

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

**MIGUEL A. RAMÍREZ-ORTIZ, JOSÉ IRIZARRY-ORTIZ;
JAVIER IRIZARRY ORTIZ and ELIEZER IRIZARRY-
ORTIZ,**

Plaintiffs,

v.

**CORPORACIÓN DEL CENTRO CARDIOVASCULAR DE
PUERTO RICO Y DEL CARIBE; DORADO HEALTH,
INC., D/B/A/ MAYAGUEZ MEDICAL CENTER - DR.
RAMÓN EMETERIO BETANCES; HOSPITAL BELLA
VISTA; DR. EDWIN PÉREZ-MARRERO; DR. IVÁN F.
GONZÁLEZ-CANCEL; DR. DAMIÁN GROVAS-ABAD;
DR. ANIBAL LUGO-ROSAS; DR. LUIS R. VEGA-
TORRES; DR. KAREN RODRÍGUEZ; SINDICATO DE
ASEGURADORES PARA LA SUSCRIPCIÓN CONJUNTA
DEL SEGURO DE RESPONSABILIDAD PROFESIONAL
MÉDICO-HOSPITALARIA (“SIMED”); ABC
INSURANCE COMPANIES; DOES I-X; MOE-ROE
CONJUGAL PARTNERSHIPS I-X,**

Defendants.

CIVIL NO. 12-2024 (----)

RE: TORT ACTION FOR
MEDICAL MALPRACTICE
PURSUANT TO ARTS.
1802 AND 1803 OF THE
PUERTO RICO CIVIL CODE,
31 P. R. Laws Ann. §§ 5141
AND 5142.

JURY TRIAL DEMANDED

COMPLAINT

TO THE HONORABLE COURT:

APPEAR NOW the Plaintiffs, **MIGUEL A. RAMÍREZ-ORTIZ, JOSÉ IRIZARRY-ORTIZ
and ELIEZER IRIZARRY-ORTIZ**, (hereinafter referred to as “Plaintiffs” or “sons of the
deceased”), through the undersigned counsel, and hereby state, allege, and request as
follows:

JURISDICTIONAL BASIS

1. Plaintiff **MIGUEL A. RAMÍREZ-ORTIZ** is a citizen of, domiciled in, and resides in
the state of Tennessee.

2. Plaintiff **JOSÉ IRIZARRY-ORTIZ** is a citizen of, domiciled in, and resides in the state of North Carolina.
3. Plaintiff **JAVIER IRIZARRY-ORTIZ** is a citizen of, domiciled in, and resides in the state of Tennessee.
4. Plaintiff **ELIEZER IRIZARRY-ORTIZ** is a citizen of, domiciled in, and resides in the state of Georgia.
5. All Defendants are either individuals who reside in Puerto Rico or corporations organized under the laws of the Commonwealth of Puerto Rico or of states other than Tennessee, North Carolina and/or Georgia.
6. The matter in controversy exceeds the sum of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00), exclusive of interest and costs, thus vesting jurisdiction on this Honorable Court pursuant to 28 U.S.C. § 1332.
7. 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

8. Plaintiff **MIGUEL A. RAMÍREZ-ORTIZ** (hereinafter "**Miguel**") is the son of Miguel Ramírez-Torrez and Ramonita Ortiz-Sanabria.
9. Plaintiff **JOSÉ IRIZARRY-ORTIZ** (hereinafter "**José**") is the son of Ramonita Ortiz-Sanabria, who was raised by Miguel Ramírez-Torrez since the age of 7 as his own child.
10. Plaintiff **JAVIER IRIZARRY-ORTIZ** (hereinafter "**Javier**") is the son of Ramonita Ortiz-Sanabria, who was raised by Miguel Ramírez-Torrez since the age of 9 as his own child.

