

MEDI-CLINIC LTD v VERMEULEN 2015 (1) SA 241 (SCA) A

SUMMARY

- Vermeulen was admitted to Medi-Clinic's hospital for treatment for malaria.
- There he developed a bedsore in the area of his sacrum, which in turn caused nerve damage which left him paralysed.
- He sued Medi-Clinic for damages, alleging that Medi-Clinic's nurses had negligently failed to regularly turn him, and that this had caused the bedsore.
- The high court agreed but granted Medi-Clinic leave to appeal to the Supreme Court of Appeal.
- In issue was how a court should evaluate conflicting expert opinion on what constituted reasonable conduct.
- *Held*, that a court had to evaluate whether each opinion had a logical basis: whether the risks and benefits had been considered, and whether the conclusion was defensible.
- Here, the high court accepted the opinion of Vermeulen's expert that it was reasonable to turn Vermeulen, and rejected the view of Medi-Clinic's expert that it was not.
- In this it had erred, in that it had failed to critically evaluate the opinion of Vermeulen's expert, which lacked a logical basis; and it had wrongly concluded that the opinion of Medi-Clinic's expert was without a logical foundation.
- Accordingly its finding of negligence, based on the opinion of Vermeulen's expert, was wrong, and its judgment had to be set aside.