

■ \$1.5 MILLION SETTLEMENT

Ambulance district settles lawsuit in rollover crash

MOTOR-VEHICLE COLLISION

- **Venue:** Boone County Circuit Court
- **Case Number/Date:** 17CW-CV01118-01/July 24, 2018
- **Judge:** Jeff Harris
- **Plaintiff's Experts:** Nathan St. Claire, Concordia (accident reconstruction); Gary Ludwig, Champaign, Illinois (emergency medical services); Peter Kaplan, Baltimore (neurology); Mitch Mullins, Springfield (life-care planning); John Ward, Prairie Village, Kansas (economics)
- **Caption:** Confidential v. Marion County Ambulance District, Larissa Capps and John Nemes
- **Plaintiff's Attorneys:** A.W. Smith, A.W. Smith Law Firm, Columbia
- **Defendant's Attorneys:** Bradley R. Hansmann, Brown & James, St. Louis (for Capps); D. Keith Henson, Paule, Camazine & Blumenthal, St. Louis (for Nemes and the ambulance district)

BY JESSICA SHUMAKER

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The Marion County Ambulance District has agreed to pay \$1.5 million to settle a man's lawsuit after an ambulance in which he was riding rolled over in a single-vehicle crash.

The plaintiff was an 80-year-old man whose daughters took him to the hospital in July 2017 with symptoms of a stroke.

Doctors evaluated the man in the hospital's emergency department, diagnosed him with a stroke and decided to transfer him to University Hospital in Columbia, according to his attorney, A.W. Smith of the A.W. Smith Law Firm in Columbia.

The transferring physician initially ordered that the man be transported by helicopter, but weather conditions did not allow for it, Smith said. The man instead was transferred by ambulance under a "stat" transfer order.

While on the way to Columbia, the ambulance was involved in a single-vehicle rollover crash, Smith said. He said the driver told the Missouri State Highway Patrol that she hydroplaned and lost control of the vehicle.

Smith said the man received blunt-force injuries to his head in the crash and was transported by a second ambulance service to University Hospital, where he was diagnosed with traumatic brain injury, subarachnoid hemorrhage, a fracture in his C4 vertebra and a vertebral artery dissection in his C4 vertebra.

Smith said his client suffered permanent paralysis on his right side and severe dysarthria, a speech disorder.

The man filed suit in 2017 against the ambulance district; the driver of the ambulance, Larissa Capps; and John Nemes, EMS chief and director of the ambulance district.

The man alleged in his suit that if it weren't for the crash, he more than likely would have recovered from his stroke.

Smith said a dispute arose between the parties regarding the issue of how the ambulance transfer was classified. He said the ambulance district classified the type of ambulance run as an "emergency interfacility transfer" and also "no lights/sirens."

The defendants claimed that because the ambulance was on an emergency run, Capps was entitled to official immunity. Smith said the Missouri State Highway Patrol report, however, stated that the ambulance was not on an emergency run.

The defendants also argued the ambulance district was entitled to sovereign immunity and the cap for its exposure in 2018 was \$420,606, Smith said.

In the lawsuit, the man alleged that the driver of the ambulance was not on an emergency run and Capps was not entitled to official immunity.

The parties finalized the agreement on July 24, Smith said.

Keith Henson of Paule, Camazine & Blumenthal represented the ambulance district. He declined to comment on the settlement. ■