

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

JOHN RIOS RIVERA and JOHN RIOS  
SANTIAGO

Plaintiffs,

v.

DR. LUIS BONILLA GONZALEZ;  
DOCTORS' CENTER HOSPITAL d/b/a  
DCH; DR. BRENDA LIZ LOUBRIEL  
RIVERA; DR. JOHN DOE; DEF  
INSURANCE COMPANIES;  
SINDICATO DE ASEGURADORES  
PARA LA SUSCRIPCION CONJUNTA  
DE SEGURO DE RESPONSABILIDAD  
PROFESIONAL MEDICO-  
HOSPITALARIA ("SIMED"); BONILLA  
DIAZ CONJUGAL PARTNERSHIP;  
MOE LOUBRIEL CONJUGAL  
PARTNERSHIP; SALLY ROE; DOE  
ROE CONJUGAL PARTNERSHIP JIM  
DOES I-X;

Defendants

CIVIL NO. 15-2080 ( )

RE: TORT ACTION FOR  
MEDICAL MALPRACTICE  
PURSUANT TO ARTS. 1802 AND  
1803, 31 P.R. Laws Ann. §§ 5141  
AND 5142.

**JURY TRIAL DEMANDED**

**COMPLAINT**

**TO THE HONORABLE COURT:**

**APPEARS NOW** the Plaintiffs in this action, **JOHN RIOS RIVERA and JOHN RIOS SANTIAGO**, through the undersigned attorneys, and respectfully state, allege and request as follows:

### **JURISDICTIONAL BASIS**

1. Plaintiff **JOHN RIOS RIVERA**, (hereinafter referred to as “JOHN RIOS, Sr.”, “John” or “Plaintiff”) is domiciled and a resident of the state of Florida.
2. Plaintiff **JOHN RIOS SANTIAGO** (hereinafter referred to as “JOHN RIOS, Jr.” or “Plaintiff”) is domiciled and a resident of the state of Florida.
3. All co-Defendants are either individuals who are domiciled in Puerto Rico or corporations organized in or with principal 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 (\$75,000.00), exclusive of interest and costs, vesting jurisdiction on this Honorable Court pursuant to 28 U.S.C. § 1332.

### **THE PARTIES**

5. Plaintiff **JOHN RIOS RIVERA** is the husband of patient María Santiago Pino, who died at DOCTORS’ CENTER HOSPITAL in Manatí, Puerto Rico on August 26, 2014.
6. Plaintiff **JOHN RIOS SANTIAGO** is the son of patient María Santiago Pino, who died at DOCTORS’ CENTER HOSPITAL in Manatí, Puerto Rico on August 26, 2014.
7. Co-Defendant **DR. LUIS BONILLA GONZÁLEZ** (hereinafter “Dr. Bonilla”) is a surgeon authorized to practice medicine in Puerto Rico, who operated on María Santiago Pino, performing a hernia operation on August 20, 2014.
8. Co-Defendant **DOCTORS’ CENTER HOSPITAL, INC., d/b/a DCH** (hereinafter “DOCTORS’ CENTER HOSPITAL” or “hospital”), is a corporation duly

- incorporated and registered in and with its principal place of business in Puerto Rico.
9. Co-Defendant **DCH** owns and/or operates a hospital located in Manatí, Puerto Rico, wherein it provides its patients with a gamut of hospital services and/or hospital care, including surgery, nursing, respiratory therapy, intensive care and emergency services.
  10. Co-Defendant **DR. BRENDA LIZ LOUBRIEL RIVERA** (hereinafter “DR. LOUBRIEL”) is a pulmonologist authorized to practice medicine in Puerto Rico, who provided pulmonology consultations and participated in the care of María Santiago Pino as of August 21<sup>st</sup>, 2014.
  11. Co-Defendant **DR. JOHN DOE**, referred to herein as such for lack of information as to his/her real name, is an physician working at the Intensive Care Unit of DCH in Manatí, Puerto Rico, who was in charge of treating María Santiago Pino upon her transfer to the ICU on August 25, 2014.
  12. Co-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 its principal places of business in Puerto Rico which insures co-defendants Dr. Luis Bonilla González, Dr. Brendaliz Loubriel Rivera, Dr. John Doe and/or other unknown joint tortfeasors.
  13. Co-Defendants **DEF INSURANCE COMPANIES**, referred to herein as such for lack of information as to their real names, are all insurance companies organized, existing, and with their principal places of business in Puerto Rico or a state or territory other than Florida, which insure some and/or all co-defendants named or

unknown joint tortfeasors.

