

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

GERARDO FELICIANO VAZQUEZ,
GRIZZLY LORNA DE JESUS
FELICIANO, GRISOYDA LIZ DE JESUS
FELICIANO,

Plaintiff,

vs.

DOCTORS' CENTER HOSPITAL SAN
JUAN, INC.; DR. JOSE F. GARCIA
TRONCOSO; CONJUGAL
PARTNERSHIP GARCIA-DOE; DR.
ESTEBAN RAMOS; CONJUGAL
PARTNERSHIP RAMOS-ROE;
SINDICATO DE ASEGURADORES PARA
LA SUSCRIPCION CONJUNTA DE
SEGURO DE RESPONSABILIDAD
PROFESIONAL MEDICO-
HOSPITALARIA ("SIMED"); as well as
any Other Joint Tortfeasors John Doe and
James Roe; XYZ Insurance Companies,

Defendants.

CIVIL NO. 10-1765 (____)

TORT ACTION FOR MEDICAL
MALPRACTICE

TRIAL BY JURY DEMANDED

COMPLAINT

TO THE HONORABLE COURT:

APPEAR NOW the plaintiffs, GERARDO FELICIANO VAZQUEZ, GRIZZLY LORNA DE JESUS FELICIANO, GRISOYDA LIZ DE JESUS FELICIANO, through the undersigned attorneys, and respectfully state, allege and request as follows:

JURISDICTIONAL BASIS

1. This case is based upon diversity jurisdiction under 28 U.S.C. §1332.

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2. Plaintiffs GERARDO FELICIANO VAZQUEZ, GRIZZLY LORNA DE JESUS FELICIANO, GRISOYDA LIZ DE JESUS VAZQUEZ, are domiciliaries and residents of the state of Florida.
3. All Defendants are domiciled, incorporated or with principle place of business in Puerto Rico or in another state other than Florida.
4. The matter in controversy exceeds the sum of Seventy Five Thousand Dollars (\$75,000), exclusive of interest and costs, vesting jurisdiction on this Honorable Court pursuant to 28 U.S.C. § 1332.
5. Venue is proper in the District of Puerto Rico pursuant to 28 U.S.C. §1391, since the events or omissions giving rise to this claim occurred in this district.

THE PARTIES

6. Plaintiff GERARDO FELICIANO VAZQUEZ is of legal age, son of Ms. Joaquina Vázquez and resident of the state of Florida.
7. Plaintiff GRIZZLY LORNA DE JESUS FELICIANO is of legal age, granddaughter of Joaquina Vázquez and resident of the state of Florida.
8. Plaintiff GRISOYDA LIZ DE JESUS FELICIANO is of legal age, granddaughter of Joaquina Vázquez and resident of the state of Florida.
9. Defendant DOCTORS' CENTER HOSPITAL SAN JUAN, INC. (hereinafter "DOCTORS' CENTER HOSPITAL" or 'hospital') is a corporation duly incorporated and registered under the laws of Puerto Rico and with its principal place of business in Puerto Rico.
10. Defendant DOCTORS' CENTER HOSPITAL owns and/or operates a hospital located at

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1395 San Rafael Street in Santurce, Puerto Rico, wherein it provides its patients with hospital care.

11. Defendant Dr. JOSE F. GARCIA TRONCOSO (hereinafter "Garcia" or "Dr. Garcia Troncoso") is a surgeon authorized to practice medicine in Puerto Rico.
12. Upon information and belief, defendant Dr. Garcia Troncoso is married, and thus, together with his wife, they constituted the CONJUGAL PARTNERSHIP GARCIA-DOE at all times relevant to this cause of action and is liable for the damages caused by the other spouse while engaging in those activities which benefit the conjugal partnership.
13. Defendant Dr. ESTEBAN RAMOS (hereinafter "Ramos" or "Dr. Ramos") is an internist authorized to practice medicine in Puerto Rico.
14. Upon information and belief, defendant Dr. Ramos is married, and thus, together with his wife, they constituted the CONJUGAL PARTNERSHIP RAMOS-ROE at all times relevant to this cause of action and is liable for the damages caused by the other spouse while engaging in those activities which benefit the conjugal partnership.
15. Upon information and belief, defendant SINDICATO DE ASEGURADORES PARA LA SUSCRIPCION CONJUNTA DE SEGURO DE RESPONSABILIDAD PROFESIONAL MEDICO-HOSPITALARIA (hereinafter, "SIMED") is an insurance company organized, existing and with their principal place of business in Puerto Rico or a state or territory other than Florida, which issued a professional liability insurance policies on behalf of defendants Dr. Garcia, Dr. Ramos, Doctors' Center Hospital and/or other unknown joint tortfeasors.
16. Defendants JOHN DOE and JAMES ROE are unknown joint tortfeasors, and XYZ Insurance

