

# Second Michigan Court of Appeals Favorable Ruling in Two Weeks for Novara Law

06.26.2023

Novara Law is pleased to announce another successful result in the Michigan Court of Appeals for an insurance client — the second in two weeks led by Partner Kaitlyn Cramer, saving two insurance company clients over \$1.1 Million total in potential risk exposure.

Plaintiff alleged that they provided over \$500,000 in surgical services to the underlying patient as a result of two accidents in which he was involved. However, Novara Law's insurance client had only insured the patient for his earliest accident in 2017. Novara Law's defense team argued that the surgeries were only necessary because of the later 2018 accident. This argument was supported by the patient's own testimony, where he indicated he was recovered from his earlier accident and that he felt "totally different" injuries following the final accident. The trial court agreed, finding that Plaintiff had failed to demonstrate a causal link between the 2017 accident and the surgery.

Plaintiff appealed, indicating that the patient had exacerbated his injuries in the 2018 accident and that he was still receiving replacement services, so there was still a "link" to the prior accident that implicated our insurance client and rendered them liable for the surgery. Cramer argued to the Court of Appeals that Plaintiff could not refute their own patient's clear testimony, and that they had not even attempted to do so with a medical opinion, diagnostic report, or other scientific evidence.

The Court of Appeals upheld the dismissal and agreed with Cramer's analysis, holding that Plaintiff had only relied on speculation and had not actually created a question of fact on causation.

## PROFESSIONALS

---

Kaitlyn A. Cramer

## PRACTICE AREAS

---

Appeals

Insurance Defense

Litigation