



# NEWS

Judicial Council of California  
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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF FEBRUARY 16, 2004**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#04-12 *Fox v. Ethicon Endo-Surgical, Inc.*, S121173. (F041148; 112 Cal.App.4th 1572, mod. 113 Cal.App.4th 719a; Fresno County Superior Court; 0654613-9.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: When a tort plaintiff suspects or should suspect that her injury has been caused by a negligent act (here, possible medical malpractice during a surgical procedure), does the statute of limitations begin to run at that point against all potential wrongdoers (including the manufacturer of a medical device used in the procedure that plaintiff subsequently discovers may have been defective), or does it begin to run at that initial point only as to those defendants whom plaintiff then knows, suspects, or reasonably should know or suspect of wrongdoing?

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