please contact David.

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