



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 4 March 2020
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

*Felicia Meyers v MEC, Department of Health, Eastern Cape (1010/2018) [2020]
ZASCA 3 (4 March 2020)*

MEDIA STATEMENT

The Supreme Court of Appeal (SCA) today allowed the appeal of Ms Felicia Meyers against the MEC, Department of Health, Eastern Cape. On 2 March 2010, Ms Meyers' gallbladder was removed by means of a minimal access surgical procedure known as a laparoscopic cholecystectomy performed by a surgeon employed by the Eastern Cape Department of Health. During the procedure, two injuries of two millimetres in diameter each were caused to the common bile duct of Ms Meyers. As a result, bile leaked into her stomach, causing infection. The surgeon who had performed the procedure on her repaired her bile duct a short while later. She instituted an action for damages against the MEC alleging that the surgeon had negligently caused the injuries to her during the operation. The sole issue for decision in the appeal was whether the onus of proving negligence had been established. A majority of the court held that Ms Meyers had succeeded in proving that the surgeon had, indeed, negligently caused the injuries to her bile duct, while a minority held that negligence had not been established.