

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI

SHARON LARUE,

Plaintiff,

-vs-

CITY OF ST. LOUIS,

(Serve:

Mayor Tishaura O. Jones

St. Louis City Hall

1200 Market Street, Room 200

St. Louis, Missouri 63103)

and

MICHAEL WOJICK,

(Serve:

4651 Meramec Boulevard

Eureka, Missouri 63025)

and

LATAIRA FRAZIER,

(Serve:

2145 Lindsay Lane

Florissant, Missouri 63031)

Defendants.

Cause No.

Division No.

JURY TRIAL DEMANDED

**PETITION FOR DAMAGES**

**Common Allegations**

COMES NOW Plaintiff Sharon LaRue and for her cause of action against Defendants

City of St. Louis, Michael Wojick, and LaTaira Frazier, states:

1. This cause is commenced and prosecuted pursuant to the provisions of Section 537.080 R.S.Mo. (2020), commonly known as the Missouri Wrongful Death Act, for the wrongful death of Rodney LaRue (Decedent) on September 27, 2021.

2. Decedent was survived by his sister, Plaintiff Sharon LaRue.

3. Decedent was not married at the time of his death nor was he survived by his natural parents or any children.
4. Plaintiff is a resident and citizen of the State of Missouri.
5. Defendant City of St. Louis is a public entity duly organized and existing pursuant to Article 6, Section 31 of the Missouri Constitution.
6. That at all times herein mentioned, Defendant City operated a fire department, one of which its responsibilities are to provide medical and ambulance services to citizens; that such ambulance services include ambulance transportation to hospitals located in the City of St. Louis, including Barnes-Jewish Hospital.
7. Defendant Michael Wojick is a resident and citizen of the State of Missouri.
8. Defendant LaTaira Frazier is a resident and citizen of the State of Missouri.
9. That Defendant City employs Defendants Wojick and Frazier as emergency medical technicians; that Defendants Wojick and Frazier are licensed to practice in the State of Missouri and at all times herein mentioned acted as health care providers to Decedent.
10. That at all times herein mentioned, Defendant City acted by and through its agents, servants, and employees, including Defendants Wojick and Frazier, who at all times herein mentioned acted within the course and scope thereof.
11. That at all times herein mentioned, Defendant City maintained an insurance policy covering its fire department, specifically that division providing ambulance services and all the activities described herein; that by virtue of its purchase of liability insurance and payment of policy premiums, Defendant City waived sovereign immunity pursuant to Section 71.185 R.S.Mo. (2020) for the actions and omissions herein described.

12. That on or about the 27<sup>th</sup> day of September, 2021, the motorized scooter operated by Decedent was struck by a motor vehicle operated by Ashley Colville; that the collision occurred at the intersection of Arsenal Street and Ivanhoe Avenue in the City of St. Louis; that Decedent suffered injury to multiple organs, including his left kidney, and his right flank and that those injuries required medical aid, including prompt ambulance transport to a trauma center.

13. That the aforesaid collision was witnessed by a police officer employed by the St. Louis Metropolitan Police Department; upon witnessing the collision, the police officer immediately reported the collision to the appropriate dispatch agency and requested the provision of ambulance services.

14. That after taking the aforesaid report, the dispatcher promptly dispatched various first responders to the scene, including Medic Unit 32; that Medic 32 is a motor vehicle, specifically an ambulance, then staffed by two emergency medical technicians; that the dispatcher notified Medic 32 that medical aid and ambulance transportation services were needed due to the report of an “Accident with Injuries” and directed Medic 32 to promptly report to the aforesaid intersection.

15. Defendants Wojick and Frazier were assigned to Medic 32; that at the time of said assignment, Defendants Wojick and Frazier knew that the call involved a “MVA-high mechanism, car vs. motorcycle”; that Defendant Wojick drove and otherwise operated Medic 32 at such time.

16. That while in route, Medic 32 was struck by a rock thrown by a pedestrian; that in response, Defendant Wojick stopped Medic 32 and ceased Medic 32’s response to the aforesaid intersection; eventually, a supervisor directed Medic 32 to continue to the scene; that Defendant

Wojick or Defendant Frazier or both of them took Medic 32 out of service for at least 29 minutes before reinitiating their route.

17. Medical services were provided by other members of Defendant City's fire department before Medic 32 arrived; unfortunately, Decedent required ambulance transport to a trauma center and, before Medic 32's arrival, no vehicle or other apparatus then present was equipped for such transfer; after arriving, Medic 32 transmitted Decedent to Barnes-Jewish Hospital in the City of St. Louis; that trauma surgeons provided surgical treatment to Decedent which ultimately proved unsuccessful.

18. That Decedent would have survived those injuries he suffered in the collision but for the 29-minute delay in transporting him from the collision scene to Barnes-Jewish Hospital.

19. That the 29-minute delay in transporting Decedent from the collision scene to Barnes-Jewish Hospital caused or contributed to cause Decedent's death.

**Count I**  
**Wrongful Death**  
**Defendant City of St. Louis**

COMES NOW Plaintiff Sharon LaRue, by and through counsel, and for Count I of her cause of action against Defendant City of St. Louis, states:

20. Plaintiff realleges and incorporates by reference as though fully set forth herein each and every allegation contained and set forth in her Common Allegations, above.

21. That as a direct result of the aforesaid occurrence and the negligence of Defendant City, Decedent died.

22. That as a further direct result of the negligence of Defendant City, Decedent was caused to sustain conscious pain and suffering up to and through the time of his death.

23. That as a further direct result of the aforesaid occurrence and resulting injuries and damages sustained by Decedent, Plaintiff has been caused to incur funeral, burial, and other death-related expenses for Decedent in an amount exceeding Five Thousand Dollars (\$5,000.00).

