

NEWS & INSIGHTS

LIGHTFOOT LEVERAGES COVID-19 IMMUNITY ACT TO SECURE SUMMARY JUDGMENT IN PANDEMIC-ERA MEDICAL MALPRACTICE SUIT

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Lightfoot Franklin & White LLC partners **Brandon K. Essig**, **Laura H. Peck** and associate **Solomon S. Thomas** secured a summary judgment in a medical malpractice lawsuit over an August 2021 surgery that was delayed due to the COVID-19 pandemic.

The trial team defended Princeton Surgical Specialists and a board-certified general surgeon against claims that they breached the standard of care by allowing a breast cancer patient to postpone a mastectomy over concerns about contracting the virus.

The litigation hinged on the Alabama COVID-19 Immunity Act (ACIA), which Gov. Kay Ivey signed in February 2021 to temporarily provide civil immunity for healthcare providers facing pandemic-related claims. The ACIA says providers cannot be held liable for any claim arising from or related to COVID-19, including claims related to the “actual, alleged or feared exposure to or contraction of Coronavirus from the premises of a covered entity.”

As the surgery was postponed at the plaintiff’s request for reasons directly related to the pandemic, 10th Judicial Circuit Judge Carole Smitherman found the case fell under the ACIA, entitling the defendants to immunity.

A veteran litigator and former assistant U.S. attorney, Essig maintains a robust civil, white-collar criminal defense and investigations practice. He has tried dozens of high-profile jury cases, and his courtroom experience includes civil and criminal trials in state and federal courts and multiple appellate arguments. Essig also handles a diverse docket of civil cases for the firm’s clients in state and federal courts and arbitration forums.

Peck has more than three decades of high-stakes civil litigation experience. She has tried more than 25 jury cases and successfully argued before the Alabama Supreme Court. Her practice is devoted to civil litigation, including healthcare litigation, professional medical liability, pharmaceutical liability, labor and employment litigation, insurance litigation and appellate advocacy.

Thomas represents healthcare providers, manufacturers and insurers in high-stakes matters and has broad experience in federal and state courts and alternative dispute resolution.