
McCullough and Brown Win Motion to Dismiss

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Elizabeth Pharr McCullough and Kelly Street Brown win motion to dismiss in Wake County Superior Court medical malpractice case and physician is awarded public official immunity as employee of North Carolina Department of Public Safety. The Court noted that, as to a physician employed by the NCDPS, its ruling was an issue of first impression. Plaintiff did not appeal. The Court ruled in favor of the physician in determining that his provision of medical care to an inmate in the custody of the NCDPS constituted the action of a public official. Furthermore, the Court held that private liability insurance purchased by the NCDPS via the North Carolina Public Officers and Employees Liability Insurance Commission did not constitute a waiver of immunity. Plaintiff allegedly sustained a catastrophic injury as a result of an undiagnosed spinal epidural abscess. Elizabeth and Kelly have successfully defended numerous disputes in state court involving medical malpractice and constitutional claims against health care providers. Elizabeth and Kelly also represent health care providers before the North Carolina Board of Medicine and/or Social Work Certification and Licensure Board.

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