14. Co-Defendant **BONILLA DIAZ CONJUGAL PARTNERSHIP**, comprised between Mrs. Rosalyn Díaz Crescioni and Co-Defendant DR. LUIS BONILLA GONZÁLEZ, is liable for the damages caused by Co-Defendant DR. LUIS BONILLA GONZÁLEZ while engaging in those activities which benefit the conjugal partnership.
15. Co-Defendant **MOE LOUBRIEL CONJUGAL PARTNERSHIP**, referred to herein as such for lack of information as to DR. LOUBRIEL's spouse's real name, comprised between Mr. JACK MOE and Co-defendant DR. BRENDA LIZ LOUBRIEL RIVERA, is liable for the damages caused by DR. BRENDA LIZ LOUBRIEL RIVERA while engaging in those activities which benefit the conjugal partnership.
16. Co-Defendant **DOE ROE CONJUGAL PARTNERSHIP**, referred to herein as such for lack of information as to the spouses' real names, comprised between Mrs. SALLY ROE and Co-defendant DR. JOHN DOE, are liable for the damages caused by Co-Defendant DR. JOHN DOE while engaging in those activities which benefit the conjugal partnership.
17. Co-Defendants **JIM DOES I-X** are unknown joint tortfeasors, as individuals, corporations or business entities, who are therefore liable to Plaintiff, in whole or in part, for the actions herein described and the damages suffered by Plaintiff.

#### **GENERAL ALLEGATIONS**

18. Mrs. María Santiago Pino, hereinafter referred to "María Santiago" or "patient", was only 53 years old at the time of her death.

19. At all times material hereto, co-Defendant DR. LUIS BONILLA GONZÁLEZ was a surgeon with privileges and was allowed to practice medicine at DCH at Manatí.
20. On Wednesday, August 20, 2014, DR. LUIS BONILLA GONZÁLEZ performed a laparoscopic incisional hernia repair with mesh implantation as well as lysis of adhesions on his patient, María Santiago Pino at DCH.
21. The operative note for this surgery stated that “lysis of adhesions was done with the harmonic scalpel for more than four hours”, a long time for a surgery such as this.
22. That evening, María began to complain of shortness of breath.
23. At approximately 3:00AM on August 21, 2014, María developed respiratory distress.
24. In the morning of Thursday, August 21, 2014, María’s son Alex Rios Santiago, a respiratory therapist by profession, discovered that his mother had had a respiratory episode the night before.
25. A pulmonary consultation was placed and a CT scan was ordered to test for a possible pulmonary embolism.
26. At approximately noon that day, the CT scan was performed and it ruled out a pulmonary embolism.
27. Later that same day, Alex spoke to the respiratory therapist at DCH and, upon learning of his mother’s low oxygen saturation values and confirming with his own equipment, indicated to the hospital’s personnel that she needed to be intubated.
28. Alex also spoke to DR. LOUBRIEL, pneumologist and later to DR. LUIS BONILLA GONZÁLEZ and told each of them that his mother’s oxygen saturation was below normal and that she needed to be intubated.
29. Neither physician provided the patient with required respiratory relief through

intubation.

30. María was transferred to the telemetry unit, where she developed a leukocytosis as well as began to display signs and symptoms of early septic shock as a result of the enterotomy or intestinal perforation which occurred during the long lysis of adhesions surgery on August 20<sup>th</sup>, 2014.
31. María continued to decompensate from a respiratory standpoint, continued to display the signs and symptoms of septic shock, and her treating physicians failed to aggressively address her condition.
32. Despite her complaints to the nurses, whom ignored her as being a difficult patient, María's oxygen insufficiency was inadequately treated.
33. The nurses treated María as a problematic patient since she constantly complained she could not get sufficient oxygen and was short of breath.
34. On Saturday, August 23, 2014, at approximately 3:00PM, María was transferred to the intensive care unit after she had asked her husband, JOHN RIOS, Sr., to take her from the hospital and the nurses prevented it.
35. Once transferred to the intensive care unit, the pulmonology department is consulted once more and María was intubated and placed on mechanical ventilation.
36. Upon JOHN RIOS, Sr.'s return to the hospital, he noticed his wife had been completely transformed; María was unresponsive, her eyes had rolled to the back of her head and she looked very ill.
37. Due to lack of medical and nursing care, JOHN RIOS, Sr. at times had to try to get a doctor or nurse to attend to his wife, María, who continued in great pain and distress.
38. Several hours passed and the nurses and physician failed to: contact DR. BONILLA

GONZALEZ or promptly consult with the surgeon on call or the head of surgery department.

