

**THEORIES OF RECOVERY IN WRONGFUL PREGNANCY BY STATE**

STATE	THEORY OF RECOVERY					CASE NAME	FACTS
	no recovery	limited recovery	full recovery	benefits rule	no cases on point		
ALAB.		X				<i>Boone v. Mullendore</i> , 416 So. 2d 718 (Ala. 1982)	tubal
ALAS.		X				<i>M.A. v. U.S.</i> , 951 P.2d 851 (Alaska 1998)	misdx preg
ARIZ.				X		<i>University of Ariz. Health Sciences Ctr. v. Superior Court</i> , 136 Ariz. 579 (Ariz. 1983)	sterilization
ARK.		X				<i>Wilbur v. Kerr</i> , 275 Ark. 239 (Ark. 1982)	vasectomy
CALIF.		X				<i>Custodio v. Bauer</i> , 59 Cal. Rptr. 463 (Cal. App. 1967)	tubal
COLO.		?	?	?	X	<b>Dotson v. Bernstein, Colo. App 08CA0020 (Mar. 5, 2009)</b>	<b>abortion</b>
CONN.				X		<i>Ochs v. Borrelli</i> , 187 Conn. 253, 445 A.2d 883 (1982); <i>Burns v. Hanson</i> , 734 A.2d 964 (Conn. 1999)	sterilization
DELA.		X				<i>Coleman v. Garrison</i> , 349 A.2d 8 (Del. 1975) - overruled on separate grounds	tubal
D.C.				X		<i>Flowers v. District of Columbia</i> , 478 A.2d 1073 (D.C. App. 1984) [denied child-rearing costs; no mention of pregnancy-related costs]; <i>Hartke v. McKelway</i> , 707 F.2d 1544 (C.A.D.C. 1983); <i>Hartke v. McKelway</i> , 526 F.Supp. 97 (D.C.D.C., 1981) [eligibility for compensation for childrearing depends on reason for sterilization, which may be offset by benefits of parenthood]	tubal
FLA.	X?	X?				<i>Fassoulas v. Ramey</i> , 450 So. 2d 822 (Fla. 1984) [denied child-rearing costs; no mention of pregnancy-related costs]; <i>Public Health Trust v. Brown</i> , 388 So. 2d 1084 (Fla. 1980) [denied child-rearing costs; award for pregnancy-related costs not addressed.]	sterilization
GA		X				<i>Fulton-DeKalb Hospital Authority v. Graves</i> , 252 Ga. 441 (GA, 1984); <i>Wasdin v. Mager</i> , 274 Ga. App. 885 (2005); <i>Blash v. Glisson</i> , 173 Ga. App. 104 (1984).	sterilization
HAW.		X?	X?			<i>Carr v. Strode</i> , 904 P.2d 489 (Hawaii 1995)	vasectomy
ID.	X					PROHIBITED BY STATUTE	
ILL.		X				<i>Cockrum v. Baumgartner</i> , 95 Ill. 2d 193 (Ill. 1983); <i>Clay v. Brodsky</i> , 148 Ill. App. 3d 63 (1986); <i>Wilczynski v. Goodman</i> , 73 Ill. App. 3d 51 (1979)	sterilization

IND.		X				<i>Chaffee v. Seslar</i> , 786 N.E.2d 705 (Ind. 2003); <i>Garrison v. Foy</i> , 486 N.E.2d 5 (Ind. App. 1985)	tubal
IOWA		X				<i>Nanke v. Napier</i> , 346 N.W.2d 520 (Iowa 1984) - holding no recovery for child-rearing costs; no discussion of pregnancy-related costs.	abortion
KAN.		X				<i>Byrd v. Wesley Medical Center</i> , 237 Kan. 215 (Kan. 1985) (no recovery for child-rearing); <i>Johnston v. Elkins</i> , 241 Kan. 407 (Kan. 1987) (may recover for costs associated with pregnancy, vasectomy, and delivery)	tubal, vasectomy
KENT.					X		
LOU.		X				<i>Pitre v. Opelousas General Hospital</i> , 530 So. 2d 1151 (LA 1988)	tubal
MAINE		X				<i>Macomber v. Dillman</i> , 505 A.2d 810 (Me. 1986); <i>Musk v. Nelson</i> , 647 A.2d 1198 (Me. 1994)	tubal
MAR.				X		<i>Jones v. Malinowski</i> , 299 Md. 257 (MD App. 1984)	tubal
MASS.				X		<i>Burke v. Rivo</i> , 406 Mass. 764 (1980) - holding limited to facts of this case (failed sterilization)	tubal
MICH.		X				<i>Rouse v. Wesley</i> , 196 Mich. App. 624 (1992); <i>Bushman v. Burns Clinic Medical Center</i> , 83 Mich. App. 453 (1978); <i>Troppi v. Scarf</i> , 187 N.W.2d 511, 520-21 (Mich. App. 1971)	tubal, vasectomy
MINN.				X		<i>Sherlock v. Stillwater Clinic</i> , 260 N.W.2d 169 (Minn. 1977); [ <i>Christensen v. Thornby</i> , 192 Minn. 123 (1934)]	sterilization
MISSISS.					X	[ <i>Hudson v. Parvin</i> , 582 So.2d 403 (Miss. 1991) discusses claim in tort context; does not discuss damages]	tubal
MISSOURI		X				<i>Girdley v. Coats</i> , 825 S.W.2d 295 (Mo. 1992)	tubal
MONT.					X		
NEBR.		X				<i>Hitzemann v. Adam</i> , 246 Neb. 201 (Neb. 1994)	sterilization
NEV.	X					<i>Szekeres v. Robinson</i> , 715 P.2d 1076 (1986)	sterilization
N. HAMP.		X				<i>Kingsbury v. Smith</i> , 122 N.H. 237 (NH 1982)	tubal
N. JERS.		X				<i>P. v. Portadin</i> , 179 N.J. Super. 465 (1981)	sterilization
N. MEX.		X				<i>Lovelace Medical Ctr. v. Mendez</i> , 111 N.M. 336 (NM 1991)	tubal

