

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



DIVISION ONE
FILED: 11/06/2012
RUTH A. WILLINGHAM,
CLERK
BY: sls

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

MARILEE ELSA GREEN-LEE,) 1 CA-CV 12-0112
)
Plaintiff/Appellant,) DEPARTMENT E
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
) Rule 111, Rules of the
JOHN C. LINCOLN HEALTH NETWORK) Arizona Supreme Court)
dba JOHN C. LINCOLN HOSPITAL,)
)
Defendant/Appellee.)
)

Appeal from the Superior Court of Maricopa County

Cause No. CV2011-010321

The Honorable Robert H. Oberbillig, Judge

AFFIRMED

Marilee Elsa Green-Lee, *In Propria Persona* Goodyear
Olson, Jantsch & Bakker, P.A. Phoenix
By Andrew E. Rosenzweig
And Dina Anagnopoulos
Attorneys for Defendant/Appellee

T H O M P S O N, Judge

¶1 Marilee Elsa Green-Lee (Green-Lee) appeals the trial court's grant of summary judgment in favor of John C. Lincoln Health Network dba John C. Lincoln Hospital (Hospital). For the reasons that follow, we affirm.

FACTUAL AND PROCEDURAL HISTORY

¶2 Green-Lee was driving her Ford pick-up truck when she collided with a bus stop and ran into two bystanders, killing one of them, in 2009. She admitted to police that she had taken Aterol and Percocet and that she had taken methamphetamine the day before. Phoenix police requested a search warrant to obtain Green-Lee's blood. A superior court judge determined that there was probable cause and issued the search warrant. The police transported Green-Lee to Hospital where a nurse drew her blood using the blood kit provided by the police, and turned over the vials to the police. Green-Lee was convicted of manslaughter and possession of dangerous drugs for sale. She is currently imprisoned.

¶3 Green-Lee filed a civil complaint in superior court requesting two hundred million dollars in compensatory damages and two hundred million dollars in punitive damages for Hospital's role in her convictions. She filed a motion for partial summary judgment and Hospital filed a response and cross-motion for summary judgment. The trial court granted Hospital's cross-motion for summary judgment. Green-Lee timely appealed. We have jurisdiction pursuant to Arizona Revised Statutes § 12-2101(A)(1) (Supp. 2011).

DISCUSSION

¶4 Summary judgment is appropriate when there is no

genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. Ariz. R. Civ. P. 56(c)(1). We review the grant of summary judgment de novo to determine whether any genuine issue of material fact exists, and we view the evidence and all reasonable inferences in favor of the nonmoving party. *Chalpin v. Synder*, 220 Ariz. 413, 418, ¶ 17, 207 P.3d 666, 671 (App. 2008) (citation omitted). Summary judgment should only be granted “if the facts produced in support of [a] claim . . . have so little probative value, given the quantum of evidence required, that reasonable people could not agree with the conclusion advanced by the proponent of the claim. . . .” *Orme Sch. v. Reeves*, 166 Ariz. 301, 309, 802 P.2d 1000, 1008 (1990).

¶5 The facts are not in dispute. Hospital drew Green-Lee’s blood pursuant to a valid search warrant after she was involved in a fatal car accident. In her opening brief, Green-Lee argues that Hospital was not “a party to the search warrant,” and therefore the nurse who drew her blood was not authorized to do so. Green-Lee cites no legal authority in supporting any claim for relief against Hospital as required by Arizona Rule of Civil Appellate Procedure 13(a)(6). The trial court found that hospital was entitled to judgment as a matter of law because Green-Lee had no private right of action under

the Health Insurance Portability and Accountability Act (HIPAA)¹, nor did she present any other valid claim for relief in her complaint. Even viewing the evidence in the light most favorable to Green-Lee, there is no basis to reverse the trial court. Accordingly, we affirm the grant of summary judgment to Hospital.

CONCLUSION

¶6 For the foregoing reasons, we affirm the grant of summary judgment in favor of Hospital.

/s/

JON W. THOMPSON, Judge

CONCURRING:

/s/

PATRICIA K. NORRIS, Presiding Judge

/s/

DIANE M. JOHNSEN, Judge

¹ See *Webb v. Smart Document Solutions, LLC*, 499 F.3d 1078, 1081 (9th Cir. 2007) (no private right of action exists under HIPAA).