



## Federal Judge Dismisses Challenge to Caps on Noneconomic Damages

by George Christian | Apr 27, 2023



Austin Federal District Judge Lee Yeakel has dismissed a challenge to Texas' cap on noneconomic damages in medical liability cases. Plaintiffs in *Winnett, et al. v. Frank, et al.* (No. 1:20-cv-01155-LY) contended that: (1) the Seventh Amendment of the U.S. Constitution should be incorporated through the Fourteenth Amendment and made applicable to the states; and (2) Texas' cap on noneconomic damages in health care liability claims violates the Seventh

Amendment's guarantee that the right to a jury trial shall be "preserved." There has been a long-held view, supported by U.S. Supreme Court precedent, that the Seventh Amendment's right to a jury trial does not apply to the states. State damages caps have also been upheld in many states, including Texas, against both open courts and right to jury trial challenges.

Judge Yeakel, however, never reached the merits of the argument, concluding that the court lacked subject matter jurisdiction to hear the challenge because plaintiffs had no standing to sue. The Office of the Attorney General, which intervened in the case, argued that plaintiffs could not show an injury-in-fact, as required by the standing doctrine. Plaintiffs failed to produce any evidence that the cap affected settlement negotiations in any case or caused actual injury to anyone. Until that happens, the merits of plaintiffs' argument will have to wait until another day.