

Awkerman v tri- county orthopedic group, p.c.,

Law



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AWKERMEN v TRI-COUNTY ORTHOPEDIC GROUP, P. C., The Plaintiff Shawn Awkerman, a young boy suffered from numerous bone fractures. He suffered these since he was five years old. In around four-months, the plaintiff sustained five bone fractures. Initially, the diagnosis was Osteogenesis Imperfecta, also called the " brittle bone disease". However, this diagnosis was later overruled as it was later suspected that the cause of his fractures could be child abuse was filed and thus a report detailing the same was filed. The Plaintiff was as a result removed from his mothers custody and briefly placed in a home, and later on was moved to his great aunt and uncle's home. However, during one of the Plaintiff's stay in one of the homes, he dropped a toy on his toe thus sustaining another bone fracture. This time, suspicions of child abuse were completely abandoned as doctors ultimately alluded to the initial diagnosis. The Plaintiff was then returned to his mother.

The Plaintiff together with his mother sued for damages because of the charges of child abuse. The doctors were in the first count were charged with malpractice for failing to properly diagnose the Plaintiff's disease and breaching the duty of care he was owed. In count II, the doctors were charged with breaching an express and/or implied duty to conform to Shawns care to the applicable standard of practice. In count III, both requested damages for wrongful child abuse reports and for proposing Shawns removal from his maternal parent's custody.

In the second count, the defendant was granted summary judgment of the complaint. In the same count, the Orthopedic Group of doctors were also granted summary judgment and Count III. The same order also granted

partial summary judgment to the Count I but only a portion of it; specifically the part claiming damages due to the filed child abuse reports.