



Michigan Supreme Court Says Seeking Lost Wages is Appropriate for Wrongful Death Suits

JAY W. BELLE ISLE — December 2, 2021

Court's decision has long-term implications regarding the right to economic damages in wrongful death cases.

McKeen & Associates recently won an important decision in the Michigan Supreme Court regarding economic damages.

A medical malpractice suit was brought against McLaren Port Huron Hospital in 2015, after the death of Garylyn Langell, a St. Clair county woman. Langell had presented to the hospital with severe chest and back pains. A simple CAT scan would have revealed she was suffering from an aortic dissection and saved her life. Instead, she was sent home. She died a few days later.

McKeen & Associates won the case on behalf of Langell's estate, which included lost earning capacity damages. The defendants appealed the economic damages decision in the Court of Appeals and lost, but then took it to Michigan Supreme Court. The Michigan Supreme Court, however, agreed that the estate was entitled to economic damages from Langell's loss of wages. The decision was based on the precedent, *Denney v Kent Road Commission*, which permits the decedent's estate to recover everything that the decedent would have been able to earn and provide had she lived.

"This case is significant as it allows anyone bringing a wrongful death case to seek damages for the future lost wages of the decedent," said Brian McKeen, managing partner, McKeen & Associates. "This is important as families are unfairly limited in Michigan to non-economic

damages. Being able to collect for future wages levels the field somewhat for families who experienced the tragedy of a wrongful death.”



McKeen & Associates, P.C. is a leader in representing individuals injured by the negligence of others particularly in or by hospitals and physicians. In addition, McKeen & Associates, P.C. has successfully represented clients injured in a variety of other circumstances. Based in Detroit, McKeen & Associates represents clients in both federal and state courts brought throughout Michigan and the United States. For more information, visit www.mckeenassociates.com.