

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

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| RUTH MICKELS, ET AL., |) | No. ED101147 |
| |) | |
| Plaintiffs/Appellants, |) | Appeal from the Circuit Court of |
| |) | Marion County |
| vs. |) | |
| |) | Honorable Rachel L. Bringer Sheperd |
| RAMAN DANRAD, M.D., |) | |
| |) | Filed: December 23, 2014 |
| Defendant/Respondent. |) | |

Plaintiffs Ruth Mickels, Joseph Mickels, Jr., Brittany Mickels, and Jennifer Unglesbee appeal the Circuit Court of Marion County's grant of summary judgment in favor of defendant Dr. Raman Danrad.

AFFIRMED.

DIVISION FOUR HOLDS: To withstand summary judgment, the plaintiffs were required to allege that Mr. Mickels would not have died but for Dr. Danrad's failure to diagnose his brain tumor. They alleged instead that Dr. Danrad's negligence only accelerated Mr. Mickels's inevitable death from the tumor by six months. Because the undisputed facts show that Mr. Mickels's brain tumor was terminal and would have caused his death regardless of Dr. Danrad's alleged medical negligence, the plaintiffs' claim fails as a matter of law. A terminal illness in the decedent defeats the requisite element of causation in a claim for wrongful death based on medical negligence.

Opinion by: Lisa S. Van Amburg, J.
Angela T. Quigless, C.J. and Roy L. Richter, J. concur.

Attorney for Appellant: Stephen Woodley and Thomas Neill (co-counsel)
Attorney for Respondent: John Morthland and Amy Ohnemus (co-counsel)

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IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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