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Law Court Victory for Mavodones and Deane

Joe Mavodones and Devin Deane recently prevailed in the Law Court in *Hogan v. Lincoln Medical Partners, et al.*, 2025 ME 22, — A.3d —, which affirmed the trial court's dismissal of various tort claims asserted against medical providers arising out of the alleged administration of a vaccine. The Law Court's holding was the first time that the Court has addressed the Public Readiness and Emergency Preparedness (PREP) Act, a federal statute that provides broad immunity from tort liability to licensed health professionals, among others, for physical or mental injuries that are alleged to have been caused by the administration of a vaccine during a public health emergency declared by the Secretary of the U.S. Department of Health and Human Services.

In *Hogan*, the parents asserted various tort claims against medical providers arising out of the alleged administration of a vaccine at a school vaccination clinic. In the trial court, the medical providers filed a motion to dismiss the claims pursuant to the PREP Act. The PREP Act provides immunity for "all claims for loss caused by, arising out of, relating to, or resulting from the administration" of a vaccine or other "covered countermeasure" during a declared public health emergency. The only exception to the PREP Act's immunity provision is a federal cause of action filed in Washington, D.C., for any claims asserting "death or serious physical injury" caused by a person's "willful misconduct" in the administration of a vaccine or covered countermeasure. In this case, the trial court granted the motion to dismiss, finding that the medical providers were each immune from liability for the asserted claims.

On appeal, the Law Court affirmed the trial court's dismissal, concluding that the PREP Act's immunity language is "plain, broad, and unambiguous with respect to immunity from tort liability." As a result, the Court determined that the medical providers were immune from suit for any alleged injury resulting from the administration of the vaccine during a public health emergency. The Law Court also determined that the common law tort claims asserted were preempted by the PREP Act, at least to the extent that the claims sought recovery for any tortious conduct for which the medical providers had immunity under the Act.

For more information, please contact Joe Mavadones.

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