11. Plaintiff **ELIEZER IRIZARRY-ORTIZ** (hereinafter "**Eliezer**") is the son of Ramonita Ortiz-Sanabria, who was raised by Miguel Ramírez-Torrez since the age of 10 as his own child.
12. Co-Defendant **CORPORACIÓN DEL CENTRO CARDIOVASCULAR DE PUERTO RICO Y DEL CARIBE** (hereinafter referred to as "**CCCPRC**"), is a public corporation organized in Puerto Rico under Law No. 51 of June 30, 1986, as amended (24 L.P.R.A. secs. 343-343k), with its principal place of business in Puerto Rico and which functions as an independent and separate entity of any other agency or instrumentality of the Government of Puerto Rico and owns, operates, and/or manages a health care facility.
13. Co-Defendant **DORADO HEALTH, INC., D/B/A/ MAYAGUEZ MEDICAL CENTER - DR. RAMÓN EMETERIO BETANCES** (hereinafter referred to as "**MMC-REB**") is a for profit corporation organized under the laws of the Commonwealth of Puerto Rico, with its principal place of business in Puerto Rico and which owns, operates, and/or manages a health care facility.
14. Co-Defendant **HOSPITAL BELLA VISTA** (hereinafter referred to as "**HBV**") is a not for profit corporation organized under the laws of Puerto Rico, with its principal place of business in Puerto Rico, and which owns, operates and/or manages a health care facility.
15. Co-Defendant **DR. EDWIN PÉREZ-MARRERO** (hereinafter referred to as "**DR. PÉREZ**") is a citizen of Puerto Rico and a physician practicing medicine, among others, at Co-defendant **CORPORACIÓN DEL CENTRO CARDIOVASCULAR DE**

PUERTO RICO Y DEL CARIBE, who provided Miguel Ramírez-Torres with medical care on or about December 30, 2011 and January 23, 2012.

16. Co-Defendant **DR. IVÁN F. GONZÁLEZ-CANCEL** (hereinafter referred to as "**DR. GONZÁLEZ**") is a citizen of Puerto Rico and a physician practicing medicine, among others, at Co-defendant **CORPORACIÓN DEL CENTRO CARDIOVASCULAR DE PUERTO RICO Y DEL CARIBE**, who provided Miguel Ramírez-Torres with medical care on or about December 30, 2011 and January 23, 2012.
17. Co-Defendant **DR. DAMIÁN GROVAS-ABAD** (hereinafter referred to as "**Co-Defendant GROVAS**") is a citizen of Puerto Rico and a physician practicing medicine, among others, at Co-defendant **CORPORACIÓN DEL CENTRO CARDIOVASCULAR DE PUERTO RICO Y DEL CARIBE**, who provided Miguel Ramírez-Torres with medical care on or about December 30, 2011 and January 23, 2012.
18. Co-Defendant **DR. ANIBAL LUGO-ROSAS** (hereinafter referred to as "**DR. LUGO**") is a citizen of Puerto Rico and a physician practicing medicine, among others, at Co-defendant **DORADO HEALTH, INC., D/B/A/ MAYAGUEZ MEDICAL CENTER - DR. RAMÓN EMETERIO BETANCES**, who provided Miguel Ramírez-Torres with medical care on or about December 30, 2011 and January 23, 2012.
19. Co-Defendant **DR. LUIS R. VEGA TORRES** (hereinafter referred to as "**DR. VEGA**") is a citizen of Puerto Rico and a physician practicing medicine, among others, at Co-defendant **HOSPITAL BELLA VISTA**, who provided Miguel Ramírez-Torres with medical care on or about December 30, 2011 and January 23, 2012.