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Company are fictitiously named herein to be later replaced by their actual names which may become known through further discovery in this litigation, and who may be therefore liable to Plaintiffs, in whole or in part, for the actions herein described and the damages suffered by Plaintiffs.

GENERAL ALLEGATIONS

17. Ms. Joaquina Vázquez was at the time of her death, a 77 year-old patient of co-defendants Dr. Ramos, Dr. Garcia Troncoso and Doctors' Center Hospital.
18. At all times material hereto, co-defendant Dr. Ramos was an internist with privileges and was allowed to practice medicine at Doctors' Center Hospital at the time of admission of Ms. Joaquina Vázquez to Doctors' Center Hospital.
19. Doctors' Center Hospital assigned Dr. Esteban Ramos as Joaquina Vázquez' internal medicine doctor.
20. On August 10, 2009, Dr. Ramos admitted patient Joaquina Vázquez with a preliminary diagnosis of dehydration induced diarrhea and recto-vaginal fistula.
21. On August 14, 2009, surgeon Dr. Garcia Troncoso was consulted regarding her medical condition.
22. Dr. Ramos was Joaquina Vázquez' attending physician and as such, was in charge of the patient's care at the Doctors' Center Hospital.
23. Dr. Garcia Troncoso decided to operate on Joaquina Vázquez.
24. On August 20, 2009 between 8:55 am and 10:05 am, Dr. Garcia Troncoso performed a colostomy on Joaquina Vázquez.

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25. Joaquina Vázquez had exhibited fever during her hospitalization at Doctors' Center Hospital.
26. As recently as midnight of August 20, 2009, the medical record reflects Joaquina Vázquez had a fever of 38.5C.
27. The following day, on August 21, 2009, at approximately 1:10 pm, hospital records reflect that Joaquina Vázquez was discharged home from the hospital.
28. Discharge occurred without the surgeon adequately examining patient and her record to ensure she was in condition to leave the hospital.
29. Joaquina Vázquez was discharged without ensuring the colostomy was functional and the bowel was unobstructed.
30. Joaquina Vázquez was discharged without any demonstration of use, operation, replacement of colostomy bag.
31. Joaquina Vázquez was discharged without any particular dietary instructions or cleaning colostomy bag and area.
32. Joaquina Vázquez was discharged without verifying whether she had bowel movement into the colostomy bag.
33. Dr. Garcia Troncoso consented to patient Vázquez' discharge home as of 10:30 am on August 21, 2009.
34. Joaquina Vázquez was taken home by family members and shortly after eating that Saturday evening, felt ill and began vomiting dark and foul-smelling matter.
35. An ambulance was called and Joaquina Vázquez was taken immediately back to Doctors' Center Hospital at approximately 1:00 am on Sunday, August 23, 2009.

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36. Joaquina Vázquez returned to Doctors' Center Hospital's emergency department and reported she had just been discharged after a colostomy and was vomiting dark foul smelling and coffee grain-like matter resembling blood.
37. Joaquina Vázquez lay unattended for hours at emergency department corridors of Doctors' Center Hospital.
38. Joaquina Vázquez had to resort to vomiting in a trash can while awaiting treatment at the hospital's emergency department. Hours passed without the emergency room doctor or nursing personnel attending to patient, despite patient's daughter's repeated pleas to emergency department doctor to see her mother.
39. Emergency department records initial entries begin at approximately 4:00 am on Sunday, August 23, 2009.
40. Joaquina Vázquez' condition progressively turned for the worse, with continued vomiting, abdominal pain and dehydration.
41. Joaquina Vázquez' medical condition was not being closely monitored and/or was not being attended to in a timely or adequate fashion.
42. Despite the signs of sepsis shown by Joaquina Vázquez, which required the administration of antibiotics, many hours passed before they were ordered and then administered.
43. Despite Joaquina Vázquez' worsening condition, hospital personnel failed to timely contact Dr. Ramos or another attending internist.
44. In spite of the repeated requests by the patient's family, it was not until approximately 7:00 am that the emergency room doctor requested a consultation with Dr. Ramos.