N. YORK		X			<i>Weintraub v. Brown</i> , 98 A.D.2d 339 (NY 1983); <i>Delaney v. Kraffe</i> , 98 A.D.2d 128 (NY 1984); <i>Morse v. Soffer</i> , 101 A.D.2d 856 (1984)	sterilization, abortion
N. CARO.		X			<i>Jackson v. Bumgardner</i> , 318 N.C. 172 (1986)	IUD
N. DAK.				X		
OHIO		X			<i>Johnson v. University Hosp. of Cleveland</i> , 44 Ohio St. 3d 49 (OH 1989); <i>Johnson v. University Hosp. of Cleveland</i> , 1988 Ohio App. LEXIS 228 (1988)	tubal
OKLA.		X			<i>Morris v. Sanchez</i> , 1987 OK 110 (1987)	tubal
ORE.			X		<i>Zehr v. Haugen</i> , 318 Ore. 647 (1994)	tubal
PENN.		X			<i>Butler v. Rolling Hill Hosp.</i> , 582 A.2d 1384 (Pa. Super. 1990); <i>Hatter v. Landsberg</i> , 563 A.2d 146 (Pa. Super. 1989); <i>Mason v. Western Pennsylvania Hosp.</i> , 453 A.2d 974 (Pa. 1982); <i>Shaheen v. Knight</i> , 11 Pa. D. & C.2d 41 (1957)	tubal
R.I.		X			<i>Emerson v. Magendantz</i> , 689 A.2d 409 (R.I. 1997)	tubal
S. CARO.				X	[all cases dealing with injured babies]	
S. DAK.				X		
TENN.		X			<i>Smith v. Gore</i> , 728 S.W.2d 738 (Tenn. 1987)	tubal
TEX.		X			<i>Terrell v. Garcia</i> , 496 S.W.2d 124 (1973); <i>Garwood v. Locke</i> , 552 S.W.2d 892 (1977); <i>Flax v. McNew</i> , 896 S.W.2d 839 (1995); <i>Crawford v. Kirk</i> , 929 S.W.2d 633 (1996); <i>Hickman v. Myers</i> , 632 S.W.2d 869 (1982)	sterilization
UTAH		X			<i>C.S. v. Nielson</i> , 767 P.2d 504 (1988)	sterilization
VT.	X?	X?			<i>Begin v. Richmond</i> , 555 A.2d 363 (Vt. 1988) [recognizes claim; does not specify what damages are allowed]	vasectomy/ informed consent
VIRG.		X			<i>Miller v. Johnson</i> , 231 Va. 177 (1986)	abortions
WASH.		X			<i>Bateman v. Valley Clinic</i> , 2005 Wash. App. LEXIS 653 (2005); <i>McKernan v. Aasheim</i> , 102 Wn.2d 411 (1984)	vasectomy, tubal
W. VIRG.		X			<i>James G. v. Caserta</i> , 175 W. Va. 406 (1985)	tubal
WIS.			X		<i>Marciniak v. Lundborg</i> , 153 Wis. 2d 59 (1990)	sterilization
WYO.		X			<i>Beardsley v. Wierdsma</i> , 650 P.2d 288 (Wyo. 1982)	tubal



24 MRSA § 2902 , 24 MRSA § 2931
Minn.Stat. § 145.424
§ 188.130 R.S.Mo.

42 Pa.C.S.A. § 8305
Tenn. Code Ann. § 34-1- 101
Wash. Rev. Code § 9.02.100