20. Co-Defendant **DR. KAREN RODRÍGUEZ** (hereinafter referred to as "**DR. RODRÍGUEZ**") is a citizen of Puerto Rico and a physician practicing medicine, among others, at Co-defendant **HOSPITAL BELLA VISTA**, who provided Miguel Ramírez-Torres with medical care on or about December 30, 2011 and January 23, 2012.
21. Co-Defendants unknown joint tortfeasors **DOES I-X** are physicians, other health care providers or other health care facilities 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 liable to Plaintiffs, in whole or in part, for the actions and/or omissions herein described, encompassing the relevant period of time, and the damages suffered by Plaintiffs.
22. Co-Defendants **MOE-ROE CONJUGAL PARTNERSHIPS I-X** are unknown conjugal partnerships comprised of the individual defendants and their respective husbands and/or wives, who are currently unknown.
23. Co-Defendant **SINDICATO DE ASEGURADORES PARA LA SUSCRIPCIÓN CONJUNTA DE SEGURO DE RESPONSABILIDAD PROFESIONAL MÉDICO-HOSPITALARIA** (hereinafter, "**Co-Defendant SIMED**") is an insurance company organized, existing, and with its principal place of business in Puerto Rico, which issued insurance policies for medical malpractice on behalf of one or more of the Co-Defendants and/or one or more of the unidentified joint tortfeasors in this action, for the acts and/or omissions described herein, encompassing the relevant period of time.

24. Co-Defendants **ABC INSURANCE COMPANIES**, fictitiously named herein to be later replaced by their actual names, are companies which issued one or more insurance policies on behalf of one or more of the Co-Defendants and/or one or more of the unidentified joint tortfeasors in this action, for the acts or omissions described herein, encompassing the relevant period of time, and are deemed a citizen of the state of their insured, pursuant to 28 U.S.C. 1332(c)(1).

GENERAL ALLEGATIONS

25. Upon experiencing chest pains, on December 31, 2011 Miguel Ramírez Torres (hereinafter "the patient" or "Mr. Ramírez"), age 72, was taken to Hospital Bella Vista in Mayaguez, Puerto Rico.
26. He presented with classical and unequivocal signs and symptoms of acute coronary artery syndrome ("ACS").
27. By EKG and cardiac enzymes, Mr. Ramírez "ruled in" for a right coronary artery distribution acute infarct.
28. At Hospital Bella Vista, including the time spent at the emergency room of this entity, Mr. Ramírez was under the care of Co-Defendants Dr. Luis R. Vega Torres and Dr. Karen Rodríguez, who treated his cardiovascular condition medically.
29. Lytic therapy at protocol or immediate intervention were not offered to Mr. Ramírez.
30. Mr. Ramírez remained hospitalized at Hospital Buena Vista until January 3, 2012, when he was transferred to the CCCPRC by ambulance.
31. On or about January 3, 2012, Mr. Ramírez was admitted to the CCCPRC at approximately 2:53 PM.

32. Mr. Ramírez presented to the emergency department of the CCCPRC with classic clinical signs and symptoms of acute coronary syndrome (ACS) with ongoing chest pain and positive EKG and cardiac enzymes.
33. On January 3, 2012, Co-Defendant, cardiologist Dr. Edwin Pérez-Marrero evaluated Mr. Ramírez at CCCPRC.
34. On January 3, 2012, Co-Defendant, cardiologist Dr. Pérez-Marrero did not consult a cardiovascular surgeon.
35. On January 3, 2012, Co-Defendant, cardiologist Dr. Pérez-Marrero elected not to perform coronary bypass surgery.
36. On January 3, 2012, Co-Defendant, cardiologist Dr. Pérez-Marrero performed urgent cardiac catheterization at CCCPRC.
37. On January 3, 2012, Co-Defendant Dr. Pérez-Marrero performed a right coronary angiography and placed two drug eluting stents in the right coronary artery.
38. Co-defendant Dr. Pérez-Marrero indicated that a staged late anterior descending stent would be performed at a later date.
39. Mr. Ramírez was discharged from CCCPRC on January 4, 2012, on or about 11:14 AM.
40. At the time of his discharge from CCCPRC, Mr. Ramírez was on antiplatelet therapy ("Plavix") and was told to follow-up for staged stenting.
41. On January 5, 2012, Mr. Ramírez again felt severe pain in his chest and was taken to Hospital de la Concepción in San Germán, Puerto Rico.
42. Mr. Ramírez was briefly treated at the Hospital de la Concepción and transferred to Co-Defendant MMC-REB.

