

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
(at London)

STACY A. FONCANNON,)	
)	
Plaintiff,)	Civil Action No. 6: 16-039-DCR
)	
V.)	
)	
LAKE CUMBERLAND)	MEMORANDUM ORDER
REGIONAL HOSPITAL, LLC, et al.,)	
)	
Defendants.)	

*** **

This matter is pending for consideration of Defendant Lake Cumberland Regional Hospital, LLC’s (“Lake Cumberland”) motion for summary judgment. [Record No. 59] For the reasons that follow, Lake Cumberland’s motion will be granted.

On February 11, 2016, Plaintiff Stacy Foncannon (“Foncannon”) filed suit in Pulaski County, Kentucky Circuit Court, alleging that Lake Cumberland’s agents or employees negligently provided medical care to Foncannon at Lake Cumberland’s Emergency Department on February 17, 2015. [Record No. 1–1] Following removal of the case to this Court based on diversity jurisdiction, the plaintiff was granted leave to amend her Complaint. On June 8, 2016, she filed an Amended Complaint, naming Southeast Emergency Physicians, LLC (“SEP”) as an additional defendant. [Record No. 21] On June 23, 2016, Lake Cumberland filed its Answer to the Amended Complaint, which included a protective cross-claim against SEP for indemnity. [Record No. 24] On July 21, 2016, Lake Cumberland also filed a protective third-party claim for indemnity against healthcare providers believed to be affiliated with SEP. [Record No. 36] Specifically, Lake Cumberland named Erika Todd, P.A.,

and Sean Rogers, M.D., who were believed to have cared for Foncannon in the Emergency Department on February 17, 2015.

The plaintiff has filed a response to Lake Cumberland's motion for summary judgment, indicating that she has no objection to the motion "on the basis that [Lake Cumberland] cannot be held liable under a theory of ostensible agency in light of the consent forms that the plaintiff had the opportunity to review. [Record No. 60, p.1] Accordingly, Lake Cumberland's motion for summary judgment will be granted. Lake Cumberland's indemnity claims against SEP, Erika Todd, P.A., and Sean Rogers, M.D., will be dismissed, as they are rendered moot by summary judgment in favor of Lake Cumberland.

Based on the foregoing, it is hereby

ORDERED as follows:

1. Lake Cumberland's motion for summary judgment [Record No. 59] is **GRANTED**.
2. Lake Cumberland's cross-claim against Southeastern Emergency Physicians, LLC, is **DISMISSED**.
3. Lake Cumberland's third-party claims against Erika Todd, P.A., and Sean Rogers, M.D., are **DISMISSED**.

This 13th day of January, 2017.



Signed By:

Danny C. Reeves DCR
United States District Judge