

Missouri Lawyers WEEKLY

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Kansas City pays over ambulance death

Settlement reached before lawsuit was filed



Randall W. Brown

The family of a man who died in an ambulance during a nonemergency transfer reached a \$205,000 settlement with the city of Kansas City without filing a lawsuit.

Frank M. Nigro Jr. visited the emergency room of St. Luke's Northland Hospital on Jan. 19 complaining of neck pain. Doctors there diagnosed him as having a spinal lesion on his C5 vertebra and sent him to the hospital's Country Club Plaza location in Kansas City to consult with a neurosurgeon.

Because of a snowstorm that day, the ride in a Kansas City Fire Department ambulance took more than an hour. Nigro died en route, although paramedics did not realize he had died until they arrived at the hospital.

The Nigro family's attorney, Randy Brown, of Thornberry, Eischens & Brown in Kansas City, said an autopsy showed the cause of death to be bacterial myelitis of the cervical spinal cord.

Brown took the case on behalf of the family but

never filed a lawsuit. He said the parties reached the settlement after "two or three phone calls."

"We appreciate the city's assistance in resolving the matter without the need for protracted litigation," Brown said.

In a memo approving the settlement, the city's law department said the "early settlement" was "an appropriate management of the risks of a damage award." The City Council approved the agreement on May 26.

— Scott Lauck

■ \$205,000 settlement

WRONGFUL DEATH

■ **Date:** May 26, 2011

■ **Caption:** Family of Frank M. Nigro Jr. v. City of Kansas City

■ **Plaintiff's Attorney:** Randall W. Brown, Thornberry, Eischens & Brown, Kansas City

■ **Defendant's Attorneys:** Holly Dodge and Galen Beaufort, City Attorney's Office, Kansas City