43. At Co-Defendant MMC-REB, Mr. Ramírez was taken to the cardiac catheterization laboratory by Dr. Anibal Lugo-Rosas.
44. On January 5, 2012, Co-Defendant, cardiologist Dr. Lugo-Rosas did not consult a cardiovascular surgeon.
45. At this time, Co-Defendant, cardiologist Dr. Lugo-Rosas elected not to perform coronary bypass surgery.
46. By means of catheterization, Dr. Lugo-Rosas found acute thrombosis of the two stents placed in the right coronary artery and progressive left anterior descending (LAD) obstructions.
47. Dr. Lugo-Rosas placed three "in tandem" left anterior descending stents but was not successful in restoring flow through the distal right coronary artery system.
48. Mr. Ramírez was presumed to be resistant to "Plavix" and was placed in the antiplatelet drug "Effient".
49. Upon being discharged, Mr. Ramírez was told to return to Dr. Pérez-Marrero for further therapy of the right coronary artery.
50. On January 13, 2013, Mr. Ramírez presented at the CCCPRC with acute thrombosis "in stent", or rethrombosis, and extension of his previous myocardial infarction.
51. Mr. Ramírez was stabilized at the CCU of the CCCPRC and started on Integrilin.
52. Once again, upon Mr. Ramírez' return to the CCCPRC, Co-Defendant, cardiologist Dr. Pérez-Marrero failed to consult a cardiovascular surgeon.
53. Instead, Dr. Pérez-Marrero performed urgent recardiac catheterization, whereby he attempted to clear the occlusions in the previously placed LAD and right coronary artery stents.

54. Mr. Ramírez was then transferred to the CCU for post-intervention observation.
55. Cardiac catheterization was performed again on January 18, 2012 because Mr. Ramírez continued to experience chest pain and progression of his infarct.
56. At this time, Mr. Ramírez demonstrated thrombosis of the previously placed stents and retrograde flow, among others.
57. On January 19, 2012, Co-Defendant, Cardiovascular Surgeon Dr. Iván González-Cancel evaluated Mr. Ramírez and recommended surgery.
58. At this time, Mr. Ramírez' myocardial viability study was positive.
59. On January 20, 2012 a preoperative medicine evaluation was requested from Dr. Edgardo Cartagena-Ayala, who indicated that Mr. Ramírez had no contraindications for surgery.
60. The bypass surgery was scheduled for January 23, 2012.
61. On January 22, 2012, at 1:00 PM, Dr. González-Cancel entered an order in Mr. Ramírez' medical record for the discontinuation of the Integrilin at 11:00 PM that same day.
62. Dr. González-Cancel also directed that the Lovenox be discontinued.
63. Dr. González-Cancel did not order that Heparin be given to Mr. Ramírez as a transition medication.
64. Subsequently, on January 22, 2012, Co-Defendant Dr. Damián Grovas-Abad ordered that the patient be taken off Integrilin at 4:00 PM rather than 11:00 PM.
65. Dr. Grovas-Abad did not order that Heparin be given to Mr. Ramírez as a transition medication.

66. The order to withdraw the Integrilin was complied with, but no transition was made to Heparin.
67. At approximately 9:00 PM on January 22, 2012, Mr. Ramírez suffered acute occlusion of his right coronary artery stent and extended his previous myocardial infarction, thus jeopardizing a large amount of viable myocardium.
68. Mr. Ramírez was taken to the cardiac catheterization laboratory on an emergency basis, where he was found to have complete occlusion of his right coronary artery and occluded prior left anterior descending (LAD) coronary artery stents.
69. At approximately 11:32 PM on January 22, 2012, Co-Defendant Dr. Grovas-Abad began the procedure to place an intra-aortic balloon pump in Mr. Ramírez.
70. The procedure to install the intra-aortic balloon pump was concluded at approximately 12:23 AM on January 23, 2012.
71. At approximately 12:41 AM Mr. Ramírez was reported as being in cardiogenic shock.
72. At approximately 12:54 AM Mr. Ramírez was reported as stable, before proceeding with a transfer to CCU.
73. On or about 1:15 AM on January 23, 2012, Mr. Ramírez was transferred to the CCU where he arrived in a comatose state.
74. Upon being connected to a monitor at the CCU, Mr. Ramírez registered no vital signs.
75. Resuscitation was attempted, but Mr. Ramírez died at approximately 1:35 AM on January 23, 2012.