39. On August 24<sup>th</sup>, 2014, a CAT scan of the abdomen was performed, which revealed free fluid in the peritoneal cavity, free air, and a recurrent ventral hernia above the umbilicus containing ascitic fluid and gas. Additionally, an edematous bowel was also noted.
40. DR. BONILLA GONZALEZ was informed of these findings by the radiologist, but did not return for a surgical re-exploration of this patient.
41. Over the next 24 hours, María Santiago Pino's condition deteriorated at an accelerated rate; she developed a severe metabolic and respiratory acidosis, with multisystem organ failure and lactic acidosis.
42. Despite this clinical picture, DR. BONILLA GONZALEZ does not perform a surgical re-exploration, but rather orders an intra-abdominal pressure measurement, which is performed by critical care physician, DR. JOHN DOE.
43. Neither DR. BONILLA GONZALEZ nor DR. JOHN DOE ever made any efforts to rule out an inadvertent enterotomy during the four-hour laparoscopic hernia repair and lysis of adhesions as the cause of María's sepsis and multisystem organ failure.
44. Due to the fact that the source of María's sepsis was never identified, the patient's organs continued to fail, and María suffered a cardiac arrest on the morning of August 26<sup>th</sup>, 2014, which she barely survived.
45. That afternoon, however, María suffered a second cardiac arrest with asystole and subsequently died that same day.
46. After María died, JOHN RIOS, Sr. was informed he had to make prompt funeral

arrangements since the Hospital did not have the facilities to keep his wife's body for very long.

47. JOHN RIOS, Sr. therefore, promptly made the funeral arrangements and when he requested the hospital to release his wife's body to him so he could give her a proper burial, the Hospital refused to do so.

48. The Hospital, for days made up excuses for not releasing Maria's body, until JOHN RIOS, Sr. had to retain a lawyer, who accompanied him to initiate the proceedings to obtain a court order for the release of Maria's body.

49. During that legal process, the Hospital finally released María's body in a partially decomposed state, thereby cutting short the funeral services and accelerating the burial.

**FIRST CAUSE OF ACTION**  
**FOR NEGLIGENCE UNDER ARTICLE 1802**  
**OF THE PUERTO RICO CIVIL CODE**  
**DOCTORS' CENTER HOSPITAL AND ITS PERSONNEL**

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

51. DOCTORS' CENTER HOSPITAL has surgery and intensive care departments within its hospital premises.

52. At the relevant times of this complaint, DOCTORS' CENTER HOSPITAL operated or contracted to operate surgery and intensive care departments within its premises.

53. The hospital sets up policies, procedures and/or requirements for the operation of the hospital, surgery, medical consultation and intensive care departments on its premises.

54. The hospital supplies nursing, clerical, administrative, and technical personnel,

respiratory therapists, to the hospital, surgery, and intensive care departments.

- 55.** The hospital derives revenue from the services provided at and by the hospital, surgery, consulting services and intensive care departments within its premises.
- 56.** The hospital is liable for medical malpractice occurring at the hospital, surgery, and intensive care departments located on its premises.
- 57.** The treatment offered by DOCTORS' CENTER HOSPITAL to María Santiago Pino through its medical, nursing, technical personnel and/or the doctors with privileges who used its facilities, 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, JOHN RIOS RIVERA and JOHN RIOS SANTIAGO, the untimely death of their beloved wife and mother, María Santiago Pino, and the injuries as described herein.
- 58.** DOCTORS' CENTER HOSPITAL personnel failed to exercise the care and precautions required under the circumstances in order to prevent the loss of María Santiago Pino's life, lacked the required knowledge and medical skill, failed to perform the adequate tests to avoid the injuries and subsequent death of María Santiago Pino, and failed to timely address the clinical picture this patient presented in order to avoid her injuries and subsequent death.
- 59.** DOCTORS' CENTER HOSPITAL personnel negligently failed to recognize or otherwise ignored the serious nature of María Santiago Pino's condition upon complaining of shortness of breath less than one day after having undergone surgery.
- 60.** DOCTORS' CENTER HOSPITAL personnel negligently failed to timely and

appropriately provide for the adequate respiratory relief as well as surgical re-exploration required by María Santiago Pino that could have potentially saved her life.

