

*This opinion is subject to revision before final
publication in the Pacific Reporter.*

IN THE SUPREME COURT OF THE STATE OF UTAH

-----oo0oo-----

Arthur Allred,
Plaintiff and Appellant,

No. 20050829¹

v.

AC and S, Inc., et al.,
Defendants and Appellees.

F I L E D

August 24, 2007

Third District, Salt Lake
The Honorable Glenn K. Iwasaki
No. 020909925

Attorneys:² Gilbert L. Purcell, Novato, CA, for plaintiffs
Patricia W. Christensen, Salt Lake City, for
defendants

NEHRING, Justice:

¶1 We heard this appeal in conjunction with three other cases that share the same facts and issues that are relevant to this case. We discuss the facts and issues relevant to the four cases in Carbaugh v. Asbestos Corp. Ltd., 2007 UT 65, __ P.3d __, which we also release today. In that opinion, we held that the plaintiffs' medical expert, Dr. Schonfeld, did not violate the Utah Medical Practice Act, Utah Code Ann. §§ 58-67-101 to -803 (2002 & Supp. 2005), when he, as a physician not licensed to practice medicine in Utah, conducted physical examinations of the

¹ The following thirty-seven cases have been consolidated under this case: 20050812 to 0814, 20050816, 20050819, 20050821, 20050823 to 0825, 20050828, 20050830, 20050832 to 0840, 20050842 to 0847, 20050850, 20050852 to 0857, 20050859 to 0861, and 20051019.

² Because there are many plaintiffs and defendants involved in these proceedings, there are also many attorneys. We are therefore listing only the counsel who presented at oral argument before this court.

plaintiffs in Utah as part of his preparations to testify at trial. Accordingly, we held that the district court erred in finding that Dr. Schonfeld, as a physician unlicensed to practice medicine in Utah, was unreliable as an expert witness and unavailable to testify at trial on behalf of the plaintiffs. We therefore reverse the district court's grant of summary judgment and remand for further proceedings pursuant to the principles announced in Carbaugh.

¶2 Chief Justice Durham, Associate Chief Justice Wilkins, Justice Durrant, and Justice Parrish concur in Justice Nehring's opinion.