76. Co-Defendants failed to timely provide adequate cardiovascular care and treatment to Mr. Ramírez, causing his cardiovascular condition to reach its catastrophic outcome.
77. Plaintiffs suffered intense emotional pain and suffering as a direct result of Defendants' negligence and/or the negligence of their employees, agents, or assignees upon their beloved father, Miguel Ramírez-Torres.

**FIRST CAUSE OF ACTION
FOR NEGLIGENCE UNDER ARTICLES 1802 AND 1803
OF THE PUERTO RICO CIVIL CODE**

78. The allegations contained above are incorporated by reference as if again fully set forth herein.
79. Defendants, through their own acts or omissions or the acts or omissions of their employees, agents, representatives, or assignees, caused damages, through fault or negligence, to Mr. Ramírez and to Plaintiffs Miguel, José and Eliezer, in violation of 31 L.P.R.A. §5141 and/or 31 L.P.R.A. §5142.
80. Defendants CCCPRC, MMC-REB and HBV owed a duty to Mr. Ramírez and to Plaintiffs Miguel, José and Eliezer to provide personnel, doctors, facilities, staffing, treatment and medical care that would, in turn, care for the former with that degree of care that would be exercised by a reasonable and prudent man in the same conditions and circumstances.
81. Defendant individual physicians owed a duty to Mr. Ramírez and to Plaintiffs Miguel, José and Eliezer to provide the former with medical care up to par with the medical standards that satisfy the exigencies generally recognized by the medical profession in light of the modern means of communication and teaching.

82. The treatment and medical care offered by Defendants to Mr. Ramírez, directly or through its personnel, nurses, employees, doctors, agents and assignees, was not that care that would be exercised by a reasonable and prudent man in the same conditions and circumstances and 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 Mr. Ramírez' pain, suffering and death, as well as the pain and suffering of Plaintiffs Miguel, José and Eliezer, as described herein.
83. Defendants failed to provide adequate medical care and treatment to Mr. Ramírez, including, but not limited to: failing to have or exercise the required knowledge and medical skill; failing to obtain or receive appropriate and proper medical training; failing to adequately perform examinations and evaluations of Mr. Ramírez; failing to undertake the adequate surgical procedure upon Mr. Ramírez in light of the anatomy presented by the patient; failing to provide Mr. Ramírez with timely and adequate bypass surgery; failing to obtain timely cardiovascular consultations; treating Mr. Ramirez with inadequate procedures in consideration of the cardiovascular condition he presented; failing to adequately handle the administration of medications during the provision of treatment; failing to adequately handle the withdrawal of medications before surgery; failing to exercise due care and caution; failing to order, properly conduct and/or accurately read the pertinent tests and/or evaluative procedures; failing to take timely, appropriate, or necessary steps to treat or alleviate Mr. Ramírez' cardiovascular condition; failing to properly staff their medical facilities to timely, safely, and

appropriately treat their patients; failing to adequately supervise the operation of the medical facilities.

84. The treatment and medical care offered by Defendants to Mr. Ramírez, directly or through its personnel, nurses, employees, doctors, agents and assignees, grossly departed from the accepted standards of care one would expect in treating a patient who presents with acute coronary syndrome ("ACS").
85. Defendants negligently failed to provide appropriate treatment for Mr. Ramírez' cardiovascular condition, failing to submit him to adequate therapies and/or cardiac imaging with intervention.
86. Defendants negligently failed to intervene with Mr. Ramírez condition in order to abort an infarct, selecting instead to proceed with extended medical management which resulted in the extension of Mr. Ramírez' right ventricular infarct.
87. Defendants negligently failed to provide appropriate coronary artery bypass surgery to Mr. Ramírez, in light of the cardiovascular condition that he presented, opting instead for stenting procedures that were doomed for failure in the circumstances presented by the patient.
88. Defendants negligently diagnosed a hypercoagulable state in Mr. Ramírez without supportive medical evidence.
89. Defendants negligently and repeatedly failed to request the urgent cardiovascular surgical consultations that were required in consideration of the cardiovascular condition presented by the patient.
90. Defendants, instead, negligently and carelessly proceeded to provide inadequate percutaneous interventions, rather than the mandated surgical interventions.