- 61.** DOCTORS' CENTER HOSPITAL negligently and carelessly failed to have DR. LUIS BONILLA GONZALEZ and/or another surgeon in its staff attend to María Santiago Pino and provide the intensive care, emergency care and surgery that her condition evidently and urgently required.
- 62.** DOCTORS' CENTER HOSPITAL failed to ensure the proper medical and technical care of María Santiago Pino by its surgery and intensive care departments.
- 63.** DOCTORS' CENTER HOSPITAL negligently failed to contact and communicate the urgency and rapidly deteriorating condition of María Santiago Pino to DR. LUIS BONILLA GONZALEZ or, in the alternative, a doctor in its surgical staff.
- 64.** At all times herein pertinent, co-Defendant DOCTORS' CENTER HOSPITAL, its directors, officers, and employees were negligent in failing to provide the proper medical attention to María Santiago Pino, in failing to provide the proper supervision of co-Defendants DR. LUIS BONILLA GONZALEZ, DR. LOUBRIEL and DR. JOHN DOE, as well as the medical personnel DOCTORS' CENTER HOSPITAL employs, and otherwise failing to exercise due care and caution to prevent the tortious conduct and injuries to Plaintiffs and to María Santiago Pino.
- 65.** 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 María Santiago Pino, proximately and directly causing Plaintiffs' injuries.

66. DOCTORS' CENTER HOSPITAL offered medical services to its patients, but failed to staff its hospital with the medical personnel and equipment necessary to timely, appropriately, and safely treat its patients and ensure prompt emergency attention.
67. In so doing, DOCTORS' CENTER HOSPITAL misled those who sought full hospital treatment into thinking that they would be appropriately treated.
68. DOCTORS' CENTER HOSPITAL did not provide the timely services of persons capable of properly and effectively coordinating its nursing, respiratory therapy, surgical and intensive care departments.
69. As a direct and proximate result of DOCTORS' CENTER HOSPITAL lack of available surgeons, as well as the supervision of such specialists and other medical personnel, and its failure to staff its nursing, respiratory therapy, surgical and intensive care departments with the medical personnel and personnel in charge of coordinating and communicating vital information necessary to appropriately treat emergency situations at DOCTORS' CENTER HOSPITAL, DCH and its personnel negligently caused Plaintiffs the untimely death of their wife and mother, and the injuries as described herein.
70. During María Santiago Pino's stay at DOCTORS' CENTER HOSPITAL, the medical staff, nurses and technicians of DCH, as well as DR. LUIS BONILLA GONZALEZ, DR. LOUBRIEL, and DR. JOHN DOE failed to offer the patient proper treatment, committing medical malpractice which resulted in the deterioration of the patient's condition up to her eventual death.
71. DOCTORS' CENTER HOSPITAL and its staff took an extremely long time to

release María's body to her family, causing her surviving loved ones a great deal of pain and suffering at seeing her body in a partially decomposed state and at not being able to give her a proper and timely burial.

72. As a direct and proximate cause of co-Defendant DOCTORS' CENTER HOSPITAL and its personnel's failure to properly treat María Santiago Pino, Plaintiffs sustained severe pain and suffering and other damages, as described below.

**SECOND CAUSE OF ACTION**  
**FOR NEGLIGENCE UNDER ARTICLE 1802**  
**OF THE PUERTO RICO CIVIL CODE**  
**AGAINST DR. LUIS BONILLA GONZÁLEZ**

73. The allegations contained above are incorporated by reference as if again fully set forth herein.
74. Defendant DR. LUIS BONILLA GONZÁLEZ's treatment of María Santiago Pino 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 wife and mother, María Santiago Pino, and the injuries and pain and suffering as described herein.
75. During her stay at DCH, the medical staff, nurses and technicians of DCH and DR. LUIS BONILLA GONZALEZ failed to offer the patient proper treatment, committing medical malpractice which resulted in the deterioration of the patient's condition up to her eventual death.
76. At the time of the incidents giving rise to this Complaint, Defendant DR. LUIS BONILLA GONZÁLEZ was the surgeon in charge of María Santiago Pino's care, who had performed on her a laparoscopic incisional hernia repair with mesh

implantation and lysis of adhesions on August 20<sup>th</sup>, 2014.

