



FAVORABLE ACA CASE SUMMARIES

(last updated January 7, 2016)

1. **Brewington v. United States, 2015 WL 4511296 (C.D. Cal. July 24, 2015)**
Court held that it was appropriate to consider the Affordable Care Act and available health insurance policies in determining the reasonable value of future medical expenses.
2. **Stayton v. Delaware Health, 117 A.3d 521 (Del. 2015)**
Plaintiff in this case was injured while a resident at Harbor Healthcare and Rehabilitation Center. Plaintiff's medical bills totaled \$3,683,797.11, but were fully satisfied through Medicare payments of just \$262,550.17, a difference of 92%. Defendants sought to limit the past damages amount to the Medicare payment. The Delaware Supreme Court agreed holding that Medicare payments were not collateral sources and the jury should be permitted to hear evidence of the Medicare paid rates. In addition, in a concurrence, the Chief Judge of the Delaware Supreme Court questioned the continuing viability of the common law collateral source rule.
3. **Jones v. Metro Health, No. CV 11-757131 (Ohio Ct. Com. Pl. May 16, 2014)**
Verdict for plaintiff that included \$8 million for future medical expenses was reduced to \$2.9 million. The court relied on a combination of coverage through private insurance, Medicare and Medicaid in relation to the offset.
4. **Sivels v. Memorial Medical Center, No. 2011-L-000184 (Ill. Cir. Ct. April 2, 2015)**
Defendants allowed to discuss ACA insofar as it affects the reasonable costs of medical services, as long as defendants did not mention insurance.
5. **Christy v. Humility of Mary Health Partners, No. 2013 CV 01598 (Ohio Ct. Com. Pl. May 4, 2015)**
Court refused plaintiff's demand to bar defendants from referencing the ACA. The court held that the ACA is the "law of the land" and defendants should be allowed to present their own damage assessment for future medical costs.
6. **Donaldson v. Advantage Health Physicians, PC, No. 11-09181-NH (Mich. Cir. Ct. 2015)**
Defendants allowed to discuss the ACA and the potential care provided by it at trial because it is reasonably likely to exist in the future. Court held that "what medical care and therapies would be provided by insurance through the ACA can be discussed/argued at trial."
7. **Ihly v. Regents of the University of California, No. B259042 (Cal. Sup. Ct. 2014)**
Life Care Planner Linda Olzack permitted to testify at trial regarding the ACA and available insurance plans.
8. **Contreras-Madriral v. Hollywood Presbyterian, No. BC466778 (Cal. Sup. Ct. 2013)**
In this neurologically impaired infant case, the Court permitted Linda Olzack to testify as to the impact of the ACA on future damages. Jury returned a defense verdict.

9. **Sodjago v. Pediatrix Medical Group of Georgia, P.C., No. 12EV015750 (Ga. County Ct. 2014)**

Court held that the plaintiff opened the door to ACA evidence through the direct testimony of their life care planner during discussion about the life care plan and what was provided for by the plan.

10. **Crum v. Balz (Jonesboro, Ark.)**

ACA raised at trial through plaintiffs' opening the door to evidence of insurance on direct testimony of their life care planner.

11. **KuhlMann & Perkins v. Johnson & Johnson Health Care Systems, No. RG13 675753 (Cal. Sup. Ct. Oct. 22, 2015)**

Court denied plaintiff's motion to exclude evidence of future medical benefits from collateral sources.

12. **Balleras v. Kapiolani, No. 1CC07-1-000077 (Haw. Cir. Ct. 2013)**

This case involved the alleged untimely delivery of a baby resulting in severe neurologic injuries. Although a common law state, the court permitted defense counsel to cross-examine the plaintiff's life care planner regarding the ACA and how much of the life care plan would be covered by insurance. The jury found in favor of plaintiff, however, the verdict was less than a third of plaintiff's demand at trial.

13. **Daniels v. Havasu Regional Medical Center LLC, WL 10298104 (Az. Sup. Ct. 2014)**

Court denied plaintiff's motion to preclude evidence related to the ACA.