

Won summary judgment for an obstetrician-gynecological practice in a high-exposure case in Minnesota involving an alleged birth injury and \$30 million in damages.

2023

WTO lawyers Clarissa Collier and LaMar Jost won summary judgment for an obstetrician-gynecological practice in a high-profile case in Minnesota state court. The plaintiff accused WTO's client of malpractice resulting in a birth injury and sought \$30 million in damages.

During oral arguments, WTO successfully demonstrated that based on the scope of a previous *Frye-Mack* order that WTO had won, the plaintiff could not establish the proximate causation element of their case as a matter of law. The court dismissed the plaintiff's actions with prejudice.

WTO lawyers had successfully challenged the admissibility of expert testimony and causation theory in the prior *Frye-Mack* hearing, winning exclusion of all evidence related to cranial compression ischemic encephalopathy (CCIE) and thus eliminating a large portion of the plaintiff's causation case. The plaintiff conflated two mechanisms of injury in her causation argument—CCIE and uteroplacental insufficiency/cord compression—and she admitted that she could not prove one without the other. WTO was able to use

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that admission effectively in its motion and argument for summary judgment.