77. Defendant DR. LUIS BONILLA GONZÁLEZ negligently and carelessly failed to ensure he timely detected, repaired and thoroughly cleaned the punctured intestine prior to closing the abdominal cavity.
78. Instead, Defendant DR. LUIS BONILLA GONZÁLEZ negligently and carelessly closed or ordered closed the abdominal cavity that was being infected by the punctured intestinal fluids, poisoning the patient and creating a dangerous septic condition in the patient.
79. Defendant DR. LUIS BONILLA GONZÁLEZ negligently and carelessly failed to timely intervene, examine, treat, monitor, and immediately operate on María Santiago Pino to stop the deteriorating condition of this patient and find its source, all urgent and life saving measures.
80. Defendant DR. LUIS BONILLA GONZÁLEZ negligently and carelessly failed to provide María Santiago Pino with prompt attention and medical care in light of the shortness of breath and rapid deterioration experienced by his patient, on whom he had performed surgery just one day prior to her initial complaints of shortness of breath.
81. Defendant DR. LUIS BONILLA GONZÁLEZ negligently and carelessly failed to appear at DCH upon María Santiago Pino experiencing deterioration in her condition directly related to the surgery he had performed on her just 1 day earlier.
82. Defendant DR. LUIS BONILLA GONZÁLEZ negligently and carelessly failed to ensure that another surgeon intervened with patient María Santiago Pino upon his failure to do so, which was his duty as the surgeon who was in charge of María

Santiago Pino's post surgical care.

83. Defendant DR. LUIS BONILLA GONZÁLEZ negligently and carelessly failed to provide proper care of patient María Santiago Pino, by failing to intervene immediately with her emergency medical condition.
84. Defendant DR. LUIS BONILLA GONZÁLEZ 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 put in motion the measures to ensure immediate surgical re-exploration of this patient.
85. Defendant DR. BONILLA, instead, only ordered an intra-abdominal pressure measurement, allowing María Santiago Pino's sepsis to progress unabated.
86. In so doing, Defendant DR. LUIS BONILLA GONZÁLEZ committed professional negligence, including lack of expertise, fault and malpractice, which directly and proximately caused the injuries and damages suffered by Plaintiffs, particularly the loss of María Santiago Pino, as detailed herein, and by María Santiago Pino herself before her untimely death.
87. As a direct and proximate cause of co-Defendant DR. LUIS BONILLA GONZÁLEZ's negligence in failing to properly treat María Santiago Pino, Plaintiffs sustained severe injuries and other damages, as described below.

**THIRD CAUSE OF ACTION**  
**AGAINST BONILLA DIAZ CONJUGAL PARTNERSHIP**

88. The allegations contained above are incorporated by reference as if again fully set forth herein.
89. At the time of the events described in this complaint, Co-defendant DR. LUIS

BONILLA GONZÁLEZ was married and had a Conjugal Partnership with his wife, Mrs. Rosalyn Díaz Crescioni.

90. The activities by which Co-defendant DR. LUIS BONILLA GONZÁLEZ caused Plaintiff damages were activities, which benefitted co-Defendant Conjugal Partnership comprised by DR. LUIS BONILLA GONZÁLEZ and his wife, Rosalyn Díaz Crescioni.
91. As such, this Conjugal Partnership is jointly and severally liable to Plaintiff for the damages caused by DR. LUIS BONILLA GONZÁLEZ.

**FOURTH CAUSE OF ACTION**  
**FOR NEGLIGENCE UNDER ARTICLE 1802**  
**OF THE PUERTO RICO CIVIL CODE**  
**AGAINST DR. BRENDA LIZ LOUBRIEL RIVERA**

92. The allegations contained above are incorporated by reference as if again fully set forth herein.
93. Defendant DR. BRENDA LIZ LOUBRIEL RIVERA's treatment of María Santiago Pino 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 wife and mother, María Santiago Pino, and the injuries and pain and suffering as described herein.
94. During her stay at DCH, the medical staff, nurses and technicians of DCH and DR. BRENDA LIZ LOUBRIEL RIVERA failed to offer the patient proper treatment, committing medical malpractice which resulted in the deterioration of the patient's condition up to her eventual death.
95. At the time of the incidents giving rise to this Complaint, Defendant DR.

