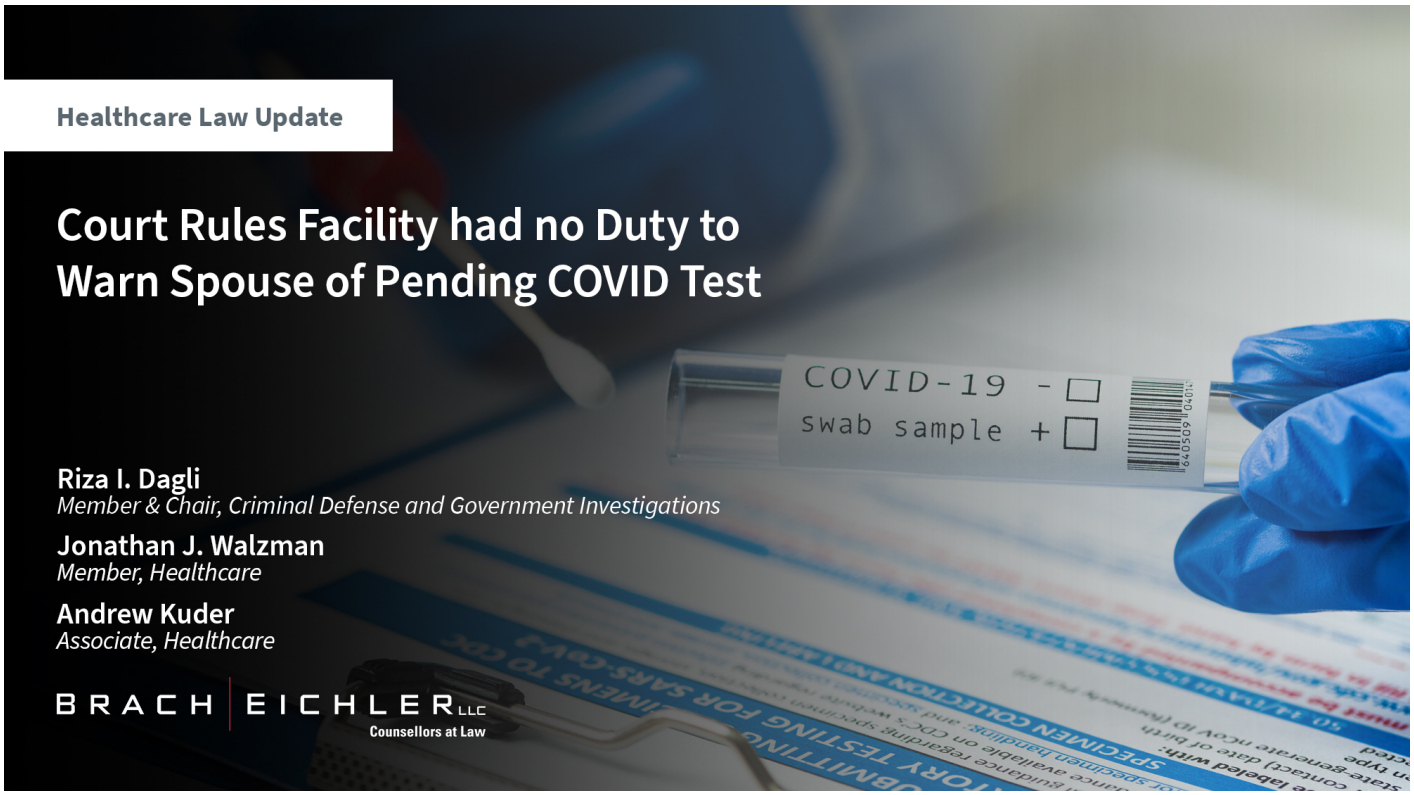
# Court Rules Facility had no Duty to Warn Spouse of Pending COVID Test




*8/29/2024*

In the recent case of Estate of Campbell v. Woodcliff Health and Rehabilitation Center, a New Jersey appellate court held that no reasonable jury could find that a health facility was grossly negligent in releasing a patient when the results of a COVID-19 PCR test were still pending. In the underlying lawsuit, the plaintiff alleged that the health facility defendant was grossly negligent and reckless when the facility released a patient to their home in April 2020, despite not knowing whether or not the patient was positive for COVID-19, which allegedly resulted in the infection and death of the plaintiff's husband due to COVID-19 complications. The plaintiff argued that the defendant facility owed a duty not only to the patient, but also "to those third parties who foreseeably and reasonably relied on competent skill and care to be exercised." In rejecting the plaintiff's argument, the court found that while the facility may have owed a duty to the patient's family members who lived with her, releasing the patient home without knowing the results of the patient's COVID PCR test failed to meet the higher standards of gross negligence or recklessness under the New Jersey COVID-19 Immunity Statute.

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