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45. It was not until 11:20 am that Dr. Ramos answered the consult.
46. Dr. Ramos informed the patient and her family that he was worried because the patient was septic, febrile and cyanotic.
47. Dr. Ramos ordered Joaquina Vázquez to be admitted to hospital ward.
48. Joaquina Vázquez was not taken to her room until after 6:00 pm that evening and vital medical orders were not executed by nursing staff until after this event.
49. Hospital records reflect in various entries that Joaquina Vázquez was allergic to penicillin.
50. Despite the fact that Joaquina Vázquez was allergic to penicillin, it was ordered by the doctor and administered by the nursing personnel to this patient.
51. Although required for a patient in Joaquina Vázquez' condition, a nasogastric tube ("NG tube") was not timely ordered.
52. Even after the NG tube was ordered, it was not timely placed in patient Vázquez.
53. Hospital nursing personnel tried on three (3) occasions to insert the NG tube into patient Vázquez, but failed to place the NG tube in correctly and, in fact, inserted it backwards.
54. In spite of the fact that Joaquina Vázquez was severely dehydrated due to vomiting, doctors failed to timely order proper or adequate hydration.
55. Joaquina Vázquez was not hydrated while in the emergency department.
56. The infectologist finally corrected the life threatening mistake of administering penicillin to a patient allergic to it.
57. Treatment and monitoring of Joaquina Vázquez was substandard at Doctors' Center Hospital.

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58. Joaquina Vázquez was placed in a regular room in the hospital ward, even though her condition required to be placed in intensive care unit for close monitoring.
59. Joaquina Vázquez was transferred from room to room in different floors of the hospital.
60. Joaquina Vázquez' daughter reported that her mother was having serious difficulty breathing.
61. A nurse, without examining patient, ignored the warnings given by Joaquina Vázquez' daughter retorting it was merely low blood sugar.
62. Joaquina Vázquez' daughter continued insisting on calling a doctor, but the nurse would not react to the respiratory emergency.
63. When the nurse finally approached to examine the patient, she began taking the vitals of the patient's daughter instead of the patient herself.
64. Joaquina Vázquez' daughter had to alert the nurse, she was checking her arm and not the patient's before the nurse reacted.
65. Eventually the nurse called a doctor, who arrived much later.
66. Once the doctor arrived, he waited for over ten (10) minutes before he called an emergency code.
67. At the resuscitation scene, there was no crash-cart, ambubag or intubation to be observed.
68. Nursing care was below standard as well as unprofessional and inhuman.
69. Doctors' Center Hospital's personnel was negligent in the care of Joaquina Vázquez.
70. Dr. Ramos did not provide timely and/or adequate medical care to Joaquina Vázquez.
71. Hospital nurses failed to heed to patient's daughters' calls of the patient's distress, merely saying it was nothing, but due to a dip in patient's blood sugar.

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72. Doctors' Center Hospital's personnel belatedly and ineffectively administered medical assistance to counteract the respiratory distress and prevent the death of the patient.
73. Doctors' Center Hospital personnel were unable to adequately treat Joaquina Vázquez in her hospital room and never transferred her to ICU in order to receive the adequate treatment.
74. Joaquina Vázquez died as a result of the lack of timely and effective medical treatment administered by Doctors' Center Hospital's nursing and medical personnel assigned to her treatment.

FIRST CAUSE OF ACTION
AGAINST DOCTORS' CENTER HOSPITAL

75. The allegations contained above are incorporated by reference as if again fully set forth herein.
76. Defendant Doctors' Center Hospital, through its acts or omissions caused damage to Plaintiffs through fault or negligence in violation of 31 L.P.R.A. § 5141, 5142.
77. Defendant Doctors' Center Hospital has an emergency department within its hospital premises.
78. Defendant Doctors' Center Hospital, at the relevant times of this complaint, operated or contracted to operate an emergency department within its premises.
79. Defendant Doctors' Center Hospital sets up policies, procedures and/or requirements for the operation of the emergency department on its premises.
80. Defendant Doctors' Center Hospital supplies nursing, clerical and administrative personnel to the emergency department.
81. Defendant Doctors' Center Hospital derives revenue from the services provided at and by

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the emergency department within its premises.

