

## Legal judgment adds a wrinkle to RMCH woes

Written by BY HOLLY J. WAGNER SUN CORRESPONDENT  
Friday, 19 January 2024 00:00

---

**CORRECTION:** Rehoboth McKinley County Hospital received a notice of a \$68 million legal judgement in a malpractice lawsuit, not \$268 million.

A multi-agency plan to help Rehoboth McKinley Christian Hospital get back on its feet faced a challenge briefly in December when RMCH got notice of a \$268 million legal judgment in a malpractice lawsuit stemming from a 2018 surgery.

While the number is daunting, Interim CEO Bill Patten and County Manager Anthony Dimas are confident it will ultimately be reduced and the hospital's \$35 million in insurance should cover any payout in the case.

"It's only half time," Dimas said.

The news prompted the Gallup City Council to call a special meeting Dec. 26. After an hour-long closed session and nearly two hours of open discussion, the council agreed to go forward with the payroll assistance to which it had earlier committed.

Several factors are at play in the case, which was tried in Santa Fe. The size of the judgment may owe partly to the relative affluence of the jury pool there.

The hospital and its attorneys wanted to settle the case several times before the verdict, but the insurer insisted on going to trial, Patten said. That's led to a difference of opinion on who should be liable for any amount over the hospital's insurance policy cap.

The hospital's attorneys are deciding how to approach getting the judgment reduced. They can appeal the verdict, or just the judgment amount, or challenge the insurer's refusal to settle. The catch: they must bond for double the judgment amount while it's on appeal.

## Legal judgment adds a wrinkle to RMCH woes

Written by BY HOLLY J. WAGNER SUN CORRESPONDENT  
Friday, 19 January 2024 00:00

---

“We did agree that a certain amount of compensation was appropriate. ... From the time that the initial claim was filed, we repeatedly asked our insurance company to work toward a settlement. When we said settle and they don’t, why are we on the hook for that?” Patten said. “Our attorney has advised us that he believes we are well positioned....

However the situation plays out, it will take a year or two.

**BY HOLLY J. WAGNER**  
**SUN CORRESPONDENT**