

# WEST VIRGINIA STATUTE OF LIMITATIONS AND LOST SIGHT



**B**ailey & Wyant, PLLC's Managing Member, Charles R. Bailey and Member, Jordan K. Herrick obtained summary judgment on behalf of the healthcare provider at McDowell County Correctional Center.

The plaintiff alleged that his constitutional rights were violated by failing to timely refer him to an ophthalmologist for treatment of a central retinal vein occlusion and as a result, he lost sight in one eye. The Circuit Court of Kanawha County found that as a matter of law, the plaintiff failed to timely file the lawsuit and it was therefore barred by the statute of limitations.

The Court further found that the plaintiff failed to set forth any evidence that there was an official custom or policy of the healthcare provider that violated his Constitutional rights.



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