82. Defendant Doctors' Center Hospital is responsible and liable for medical malpractice occurring at the emergency department located on its premises.
83. The treatment offered by Doctors' Center Hospital, through its personnel, to Joaquina Vázquez was below the medical standard that satisfies the exigencies generally recognized by the medical profession in light of the modern means of communication and teaching, and as such directly caused and/or contributed to causing Plaintiffs the untimely death of their beloved mother, Joaquina Vázquez, and the injuries as described herein.
84. Defendant Doctors' Center Hospital's personnel failed to exercise the care and precautions required under the circumstances in order to prevent the loss of Joaquina Vázquez' life.
85. Defendant Doctors' Center Hospital's personnel lacked the required knowledge and medical skill.
86. Defendant Doctors' Center Hospital failed to timely have available the personnel and equipment necessary to avoid the injuries and subsequent death of Joaquina Vázquez.
87. Defendant Doctors' Center Hospital negligently failed to initiate timely and appropriate therapeutic treatments upon Joaquina Vázquez.
88. Defendant Doctors' Center Hospital negligently failed to recognize the serious nature of the Joaquina Vázquez' condition.
89. Defendant Doctors' Center Hospital negligently and carelessly failed to refer Joaquina Vázquez to the intensive care unit for adequate monitoring and treatment of her serious condition.

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90. Defendant Doctors' Center Hospital negligently and carelessly failed to timely refer Joaquina Vázquez for evaluation to a qualified physician.
91. Defendant Doctors' Center Hospital negligently failed to contact and communicate the urgency and rapidly deteriorating condition of Joaquina Vázquez' with appropriate consultants on a timely basis.
92. Defendant Doctors' Center Hospital negligently failed to provide the medical treatment and equipment to timely provide the therapeutic treatments in time to resuscitate Ms. Vázquez.
93. At all times herein pertinent, defendant Doctors' Center Hospital, its directors, officers, and employees were negligent in failing to provide the proper medical attention to Joaquina Vázquez, in failing to provide the proper supervision of defendants Dr. Ramos and Dr. Garcia Troncoso and the medical personnel it employs, and otherwise failing to exercise due care and caution to prevent the tortious conduct and injuries to Plaintiffs and Joaquina Vázquez.
94. Defendant Doctors' Center Hospital not only failed to adequately supervise the defendant physicians, but permitted the use of its facilities, allowing, encouraging, and condoning the negligent care and improper treatment of Joaquina Vázquez, proximately and directly causing Plaintiffs' injuries.
95. Defendant Doctors' Center Hospital offered medical services to Joaquina Vázquez, but failed to staff its hospital with the medical personnel and equipment necessary to timely, adequately and safely treat Joaquina Vázquez.
96. In so doing, defendant Doctors' Center Hospital misled Joaquina Vázquez, who sought full

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hospital treatment into thinking that she would be adequately treated.

97. Defendant Doctors' Center Hospital did not provide the timely services of nursing and medical personnel capable of handling the emergency medical conditions.
98. As a direct and proximate result of defendant Doctors' Center Hospital's lack of available physicians as well as the supervision of the treating physicians, technicians and other medical personnel and its failure to staff its clinic with the medical personnel and equipment necessary to appropriately treat such emergency situations at Doctors' Center Hospital, Doctors' Center Hospital and its personnel negligently caused the untimely death of Plaintiffs' mother and the injuries as described herein.
99. As a direct and proximate cause of defendant Doctors' Center Hospital and its personnel's substandard medical care and failure to adequately treat Joaquina Vázquez, Plaintiffs sustained injuries and other damages, as described below.

SECOND CAUSE OF ACTION
AGAINST DR. JOSE F. GARCIA TRONCOSO

100. The allegations contained above are incorporated by reference as if again fully set forth herein.
101. Defendant Dr. Jose F. Garcia Troncoso, through his acts or omissions caused damages to Plaintiffs through fault or negligence in violation of 31 L.P.R.A. § 5141.
102. Defendant Dr. Garcia Troncoso's treatment of Joaquina Vázquez was below the medical standard that satisfies the exigencies generally recognized by the medical profession in light of the modern means of communication and teaching, and as such directly caused and/or contributed to causing Plaintiffs the untimely death of their beloved mother, Joaquina

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Vázquez, and the injuries as described herein.

