



Currie v. Alpha Therapeutic Corp.

2004 | Cited 0 times | Court of Appeals of Washington | December 20, 2004

UNPUBLISHED OPINION

JoAnn Currie appeals the trial court order granting summary judgment and dismissing Currie's complaint against Alpha Therapeutic Corporation. We affirm.

In December 2003, Currie filed a complaint in King County against Alpha Therapeutic seeking damages for medical malpractice and/or alleged violations of the standard of care. Currie apparently alleged that in 2001, an employee at Bio Life Plasma Center karate chopped her arm and that Alpha Therapeutic was the proximate cause of the injury because Currie would not have gone to Bio Life if employees at Alpha Therapeutic had not previously caused her pain, suffering, and humiliation.

Alpha Therapeutic answered, asserted the affirmative defense of collateral estoppel, and in February 2004 moved for summary judgment on the ground that the same claims had previously been dismissed. In support of summary judgment, Alpha Therapeutic filed documents establishing the following: Currie had donated plasma at Alpha Therapeutic in the 1990's; her last visit to the center was in 1996;¹ in June 2000, Currie filed a complaint against Alpha Therapeutic in Snohomish County, alleging that she was injured when donating plasma;² in March 2001, the trial court granted Alpha Therapeutic's motion for summary judgment and dismissed the complaint with prejudice; in May 2001, Currie's appeal was dismissed by this court after a panel denied her motion to enlarge the time to file a notice of appeal;³ the Supreme Court thereafter denied review; in June 2002, Currie filed an amended complaint against Alpha Therapeutic in Snohomish County; and in July 2002, the trial court denied the motion and ruled Currie could not file anything else in the case.

In March 2004 King County superior court granted Alpha Therapeutic's motion for summary judgment and dismissed Currie's complaint with prejudice. The court denied Alpha Therapeutic's request for sanctions, but ruled Currie could file no other actions against Alpha Therapeutic in King County without the court's authorization.

Currie appeals. While it is difficult to discern the specific issues she attempts to raise on appeal, it is clear that her allegations in the law suit are based on the same injuries that allegedly occurred in the 1990's and that were the subject of the prior cases. Currie is barred from again raising the same claims. *Rains v. State*, 100 Wn.2d 660, 674 P.2d 165 (1983) (plaintiff's claims barred by res judicata and collateral estoppel). The trial court did not err in granting summary judgment and dismissing her complaint against Alpha Therapeutic. Affirmed.



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COLEMAN, J.

GROSSE, J.

BAKER, J.

1. There is some evidence that Currie was barred from donating plasma at Seattle Alpha Therapeutic centers in 1999.
2. Snohomish County No. 00-2-04872-4.
3. No. 48192-4-I.

