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Dixon v. City of New York

Supreme Court, Appellate Division, Second Department, New York - August 27, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 05946

Mother and infant son brought action against city and city fire department alleging infant's brain injuries were caused by negligence of ambulance dispatcher in sending wrong type of ambulance when mother experienced heavy vaginal bleeding and negligence of ambulance personnel in delaying transport of mother to hospital. The Supreme Court, Kings County, denied defendants' motion for summary judgment. Defendants appealed.

The Supreme Court, Appellate Division, held that:

- Actions of city's ambulance dispatcher were discretionary, and
- Actions of city's emergency medical technicians and paramedics were discretionary.

Actions of city ambulance dispatcher in sending basic life support (BLS) ambulance, instead of advanced life support (ALS) ambulance, to 911-report that pregnant woman was experiencing heavy vaginal bleeding were discretionary, and thus actions were protected by governmental immunity doctrine in personal injury lawsuit brought by woman and her infant child.

Actions of city's emergency medical technicians (EMTs) and paramedics in responding to 911-report that pregnant woman was experiencing heavy vaginal bleeding in calling for advanced life support (ALS) ambulance based on amount of blood loss, in declining assistance of police officers on scene, in requiring woman to wait for ALS paramedics in her apartment, and in administering IV prior to transport to hospital were discretionary, and thus actions were protected by governmental immunity doctrine in personal injury lawsuit brought by woman and her infant child.