24. That as a further direct result of the aforesaid occurrence and resulting injuries and damages sustained by Decedent, including his death, Plaintiff has been caused to lose the services, society, support, consortium, companionship, comfort, instruction, guidance, and counsel of her brother.

25. That the aforesaid occurrence and the resulting injuries and damages sustained by Plaintiff were directly and proximately caused by the negligence and carelessness of Defendant City in the following respects, to-wit:

- (a) Defendants negligently and carelessly stopped operation of Medic 32 following the ambulance's dispatch to the aforesaid collision scene;
- (b) Defendants negligently and carelessly slowed operation of Medic 32 following the ambulance's dispatch to the aforesaid collision scene;
- (c) Defendants negligently and carelessly delayed the operation of Medic 32 for up to 29 minutes following the thrown rock incident involving a pedestrian;
- (d) Defendant City negligently and carelessly failed to immediately order Medic 32 to continue its route to the aforesaid collision after Defendants Wojick and Frazier stopped operation of the ambulance; and
- (e) Defendant City negligently and carelessly failed and omitted to dispatch a second Medic Unit to the collision scene after Defendants Wojick and Frazier informed Defendant of the cessation of their response.

WHEREFORE, Plaintiff Sharon LaRue states that she has been damaged, for which damage she prays judgment against Defendant City of St. Louis in such sum which may be fair and reasonable in the premises, but in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with prejudgment interest and her costs in this behalf expended.

**Count II**  
**Wrongful Death**  
**Defendants City of St. Louis, Michael Wojick and LaTaira Frazier**

COMES NOW Plaintiff Sharon LaRue, by and through counsel, and for Count II of her cause of action against Defendants City of St. Louis, Michael Wojick and LaTaira Frazier, states:

26. Plaintiff realleges and incorporates by reference as though fully set forth herein each and every allegation contained and set forth in her Common Allegations, above.

27. That Defendant City maintained departmentally mandated policies and protocols requiring Medic Units and their assigned staff, including emergency medical technicians, to:

- (a) promptly respond to the scene of an “Accident with Injury”;
- (b) respond to the scene of an “Accident with Injury” without delay;
- (c) respond to the scene without interruption absent the inability of the ambulance to safely operate and transport patients;
- (d) respond to the scene without interruption unless directed otherwise by a superior officer;
- (e) respond to the scene without interruption until notified about the existence of an alternative means to transfer a patient from the scene to the nearest trauma center;
- (f) immediately request back-up should the ambulance become inoperable during the course of its response;

(g) promptly transport injured persons from the scene to the nearest trauma center; and

(h) transport of injured persons from the scene to the nearest trauma center without delay.

28. That applicable state law and regulation, municipal ordinance, and department regulations require all Medic Units and their assigned staff to comply with the aforesaid policies and protocols; that Defendant Wojick and Frazier had no discretion or choice whatsoever but to act in conformity with the aforesaid policies and protocols.

29. That as a direct result of the aforesaid occurrence and the negligence of Defendants Wojick and Frazier, Decedent died.

30. That as a further direct result of the negligence of Defendants Wojick and Frazier, Decedent was caused to sustain conscious pain and suffering up to and through the time of his death.

31. That as a further direct result of the aforesaid occurrence and resulting injuries and damages sustained by Decedent, Plaintiff has been caused to incur funeral, burial, and other death-related expenses for Decedent in an amount exceeding Five Thousand Dollars (\$5,000.00).

32. That as a further direct result of the aforesaid occurrence and resulting injuries and damages sustained by Decedent, including his death, Plaintiff has been caused to lose the services, society, support, consortium, companionship, comfort, instruction, guidance, and counsel of her brother.

33. That the aforesaid occurrence and the resulting injuries and damages sustained by Plaintiff were directly and proximately caused by the negligence and carelessness of Defendants

City, Wojick and Frazier in failing to follow specific ministerial duties as established by applicable state law and regulation, municipal ordinance, and department policy, to-wit:

- (a) Defendants negligently and carelessly failed and omitted to promptly respond to the scene of the “Accident with Injury” involving Decedent;
- (b) Defendants negligently and carelessly failed and omitted to respond without delay to the scene of the “Accident with Injury” involving Decedent;
- (c) Defendants negligently and carelessly failed and omitted to respond to the scene without interruption despite the capacity of their ambulance to safely operate and transport patients;
- (d) Defendants negligently and carelessly removed Medic 32 from service for at least 29 minutes;
- (e) Defendants negligently and carelessly removed Medic 32 from service for at least 29 minutes without just excuse;
- (f) Defendants negligently and carelessly failed and omitted to respond to the scene without interruption despite the absence of supervisory instruction directing Defendants to cease their response;
- (g) Defendants negligently and carelessly failed and omitted to respond to the scene without interruption despite the absence of information confirming that an alternative means existed to transfer Decedent from the scene to the nearest trauma center;
- (h) Defendants negligently and carelessly failed and omitted to immediately request back-up;



(i) Defendants negligently and carelessly failed and omitted to promptly transport Decedent from the scene to the nearest trauma center; and

(j) Defendants negligently and carelessly failed and omitted to transport Decedent from the scene to the nearest trauma center without delay.

WHEREFORE, Plaintiff Sharon LaRue states that she has been damaged, for which damage she prays judgment against Defendants City of St. Louis, Michael Wojick and LaTaira Frazier in such sum which may be fair and reasonable in the premises, but in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with prejudgment interest and her costs in this behalf expended.

CASEY, DEVOTI & BROCKLAND

*/s/ Matthew J. Devoti*

by

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