BRENDALIZ LOUBRIEL RIVERA was the pulmonologist in charge of María Santiago Pino's care, who had been called to treat her respiratory insufficiency after she was operated on for an incisional hernia repair with mesh implantation and lysis of adhesions on August 20<sup>th</sup>, 2014.

96. Defendant DR. BRENDALIZ LOUBRIEL RIVERA negligently and carelessly failed to ensure patient was adequately ventilated and merely afforded limited respiratory therapy and BiPAP assistance.
97. Despite Alex Rios' warnings that his mother's respiratory condition was not being adequately addressed and his request to intubate his mother due to respiratory insufficiency, DR. BRENDALIZ LOUBRIEL RIVERA provided insufficient medical assistance.
98. Instead, Patient was left day after day fighting to breath, complaining to the nursing and medical staff of her inability to breathe.
99. Defendant DR. BRENDALIZ LOUBRIEL RIVERA negligently and carelessly failed to closely monitor Marian and also failed to timely intervene, examine, treat, monitor, and promptly intubate María Santiago Pino to stop or slow down the deteriorating condition of this patient while the cause of the breathing insufficiency was addressed.
100. Defendant DR. BRENDALIZ LOUBRIEL RIVERA negligently and carelessly failed to provide María Santiago Pino with prompt attention and medical care in light of the breathing insufficiency and rapid deterioration experienced by his patient.
101. Defendant DR. BRENDALIZ LOUBRIEL RIVERA negligently and carelessly

failed to provide proper care of patient María Santiago Pino, by failing to intervene immediately with her emergency medical condition.

102. Defendant DR. BRENDA LIZ LOUBRIEL RIVERA 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 she failed to early and appropriately put in motion the measures to effectively address the respiratory insufficiency of Maria through intubation and aggressive respiratory therapy.
103. Defendant DR. BRENDA LIZ LOUBRIEL RIVERA, instead, only ordered intubation six days after she developed respiratory insufficiency, a delay that contributed to María Santiago Pino's early demise.
104. In so doing, Defendant DR. BRENDA LIZ LOUBRIEL RIVERA committed professional negligence, including lack of expertise, fault and malpractice, which directly and proximately caused the injuries and damages suffered by Plaintiffs, particularly the loss of María Santiago Pino, as detailed herein, and by María Santiago Pino herself before her untimely death.
105. As a direct and proximate cause of co-Defendant DR. BRENDA LIZ LOUBRIEL RIVERA's negligence in failing to properly treat María Santiago Pino, Plaintiffs sustained severe injuries and other damages, as described below.

**FIFTH CAUSE OF ACTION AGAINST MOE LOUBRIEL CONJUGAL PARTNERSHIP**

106. The allegations contained above are incorporated by reference as if again fully set forth herein.
107. At the time of the events described in this complaint, Co-defendant DR.

BRENDALIZ LOUBRIEL RIVERA was married and had a Conjugal Partnership with her husband, MR. JACK MOE referred to herein as such for lack of information as to his real name.

- 108.** The activities by which Co-defendant DR. BRENDALIZ LOUBRIEL RIVERA caused Plaintiffs' damages were activities which benefitted Co-defendant's Conjugal Partnership comprised by DR. BRENDALIZ LOUBRIEL RIVERA and her spouse, JACK MOE, referred to herein as such for lack of information as to his real name.
- 109.** Therefore, this Conjugal Partnership is jointly and severally liable to all Plaintiffs for the damages caused by DR. BRENDALIZ LOUBRIEL RIVERA.

**SIXTH CAUSE OF ACTION**  
**FOR NEGLIGENCE UNDER ARTICLE 1802**  
**OF THE PUERTO RICO CIVIL CODE**  
**AGAINST DR. JOHN DOE**

- 110.** The allegations contained above are incorporated by reference as if again fully set forth herein.
- 111.** At the time of the incidents giving rise to this Complaint, Co-defendant DR. JOHN DOE was a critical care physician at DOCTORS' CENTER HOSPITAL.
- 112.** DR. JOHN DOE, as the physician in charge of the patient while in DOCTORS' CENTER HOSPITAL's intensive care unit, failed to timely and adequately provide the prompt medical care the patient needed.
- 113.** DR. JOHN DOE failed to ensure prompt surgical attention, instead delayed in contacting DR. LUIS BONILLA GONZALEZ or other surgeons on staff, while his patient agonized as the condition worsened for many hours.
- 114.** DR. JOHN DOE failed to closely monitor his patient while in the intensive care unit

and failed to ensure the nursing care also monitored his patient.