103. Defendant Dr. Garcia Troncoso negligently and carelessly failed to properly operate, monitor, treat, examine, discharge Joaquina Vázquez' medical condition.
104. Defendant Dr. Garcia Troncoso negligently and carelessly failed to fix the colostomy to the abdominal wall, thus creating a para-stomal hernia (around the colostomy) that became incarcerated, causing the intestinal obstruction that led to vomiting, dehydration and aspiration that eventually ended in respiratory failure and death.
105. Defendant Dr. Garcia Troncoso negligently and carelessly failed to examine patient prior to discharge from Doctors' Center Hospital.
106. Defendant Dr. Garcia Troncoso negligently and carelessly failed to ensure patient Joaquina Vázquez was in condition to be discharged from the hospital.
107. Defendant Dr. Garcia Troncoso negligently and carelessly failed to provide proper care of patient Ms. Joaquina Vázquez, by failing to follow up and monitor closely when his patient developed a high fever within 24 hours from the operation.
108. Defendant Dr. Garcia Troncoso failed to exercise reasonable care and skill commensurate with the standard of care practiced in the medical profession at that time and under like and similar circumstances when he failed to appropriately operate and treat his patient Ms. Joaquina Vázquez by failing to observe the patient in the hospital until full gastrointestinal function had returned.
109. Defendant Dr. Garcia Troncoso failed to exercise reasonable care and skill commensurate with the standard of care practiced in the medical profession at that time and under like and

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similar circumstances when he failed to appropriately treat patient Ms. Joaquina Vázquez by failing to timely and adequately intervene when her condition worsened requiring her return to the hospital's emergency department.

110. In so doing, defendant Dr. Garcia Troncoso committed professional negligence, including lack of expertise, fault and malpractice, which directly and proximately caused the injuries and damages suffered by Plaintiffs, particularly for the loss of Joaquina Vázquez, as detailed herein.
111. As a direct result of the negligent acts or omissions of defendant Dr. Garcia Troncoso, Joaquina Vázquez did not receive adequate medical treatment or care.
112. As a direct and proximate cause of defendant Dr. Garcia Troncoso's negligence in failing to adequately treat Joaquina Vázquez while at Doctors' Center Hospital, Plaintiffs sustained severe injuries and other damages, as described below.

THIRD CAUSE OF ACTION
AGAINST THE CONJUGAL PARTNERSHIP GARCIA-DOE

113. The allegations contained above are incorporated by reference as if again fully set forth herein.
114. Upon information and belief, at the time of the events described herein, defendant Dr. Garcia Troncoso was married and had a conjugal partnership with his wife.
115. The acts or omissions by which defendant Dr. Garcia Troncoso caused Plaintiffs damages were activities which benefitted defendant Conjugal Partnership Garcia-Doe comprised by Dr. Garcia Troncoso and his wife, Jane Doe, referred to herein as such here for lack of information as to her real name.

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116. As such, this Conjugal Partnership Garcia-Doe and Dr. Garcia Troncoso are jointly and severally liable to all Plaintiffs for the damages caused by Dr. Garcia Troncoso.

FOURTH CAUSE OF ACTION
AGAINST DR. ESTEBAN RAMOS

117. The allegations contained above are incorporated by reference as if again fully set forth herein.

118. Defendant Dr. Esteban Ramos, through his acts or omissions caused damages to Plaintiffs through fault or negligence in violation of 31 L.P.R.A. § 5141.

119. Defendant Dr. Ramos treated Mrs. Vázquez upon her admission to Doctors' Center Hospital on August 10, 2009.

120. Defendant Dr. Ramos, as treating physician, discharged Joaquina Vázquez on August 21, 2009.

121. Defendant Dr. Ramos treated Ms. Vázquez upon her return to Doctors' Center Hospital on August 23, 2009.

122. Defendant Dr. Ramos's treatment of Joaquina Vázquez was below the medical standard that satisfies the exigencies generally recognized by the medical profession in light of the modern means of communication and teaching, and as such directly caused and/or contributed to causing the untimely death of Plaintiffs' beloved mother, Joaquina Vázquez, and the injuries as described herein.