91. Co-Defendant Dr. Lugo negligently failed to transfer Mr. Ramírez to a hospital facility that could offer the patient cardiovascular surgical services.
92. Defendants negligently and repeatedly put Mr. Ramírez at risk upon attempting to manipulate previously placed stents in the face of myocardial ischemia.
93. Defendants negligently administered medications to the patient upon inappropriately altering the timing of the patient's withdrawal from Integrilin before the scheduled bypass surgery.
94. Defendants negligently administered medications to the patient upon inappropriately failing to order adequate medication for the transition to surgery after the withdrawal of the Integrilin.
95. Defendants untimely and negligently administered resuscitation procedures to the patient.
96. Defendants misled Mr. Ramírez into thinking that he would be appropriately treated.
97. As a direct and proximate result of Defendants' direct negligence and/or the negligence of their employees, agents or assignees, Mr. Ramirez' cardiovascular condition was inappropriately treated between December 30, 2011 and January 22, 2012 and worsened significantly, eventually allowing the occurrence of rethrombosis and of a massive myocardial infarction from which Mr. Ramírez had no chance of recuperating.
98. As a direct and proximate result of Defendants' direct negligence and/or the negligence of their employees, agents, or assignees, Mr. Ramirez' was inflicted pain and suffering and caused his untimely death, events with caused and continue to

cause Plaintiffs Miguel, José and Eliezer the intense damages, pain and suffering described herein.

**SECOND CAUSE OF ACTION AGAINST
DOES I-X**

99. The allegations contained above are incorporated by reference as if again fully set forth herein.
100. Co-Defendants Does I-X, through their own acts or omissions or the acts or omissions of their employees, agents, representatives, or assignees, caused damages, through fault or negligence, to Mr. Ramírez and to Plaintiffs Miguel, José and Eliezer, in violation of 31 L.P.R.A. §5141 and/or 31 L.P.R.A. §5142.
101. Co-Defendants Does I-X owed a duty to Mr. Ramírez and to Plaintiffs Miguel, José and Eliezer to provide personnel, doctors, facilities, staffing, treatment and medical care that would, in turn, care for the former with that degree of care that would be exercised by a reasonable and prudent man in the same conditions and circumstances.
102. Co-Defendants Does I-X owed a duty to Mr. Ramírez and to Plaintiffs Miguel, José and Eliezer to provide the former with medical care up to par with the medical standards that satisfy the exigencies generally recognized by the medical profession in light of the modern means of communication and teaching.
103. The treatment and medical care offered by Co-Defendants Does I-X to Mr. Ramírez, directly or through its personnel, nurses, employees, doctors, agents and assignees, was not that care that would be exercised by a reasonable and prudent man in the same conditions and circumstances and 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 Mr. Ramírez' pain, suffering and death, as well as the pain and suffering of Plaintiffs Miguel, José and Eliezer, as described herein.

104. Co-Defendants Does I-X failed to provide adequate medical care and treatment to Mr. Ramírez, including, but not limited to: failing to have or exercise the required knowledge and medical skill; failing to obtain or receive appropriate and proper medical training; failing to adequately perform examinations and evaluations of Mr. Ramírez; failing to undertake the adequate surgical procedure upon Mr. Ramírez in light of the anatomy presented by the patient; failing to provide Mr. Ramírez with timely and adequate bypass surgery; failing to obtain timely cardiovascular consultations; treating Mr. Ramirez with inadequate procedures in consideration of the cardiovascular condition he presented; failing to adequately handle the administration of medications during the provision of treatment; failing to adequately handle the withdrawal of medications before surgery; failing to exercise due care and caution; failing to order, properly conduct and/or accurately read the pertinent tests and/or evaluative procedures; failing to take timely, appropriate, or necessary steps to treat or alleviate Mr. Ramírez' cardiovascular condition; failing to properly staff their medical facilities to timely, safely, and appropriately treat their patients; failing to adequately supervise the operation of the medical facilities.

