

Novara Law Obtains Dismissal in Favor of Insurer in Ambulance Tipping Case

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Michael Olcese of Novara Law recently obtained a dismissal of medical provider's claim for personal protection insurance (PIP) benefits following a stretcher tipping incident when EMTs were attempting to lift the stretcher into the ambulance and dropped the patient onto the concrete.

The plaintiff argued MCL 500.3106(1)(b) was applicable, and was entitled to PIP benefits, as an exception to parked motor vehicles because the patient was being lifted on a stretcher into the ambulance.

The Court found there is no issue of material fact that PIP benefits were not owed because there was no casual connection between the injury and the use of the parked ambulance. Moreover, the Court found that MCL 500.3106(1)(b) was inapplicable because the patient was not actively engaged in lifting the stretcher and there was no evidence which would show his injuries arose from his physical contact with the stretcher. Future cases concerning said issue should be analyzed on a case by case basis; however, this result could save Novara Law's client(s) millions of dollars moving forward.

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