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Michigan Supreme Court's refusal to answer certified question leaves state's medical malpractice damage caps intact — for now.

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On Thursday, the Michigan Supreme Court issued a highly anticipated order in *Beaubien v Trivedi*, *et al.*, declining to answer the question certified by the United States District Court for the Eastern District of Michigan regarding the constitutionality of the medical malpractice damage caps under MCL 600.1483. The decision leaves the caps on noneconomic damages undisturbed, for now.

In the underlying case, the jury returned a unanimous verdict, awarding over $8 million in damages to Beaubien's estate, including $6.5 million in noneconomic damages. After the estate filed a motion for entry of judgment, the defendants responded, claiming MCL 600.1483 caps the recoverable noneconomic damages at $569,000. This prompted a motion by the estate, seeking an order from the district court certifying the question to the Michigan Supreme Court as to whether the caps on noneconomic damages under MCL 600.1483 violate the Michigan Constitution.

In an opinion and order on Nov. 8, 2024, U.S. District Court Judge Gershwin Drain granted the estate's motion, certifying the following question to the Michigan Supreme Court: "whether, under the Michigan Constitution, Mich. Comp. Laws § 600.1483's noneconomic damages cap violates (1) the right to trial by jury, (2) the equal protection clause, and (3) the separation of powers clause." *Beaubien v Trivedi*, opinion of the U. S. District Court for the Eastern District of Michigan, issued Nov. 8, 2024 (Case No. 21-cv-11000), p 20.

Both parties submitted briefs on the certified question, along with several amicus briefs by interested parties. The amicus briefs included briefs from: 1) the American Association for Justice, 2) several plaintiff firms, 3) the Michigan Association for Justice, 4) Corewell Health and McClaren Health Care, 5) the Regents of the University of Michigan, and 6) the Insurance Alliance of Michigan (IAM), the American Property Casualty Insurance Association (APCIA), and the National Association of Mutual Insurance Companies (NAMIC).

Plunkett Cooney attorneys Jeff Gerish and Briana Combs of Plunkett Cooney filed the brief on behalf of IAM, APCIA, and NAMIC in support of the defendants. The brief principally argued the Supreme Court should decline to answer the certified question where the Michigan Court of Appeals already squarely addressed the question in *Zdrojewski v Murphy*, 254 Mich App 50; 657 NW2d 721 (2002), and where the Michigan Supreme Court addressed the constitutionality of damage caps legislation in *Phillips v Mirac, Inc*, 470 Mich 415; 685 NW2d 174 (2004). In the alternative, the brief argued that even if the Supreme Court answers the question, the noneconomic damage caps under MCL 600.1483 are constitutional.

The Supreme Court's decision to decline answering the certified question, likely allowed doctors, other health care professionals and their insurance providers to breathe a collective sigh of relief.

Justice Cavanagh wrote a concurrence, explaining that under MCR 7.308(A)(2)(a), federal courts may certify questions to the Michigan Supreme Court when the question is "not controlled by Michigan Supreme Court precedent." Citing to *Phillips*, Justice Cavanagh explained the certified question "fails to meet the threshold requirement for certification because the issues presented within it are controlled by binding state precedent." *Beaubien v Trivedi*, order of the Michigan Supreme Court, issued July 3, 2025 (Michigan Supreme Court No. 167831), p 2. Justice Cavanagh also pointed out that the Michigan Court of Appeals – "both independently and relying on [the Supreme Court's] *Phillips* decision –has several times rejected the exact same arguments raised in the present case." *Id.* at pp 3-4, citing *Zdrojewski*, *Wiley v Henry Ford Cottage Hosp*, 257 Mich App 488, 505-509 (2003), and *Jenkens v Patel (On Remand)*, 263 Mich App 508, 509-510 (2004).

With this backdrop in mind, Justice Cavanagh clarified that the certified question process "exists to resolve unsettled questions of state law, not to relitigate settled ones." *Beaubien v Trivedi*, order of the Michigan Supreme Court, issued July 3, 2025 (Michigan Supreme Court No. 167831), p 5. And "if existing state law ought to be changed, that change must come through the proper state appellate channels – not by stretching the certification process beyond its intended bounds." *Id.*

Justice Richard Bernstein would have granted the request to hear oral argument and answer the certified question.

This is a big victory for medical providers across the state, leaving the medical malpractice caps on noneconomic damages under MCL 600.1483 intact for now. But this does not mean that the issue will not resurface again, and medical practitioners and their counsel must remain vigilant and ready to confront continued attacks against the damage caps by plaintiffs who view the caps as an infringement on their constitutional rights.