105. As a direct and proximate result of Co-Defendants Does I-X's direct negligence and/or the negligence of their employees, agents, or assignees, Mr. Ramirez' was

inflicted pain and suffering and caused his untimely death, events with caused and continue to cause Plaintiffs Miguel, José and Eliezer the intense damages, pain and suffering described herein.

**THIRD CAUSE OF ACTION AGAINST
THE CONJUGAL PARTNERSHIPS**

106. The allegations contained above are incorporated by reference as if again fully set forth herein.
107. The activities by which the individual defendant doctors caused Plaintiff's damages were activities which benefitted their respective conjugal partnerships, referred to herein as Doe-Roe Conjugal Partnerships I-X, as Plaintiff lacks information as to the actual names of the respective wives and/or husbands .
108. As such, each conjugal partnership is jointly and severally liable to Plaintiff for the damages caused by the individual physician Defendants.

**FOURTH CAUSE OF ACTION
AGAINST SIMED & ABC INSURANCE COMPANIES**

109. The allegations contained above are incorporated herein by reference as if again fully set forth.
110. Defendants SIMED and ABC Insurance Companies were, at all times herein pertinent, insurance companies authorized to do business as such in the Commonwealth of Puerto Rico, which issued public liability and/or malpractice insurance policies and/or other applicable insurance on behalf of all or some of the Defendants and/or other unknown joint tortfeasors and/or physicians providing medical care at the CCCPRC, MMC-REB and the HBV.

111. Pursuant to 26 P.R. Laws Ann. § 2001, Defendants SIMED and ABC Insurance Companies are jointly and severally liable for the negligence or fault of their insured(s).

112. Pursuant to 26 P.R. Laws Ann. § 2003, this action is brought directly against Defendants Continental Insurance, SIMED and ABC Insurance Companies.

DAMAGES

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

114. Plaintiffs Eliezer, Javier and José were very young when their mother, Ramonita, and their biological father divorced; their father failed to maintain a close relationship with them.

115. Plaintiffs Eliezer, Javier and José were all approximately between 6 and 10 years old when Mr. Ramírez came into their lives and began treating and loving them as his own children.

116. Throughout the years, and because of Mr. Ramírez' dedication to them, Plaintiffs Eliezer, Javier and José came to regard Mr. Ramírez as their father. In fact, Mr. Ramírez attempted to adopt them without success.

117. Throughout their childhoods, Eliezer, Javier, José and Miguel shared with Mr. Ramírez many activities, like learning woodworking and plumbing, going to church, participating in clubs and camping, among others.

118. Plaintiff Eliezer was 46 years old when Mr. Ramírez died.

119. Plaintiff José was 44 years old when Mr. Ramírez died.

120. Plaintiff Javier was 45 years old when Mr. Ramírez died

121. Plaintiff Miguel was 35 years old when Mr. Ramírez died.
122. After moving to the United States, Plaintiffs Eliezer, Javier, José and Miguel maintained a close relationship with Mr. Ramírez by telephone and/or regular visits of Plaintiffs to Puerto Rico and of Mr. Ramírez to Plaintiffs' residences in the United States.
123. Plaintiffs, their mother and Mr. Ramírez constituted a tightly knit family, which members deeply cared for and looked after one another.
124. As a direct and proximate result of the negligent acts and omissions of the Defendants with respect to Mr. Ramírez, Plaintiffs lived through the extraordinary pain and suffering of seeing their beloved father repeatedly receive inadequate and unsuccessful treatment for his cardiovascular condition.
125. As a direct and proximate result of the negligent acts and omissions of the Defendants with respect to Mr. Ramírez, Plaintiffs lost the father they dearly loved and, as such, have suffered intense mental and emotional pain and suffering.
126. As a direct and proximate result of the negligent acts and omissions of the Defendants with respect to Mr. Ramírez, Plaintiffs lived through the extraordinary pain and suffering of seeing their beloved mother suffer day after day, upon witnessing the Defendants provide treatment that was inadequate and unsuccessful in ameliorating Mr. Ramírez' cardiovascular condition
127. As a direct and proximate result of the negligent acts and omissions of the Defendants, Mr. Ramírez' cardiovascular condition progressed to the point where it caused him his premature death.