123. Defendant Dr. Ramos negligently and carelessly failed to timely manage Joaquina Vázquez' medical condition.

124. Defendant Dr. Ramos failed to exercise reasonable care and skill commensurate with the

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standard of care practiced in the medical profession at that time and under like and similar circumstances when he failed, among other things, to adequately treat Joaquina Vázquez by improperly discharging her.

125. Defendant Dr. Ramos failed to exercise reasonable care and skill commensurate with the standard of care practiced in the medical profession at that time and under like and similar circumstances when he failed, among other things, to adequately treat Joaquina Vázquez by failing to timely treating her.
126. Defendant Dr. Ramos failed to exercise reasonable care and skill commensurate with the standard of care practiced in the medical profession at that time and under like and similar circumstances when he failed, among other things, to adequately treat Joaquina Vázquez by failing to adequately prescribe a non-penicillin based antibiotic.
127. Defendant Dr. Ramos failed to exercise reasonable care and skill commensurate with the standard of care practiced in the medical profession at that time and under like and similar circumstances when he failed, among other things, to adequately treat Joaquina Vázquez by failing to adequately hydrating her.
128. Defendant Dr. Ramos failed to exercise reasonable care and skill commensurate with the standard of care practiced in the medical profession at that time and under like and similar circumstances when he failed, among other things, to adequately treat Joaquina Vázquez by failing to send her to ICU.
129. Defendant Dr. Ramos failed to exercise reasonable care and skill commensurate with the standard of care practiced in the medical profession at that time and under like and similar

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circumstances when he failed, among other things, to adequately treat Joaquina Vázquez by failing to closely monitoring her.

130. Defendant Dr. Ramos failed to exercise reasonable care and skill commensurate with the standard of care practiced in the medical profession at that time and under like and similar circumstances when he failed to appropriately treat Ms. Joaquina Vázquez by failing to timely and adequately intervene when her condition worsened.

131. In so doing, defendant Dr. Ramos committed professional negligence, including lack of expertise, fault and malpractice, which directly and proximately caused the injuries and damages suffered by Plaintiffs, particularly for the loss of Joaquina Vázquez, as detailed herein.

132. As a direct and proximate cause of defendant Dr. Ramos's negligence in failing to adequately treat Joaquina Vázquez while at Doctors' Center Hospital, Plaintiffs sustained severe injuries and other damages, as described below.

FIFTH CAUSE OF ACTION
AGAINST THE CONJUGAL PARTNERSHIP RAMOS-ROE

133. The allegations contained above are incorporated by reference as if again fully set forth herein.

134. Upon information and belief, at the time of the events described herein, defendant Dr. Ramos was married and had a conjugal partnership with his wife.

135. The acts or omissions by which defendant Dr. Ramos caused Plaintiffs damages were activities which benefitted defendant Conjugal Partnership Ramos-Roe comprised by Dr. Ramos and his wife, Jane Roe, referred to herein as such here for lack of information as to

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her real name.

136. As such, this Conjugal Partnership Ramos-Roe and Dr. Ramos are jointly and severally liable to all Plaintiffs for the damages caused by Dr. Ramos.

SIXTH CAUSE OF ACTION
AGAINST SIMED

137. The allegations contained above are incorporated herein by reference as if again fully set forth.
138. Upon information and belief, defendant SIMED was, at all times herein pertinent, an insurance company authorized to do business as such in Puerto Rico, which issued a public liability and/or professional liability insurance policies on behalf of defendants Doctors' Center Hospital, Dr. Garcia Troncoso, Dr. Ramos and/or other unknown joint tortfeasors.
139. Pursuant to 26 P.R. Laws Ann. § 2001, an insurance company is liable for the negligence or fault of its insured.
140. Pursuant to 26 P.R. Laws Ann. § 2003, an action against an insurer may be brought separately or may be joined together with an action against its insured.
141. As a result, defendant SIMED is severally liable to all Plaintiffs for the damages caused to them by defendants Doctors' Center Hospital, Dr. Garcia Troncoso, Dr. Esteban Ramos and/or other unknown joint tortfeasors.

