

Can You Sue an Ambulance for Taking Too Long in California?

Yes, you can file a lawsuit against an ambulance service for an unreasonable delay, but the legal pathway is narrow and complex. A successful claim hinges not on the delay itself, but on proving that the delay was a result of professional negligence and that this negligence directly caused a quantifiable injury or wrongful death. Furthermore, if the ambulance service is a public entity, the case must overcome significant legal hurdles presented by governmental immunity.

As a trial lawyer with extensive experience in medical malpractice and personal injury cases, I've seen the devastating impact of delayed emergency medical response. A family's life can be irrevocably altered in a matter of minutes. However, the legal path to holding an ambulance service accountable is complex and requires a clear understanding of negligence law. This guide breaks down the essential elements of such a claim, clarifying the high bar a plaintiff must clear to be successful.

The Critical Factor: [Proving Negligence, Not Just Delay](#)

In any personal injury or wrongful death claim, the central issue is negligence. A delayed ambulance arrival, while frustrating and potentially harmful, does not automatically constitute grounds for a lawsuit. The law requires the plaintiff (the injured party) to prove that the emergency medical personnel or the dispatching agency failed to meet the professional "standard of care."

The 4 Elements of Negligence You Must Prove

To establish a valid claim for medical negligence against an ambulance service, a plaintiff's attorney must prove four distinct elements:

1. Duty of Care: It must be shown that a professional relationship

existed, creating a duty of care. When an ambulance service accepts a 911 call, it establishes a duty to respond and provide competent medical aid to the patient.

2. Breach of Duty: This is the core of the case. The plaintiff must demonstrate that the ambulance service or its personnel breached their duty by acting (or failing to act) in a way that a reasonably competent and skilled emergency service would not have under similar circumstances. A delay caused by a dispatcher sending a crew to the wrong address could be a breach, whereas a delay from a severe, unforecasted traffic jam might not be.

3. Causation: The plaintiff must prove, typically through expert medical testimony, that the breach of duty (the unreasonable delay) was a direct and proximate cause of the patient's injury, worsened condition, or death. It must be shown that had the ambulance arrived in a reasonable time, the outcome would have been significantly better.

4. Damages: Finally, the plaintiff must have suffered actual, compensable harm. This can include additional medical bills, long-term care costs, lost wages, and, in wrongful death cases, loss of financial support and companionship for surviving family members.

In my experience, the most challenging element to prove is causation.

It's not enough to show there was a delay and a bad outcome. We must use expert medical testimony to draw a direct, legally sufficient line from that specific delay to the patient's worsened condition or death. This is where many of these cases are won or lost. By GIGI M.

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KNUDTSON, Founder of Knudtson & Associates

Who Can Be Held Liable for an Ambulance Delay?

Identifying the correct defendant is a critical step. Liability for an ambulance delay can fall upon one or more parties, and the legal strategy changes depending on who is responsible.

- **Private Ambulance Companies:** These are often easier to sue as they operate like any other private business and are subject to standard negligence laws. Their liability stems from their service contracts and the general duty of care owed to their patients.
- **Government/Municipal EMS:** Suing a public entity like a city or county fire department is significantly more complex due to the California Tort Claims Act. Public entities are protected by “sovereign immunity,” which provides broad protection from lawsuits except under specific circumstances.
- **Individual EMTs/Paramedics:** While an individual paramedic can be sued for negligence, lawsuits are more commonly filed against their employer (the company or public entity) under the doctrine of “vicarious liability.”
- **911 Dispatch Centers:** A negligent act by a 911 dispatcher, such as providing incorrect information or failing to dispatch a unit in a timely manner, can also be a source of liability. However, Health & Safety Code §1799.107 provides qualified immunity to public entities and personnel for emergency services, unless their actions were performed in bad faith or in a grossly negligent manner.

A key challenge in cases against public entities is sovereign immunity. Under the California Government Code, public entities and

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their employees are generally immune from liability for injuries resulting from discretionary acts. For example, a policy decision on how to allocate ambulances across a city is likely a discretionary act and immune from suit. However, the negligent performance of a ministerial or operational act, once a response is undertaken, may not be immune.

Valid Reasons for a Lawsuit vs. Unlikely Scenarios

Understanding what constitutes a plausible claim is essential. The distinction rests on whether the delay was reasonable and foreseeable versus negligent and preventable.

Potential Grounds for a Lawsuit

Dispatcher error (e.g., wrong address, incorrect coding of emergency severity).

Ambulance sent to a non-emergency call when a critical call was pending.

Failure to properly maintain the ambulance, leading to a mechanical breakdown.

Inadequate staffing levels that were known to be dangerous, violating established standards.

EMT or paramedic intoxication or impairment.

Difficult to Prove / Likely Not Actionable

Unforeseeable, extreme traffic conditions or widespread road closures.

Extreme weather events (e.g., flooding, severe storms) that impede all traffic.

Delay in a remote or hard-to-access location, provided the crew took the most direct route.

Paramedics staging near a dangerous scene until police arrive to secure it, as affirmed in cases like *Zepeda v. City of Los Angeles*.

A patient's condition was so severe that even an immediate response would not have changed the outcome.

Steps to Take if You Believe You Have a Case

If you suspect that harm was caused by a negligent ambulance delay, it is crucial to take specific steps to preserve your legal rights.

Document Everything: Write down all details you can remember. Note the time the 911 call was placed, the time the ambulance arrived, any conversations you had with the dispatcher or paramedics, and the names of any witnesses.

Request Records: Obtain copies of the complete patient care report (PCR) from the ambulance service and all related medical records from the receiving hospital. These documents are critical evidence.

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Adhere to Deadlines: The statute of limitations for filing a claim is strict. For a claim against a California public entity, you must typically file a formal notice of claim within six months of the injury. Failure to do so can permanently bar your right to sue.

Consult with Legal Counsel: These cases are factually and legally complex. An attorney experienced in medical malpractice and governmental tort liability can assess the viability of your claim, hire necessary medical experts, and navigate the procedural requirements of the California Tort Claims Act.

Frequently Asked Questions

How long is “too long” for an ambulance to arrive?

There is no single legal definition for “too long.” The standard is “reasonableness” under the circumstances. Many local EMS agencies have internal response time goals (e.g., under 10 minutes for a critical call), but failing to meet these goals is not automatic proof of negligence. The key legal question is whether the reason for the delay was a breach of the professional standard of care.

What kind of compensation can be recovered in an ambulance negligence lawsuit?

If negligence is proven, a plaintiff may recover economic damages (past and future medical expenses, lost wages, loss of earning capacity) and non-economic damages (pain, suffering, emotional distress, loss of enjoyment of life). In California, non-economic damages in medical malpractice cases are subject to a statutory cap.

What if the paramedics refuse to treat or transport someone?

As a general rule, a paramedic or other individual has no duty to come to the aid of another. However, once they have been dispatched to and arrived at a scene, a special relationship may be formed that creates a duty to act. A refusal to treat or transport could be considered a breach of that duty, provided the refusal was not justified (e.g., by an unsafe scene). The case of *Zepeda v. City of Los Angeles* established that paramedics could not be held liable for waiting for police to secure a dangerous scene before rendering aid.

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Gigi Knudtson is the founder of the law firm Knudtson & Associates. A trial lawyer since 1984, she handles complex civil litigation, including medical malpractice, personal injury, and commercial disputes for both individuals and companies. Her firm is woman-owned, and she is dedicated to advancing the interests of women and minorities.

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