128. As a direct result of the acts or omissions of all the Defendants, Mr. Ramírez suffered damages, including but not limited to, mental anguish and ongoing emotional pain and suffering, in addition to physical pain, all related to the inability of the Defendants to adequately treat his cardiovascular condition.
129. As a direct and proximate result of the negligence of all Defendants, Mr. Ramírez suffered the rapid deterioration of his health and having to undergo multiple procedures which did little, if anything, to address his condition and led, eventually, to his painful and untimely death, a cause of action which Plaintiffs inherit as Mr. Ramírez' heirs under Puerto Rico law.
130. Plaintiffs represent in this action all of Mr. Ramírez' heirs, comprised of five persons: Plaintiff Eliezer, Plaintiff José, Plaintiff Javier, Plaintiff Miguel and Mrs. Ortiz de Ramírez.
131. As a direct result of the acts and/or omissions of the Defendants, Plaintiffs have been deprived of the irreplaceable companionship, advice, pleasure and value of their father's love, and will continue to experience that premature, irreplaceable loss each day for the rest of their lives.
132. Plaintiff Eliezer's past, present and future emotional and mental damages stemming from the negligent treatment and premature death of his father has a reasonable value of not less than **ONE MILLION DOLLARS (\$1,000,000.00)**.
133. Plaintiff Javier's past, present and future emotional and mental damages stemming from the negligent treatment and premature death of his father has a reasonable value of not less than **ONE MILLION DOLLARS (\$1,000,000.00)**.

134. Plaintiff José's past, present and future emotional and mental damages stemming from the negligent treatment and premature death of his father has a reasonable value of not less than **ONE MILLION DOLLARS (\$1,000,000.00)**.
135. Plaintiff Miguel's past, present and future emotional damages stemming from the negligent treatment and premature death of his father has a reasonable value of not less than **ONE MILLION DOLLARS (\$1,000,000.00)**.
136. Mr. Ramírez' physical, emotional and mental pain and suffering, which is inherited by the Plaintiffs, has a reasonable value of no less than **TWO MILLION DOLLARS (\$2,000,000)**.
137. The total damages suffered by Plaintiffs and those suffered by their father, inherited by Plaintiffs, have a reasonable value in excess of **SIX MILLION DOLLARS (\$6,000,000.00)**, including, but not limited to Plaintiff's own, past and future mental and emotional pain and suffering, as well as the inherited pain and suffering experienced by his father, as described above.

TRIAL BY JURY DEMANDED

138. Plaintiffs hereby demand trial by jury.

WHEREFORE , Plaintiffs demand judgment against Defendants jointly and severally, in the amount of no less than **SIX MILLION DOLLARS (\$6,000,000.00)**, as well as costs incurred, reasonable attorneys' fees, and such other and further relief as this Honorable Court may seem just and proper under the circumstances.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 18th day of December, 2012.

INDIANO & WILLIAMS, P.S.C.
207 del Parque Street; 3 rd Floor
San Juan, P.R. 00912
Tel: (787) 641-4545; Fax: (787) 641-4544
jeffrey.williams@indianowilliams.com
leticia.casalduc@indianowilliams.com

by: *s/ David C. Indiano*
DAVID C. INDIANO
USDC-PR 200601

by: *s/ Leticia Casalduc-Rabell*
LETICIA CASALDUC RABELL
USDC-PR 213513