

# CASE SUMMARIES

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### Paramedics owe no duty of care to accident victim who repeatedly refuses medical assistance.

Murphy v. City of Petaluma (Nov. 25, 2024, A168012) – Cal.App.5th – [2024 WL 4880016]  
Marites Murphy was involved in a head-on car crash. When paramedics arrived, both Murphy and the other driver were out of their vehicles walking around. Paramedics observed and repeatedly questioned Murphy. They observed no signs of injury, pain, or cognitive impairment, and determined that she was fully responsive and alert. Murphy insisted she was uninjured and did not want or need medical assistance or transportation to a hospital. She continued to refuse treatment even after the paramedics recommended transportation to a hospital for examination by a physician as a precautionary measure. Paramedics concluded that Murphy had the capacity to refuse medical treatment and was exercising her right to do so. Murphy was taken home by her boyfriend, and she later suffered a debilitating stroke while sleeping due to a hypertensive crisis caused by the collision. She sued the city for medical negligence based on the alleged gross negligence of the paramedics who failed to provide her with needed medical treatment and transportation to the hospital.



The trial court granted the city's motion for summary judgment, ruling that the paramedics did not have a duty to provide Murphy with any medical care or transportation to a hospital. Murphy appealed. The Court of Appeal affirmed. The court explained that paramedics, like others, may be liable when their actions increase the risk of harm or when they undertake tasks and perform them negligently. However, the scope of any assumed duty is measured by the nature of the undertaking. Here, the paramedics undertook to assess whether Murphy exhibited an obvious injury and whether she was competent to refuse medical care. Because there was no evidence that the paramedics negligently performed that assessment, and Murphy repeatedly refused medical treatment, the paramedics never assumed any duty to provide Murphy with medical care or transportation to a hospital. Rather, they left Murphy in the same position as they found her.