

CALIFORNIA

FRESNO OFFICE

PREVAILS ON MOTION FOR SUMMARY JUDGMENT IN MEDICAL MALPRACTICE CASE



On January 22, 2020, Plaintiff filed a lawsuit for medical malpractice as a result of injuries he suffered during football practice at his high school in Oakhurst, California. Plaintiff alleged that Defendant, an ambulance services company, should have transported him straight to Community Regional Medical Center instead of Valley Children's Hospital (VCH), even though VCH had the closest pediatric trauma center in the area. Plaintiff, who was 14 years-old at the time, alleged that this transportation decision caused unreasonable delay in treatment and contributed to Plaintiff's leg being later amputated below the knee.

Plaintiff claimed that he had a known vascular emergency in his right leg at the time of his ambulatory transport, and defendants were negligent for admitting him as a patient at VCH knowing that VCH had no vascular surgeon on call at their facility.

Defendant made two vital decisions in transporting Plaintiff. First, Defendant needed to decide whether to transport Plaintiff via helicopter or ambulance. Second, Defendant needed to take Plaintiff to the appropriate hospital depending on factors such as the patient's age, medical condition, and the distance of the nearest trauma center.

In considering whether to transport Plaintiff via helicopter or ambulance, Defendant calculated the time it would take for the helicopter to arrive on the scene, the flight time to the hospital, and the time to load and unload the patient. In this instance, Defendant made the correct choice in transporting Plaintiff via ambulance instead of helicopter.

According to the applicable Central California Emergency Medical Services Manual, pediatric patients age 14 or younger in a critical but stable condition are required to be transported to VCH. Transporting Plaintiff to Community Regional Medical Center would have violated this policy.

Based on this information, attorneys Monica Marks and Gregory

Mase filed a Motion for Summary Judgment on the grounds that Defendant could not be held liable for transporting Plaintiff to VCH because Defendant's paramedic and EMT followed the directions of a VCH nurse to transport Plaintiff to VCH, Defendant followed all applicable Central California emergency regulations, and Plaintiff could not produce any evidence that Defendant caused Plaintiff's injuries.

Judge Michael J. Jurkovich granted Defendant's Motion for Summary Judgment in full.

Monica Marks is an Associate in Ericksen Arbuthnot's Fresno office and can be reached at (559) 449-2600 or mmarks@ericksenarbuthnot.com. Gregory A. Mase is Senior Counsel in Ericksen Arbuthnot's Oakland/East Bay office and chair of the Firm's Appellate Practice Group. He can be reached at (510) 832-7770 or gmase@ericksenarbuthnot.com.



MONICA MARKS

559.449.2600
mmarks@ericksenarbuthnot.com



GREGORY MASE

510.832.7770
gmase@ericksenarbuthnot.com