

## California Supreme Court Overturns 150 Year Old Law

*Curd Galindo Smith, LLP is proud to announce that the California Supreme Court has overturned the 150 year old ruling in People v. Skidmore*

LOS ANGELES ([PRWEB](#)) June 27, 2018 -- The California Supreme Court in its ruling yesterday June 25, 2018 in the matter entitled - - [Samara v. Matar et al Case No.: S240918](#) overturned People v. Skidmore which had been law since 1865.

Attorneys Alexis Galindo and Tracy Labrusciano with the law offices of [Curd, Galindo & Smith, LLP](#) represent Rana Samara in her dental malpractice case. The court documents reflect that in her case filed in Los Angeles Superior Court Case No.: EC056720 arising out of a dental implant Samara suffered nerve damage when Stephen Nahigian, DDS allegedly used too large of an implant severed Samara's inferior alveolar nerve.

People v Skidmore became law in 1865 and addressed claim preclusion, also referred to as res judicata. Skidmore held that a judgment rendered in a prior action barred a subsequent collateral claim known as issue preclusion or collateral estoppel, even if that claim was not fully litigated.

In the Samara case the court documents show that Samara alleged that Dr. Nahigian was negligent and that his negligence should be attributable to Dr. Matar as Dr. Matar was the referring dentist and the surgery took place in Dr. Matar's office. The court file shows that the claim against Dr. Nahigian was dismissed on procedural grounds. As a result of the Nahigian dismissal, Dr. Matar then moved the court for summary judgment and argued that the claim against Matar should also be dismissed. The trial court granted Matar's motion and on appeal the Court of Appeal overturned the trial court's ruling. The Court of Appeal ruled that when a trial court judgment that rests on procedural grounds rather than a decision on the merits it need not affirm the judgment on alternative grounds not reviewed by the appellate court. Dr. Matar then sought review to the California Supreme Court and the California Supreme Court affirmed the Court of Appeal's decision to reverse the trial court's ruling stating that the "Civil-War-era" Skidmore decision, the Court of Appeal instead ruled that claim preclusion was unavailable because Samara sued Nahigian and Matar in a single lawsuit, rather than two successive suits. The court further held that Skidmore was inapplicable to issue preclusion.

Now the case will go back to the trial court for a final determination on Samara's dental malpractice claim against Dr. Matar.

Mr. Galindo and Ms. Labrusciano are members of Curd, Galindo & Smith, LLP which is a full service law firm that represents both corporate and professional clients and those who have been seriously injured or have lost a family member due to an accident, defective product, police misconduct or negligence. The law firm has recovered millions of dollars for its thousands of clients since 1995 by winning complex and challenging business disputes, death and injury cases involving police misconduct, traffic collisions, work place injuries and defective products, including defective automobiles, against some of the world's largest companies and governmental agencies.



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