

No. 26603 -- Rose v. Thomas Memorial Hospital Foundation, Inc.

FILED

McGraw, J., dissenting: **January 16, 2001**
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OF WEST VIRGINIA

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As stated by Justice Starcher, the plaintiff in this case went to a particular building in South Charleston known as “Thomas Memorial Hospital,” where she allegedly suffered an injury. She may not have known the “official name” of the entity that operated the building; she just knew she went to the location referred by everybody in town as “Thomas Memorial Hospital.”

There is no confusion about which hospital she visited, only confusion over the precise name of the operating entity. She filed, in good faith, a lawsuit against what she thought to be “the hospital.” In my view, she should have her day in court. Thus I respectfully dissent to the majority opinion.