SEVENTH CAUSE OF ACTION
AGAINST XYZ INSURANCE COMPANIES

142. The allegations contained above are incorporated herein by reference as if again fully set forth.

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143. Defendants XYZ insurance companies were, at all times herein pertinent, authorized to do business as such in Puerto Rico, which issued a public liability and/or professional liability insurance policies on behalf of defendants Doctors' Center Hospital, Dr. Garcia Troncoso, Dr. Esteban Ramos and/or other unknown joint tortfeasors.
144. Pursuant to 26 P.R. Laws Ann. § 2001, an insurance company is liable for the negligence or fault of its insured.
145. Pursuant to 26 P.R. Laws Ann. § 2003, an action against an insurer may be brought separately or may be joined together with an action against its insured.
146. As a result, defendants XYZ insurance companies are severally liable to all Plaintiffs for the damages caused to them by defendants Doctors' Center Hospital, Dr. Garcia Troncoso, Dr. Esteban Ramos and/or other unknown joint tortfeasors.

EIGHTH CAUSE OF ACTION
AGAINST JOHN DOE AND JAMES ROE

147. The preceding allegations are included herein as if restated in full.
148. Defendants John Doe and James Roe acted, or failed to act, negligently in carrying out their duties and functions as agents, contractors, owners, suppliers, administrators and/or supervisors of the medical services offered and supplied by defendant Doctors' Center Hospital to Plaintiffs.
149. Their fault and negligence contributed to the negligent and inadequate services given to Joaquina Vázquez, which in turn caused the damages herein specified to her, and are thus jointly and severally liable to Plaintiffs.

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DAMAGES

150. The allegations contained above are incorporated by reference as if again fully set forth herein.
151. As a result of the acts or omissions, professional negligence, lack of expertise, fault, and malpractice of all Defendants, Plaintiffs unnecessarily lost their mother and grandmother, Joaquina Vázquez, a 77 year-old vivacious, beloved, warm, caring and industrious person.
152. Joaquina Vázquez and Plaintiffs had a very close and special relationship.
153. Joaquina Vázquez and Plaintiffs visited, spoke regularly or otherwise were in contact.
154. In losing Joaquina Vázquez, Plaintiffs not only lost their mother and grandmother, but also a friend and confidant.
155. Plaintiffs have suffered dearly the loss of Joaquina Vázquez.
156. As a direct and proximate result of the negligence of all Defendants, Plaintiff will no longer have the joy of having his mother and grandmother, Joaquina Vázquez, with them or otherwise enjoy the irreplaceable pleasures and value of Joaquina Vázquez' company and advice.
157. As a direct and proximate result of the negligence of all Defendants, Plaintiffs will continue to suffer the irreparable loss of their mother and grandmother Joaquina Vázquez.
158. As a direct and proximate result of the negligence of all Defendants, Joaquina Vázquez suffered many hours in agony and eventually a painful death, a cause of action which plaintiff Gerardo Feliciano inherits as one of Joaquina Vázquez' heirs under Puerto Rico law.
159. Plaintiff Gerardo Feliciano's proportional share of his mother's pain and suffering has a

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reasonable value of no less than Two Hundred and Fifty Thousand dollars (\$250,000).

160. Plaintiff Gerardo Feliciano's emotional damages as a result of the needless and premature death of his beloved mother has a reasonable value of no less than One Million Seven Hundred and Fifty Thousand Dollars (\$1,750,000).
161. Plaintiffs Grizzly L. De Jesus Feliciano and Grisoyda L. De Jesus Feliciano's emotional damages as a result of the unnecessary, painful and premature death of their beloved grandmother has a reasonable value of no less than Five Hundred Thousand Dollars (\$500,000), each.
162. The damages suffered by Plaintiffs have a total reasonable value in excess of **THREE MILLION DOLLARS (\$3,000,000)**, including, but not limited to their own, past and future mental and emotional pain and suffering, as well as the inherited pain and suffering as described above.

TRIAL BY JURY DEMANDED

163. Plaintiffs hereby demand trial by jury.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, in the amount of no less than **THREE MILLION DOLLARS (\$3,000,000.00)**, plus costs incurred, reasonable attorneys' fees, and such other and further relief as to this Honorable Court may seem just and proper under the law.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 6th day of August, 2010.

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Plaintiffs' Counsel:

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