115. DR. JOHN DOE failed to timely order and follow up on radiologic studies that would confirm the leaking intestines and aid the surgeon when operating on the patient.
116. Defendant Dr. JOHN DOE's treatment of María Santiago Pino 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 wife and mother, María Santiago Pino, and the injuries and pain and suffering as described herein .
117. Defendant DR. JOHN DOE negligently and carelessly failed to promptly intervene, examine, treat and monitor María Santiago Pino while at the intensive care unit and failed to refer her urgent condition to DR. BONILLA GONZALEZ and/or DOCTORS' CENTER HOSPITAL's surgery department.
118. Defendant Dr. JOHN DOE negligently and carelessly failed to provide María Santiago Pino with prompt attention and medical care despite the fact that he was informed of the condition and symptoms exhibited by this patient.
119. Defendant DR. JOHN DOE negligently and carelessly failed to ensure that either DR. LUIS BONILLA GONZALEZ or a DCH surgeon intervene urgently with patient María Santiago Pino .
120. Defendant DR. JOHN DOE 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

intervene, examine, treat or refer to surgery María Santiago Pino.

121. In so doing, Defendant DR. JOHN DOE committed professional negligence, including lack of expertise, fault and malpractice, which directly and proximately caused the injuries and damages suffered by Plaintiffs, particularly the loss María Santiago Pino, as detailed herein, and by María Santiago Pino herself before her untimely death
122. As a direct and proximate cause of co-Defendant DR. JOHN DOE's negligence in failing to properly treat María Santiago Pino, Plaintiffs sustained severe injuries and other damages, as described below.

**SEVENTH CAUSE OF ACTION AGAINST DOE ROE CONJUGAL PARTNERSHIP**

123. The allegations contained above are incorporated by reference as if again fully set forth herein.
124. At the time of the events described in this complaint, Co-defendant DR. JOHN DOE was married and had a Conjugal Partnership with his wife, MRS. SALLY ROE.
125. The activities by which Co-defendant DR. JOHN DOE caused Plaintiffs' damages were activities which benefitted Co-defendant's Conjugal Partnership comprised by Dr. JOHN DOE and his spouse, SALLY ROE, referred to herein as such for lack of information as to her real name.
126. Therefore, this Conjugal Partnership is jointly and severally liable to all Plaintiffs for the damages caused by DR. JOHN DOE.

**EIGHTH CAUSE OF ACTION FOR NEGLIGENCE UNDER ARTICLES  
1802 & 1803 OF THE PUERTO RICO CIVIL CODE  
AGAINST JIM DOES I-X**

- 127.** The allegations contained above are incorporated by reference as if again fully set forth herein.
- 128.** Co-Defendants JIM DOES I-X are so designated for lack of knowledge at this point in the proceedings.
- 129.** Co-Defendants JIM DOES I-X's intervention in the nursing, technical or medical care of María Santiago Pino while at Co-Defendant DOCTORS' CENTER HOSPITAL was below the nursing, technical and 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 María death and, thus, the pain and suffering of Plaintiffs upon her premature death, as described herein.
- 130.** Co-Defendants JIM DOES I-X negligently and carelessly, breaching the medical standard that satisfies the exigencies generally recognized by the medical profession in light of the modern means of communication and teaching, failed to perform a complete, thorough and adequate medical examination of María, commensurate with her reported symptoms, and, as such, directly caused and/or contributed to causing her premature death and the pain and suffering such death caused upon the Plaintiffs.
- 131.** Co-Defendants JIM DOES I-X negligently and carelessly 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 they

failed to correctly and promptly recognize the patient's symptoms and condition and, thus, failed to provide a prompt, complete, thorough and adequate emergency medical evaluation.

**132.** Co-Defendants JIM DOES I-X negligently and carelessly failed to promptly examine, evaluate and treat María, delaying her thorough examination and the provision of essential treatment.

**133.** Co-Defendants JIM DOES I-X 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 they failed to correctly and promptly recognize and treat the patient's symptoms and condition and, thus, failed to provide adequate medical evaluation and treatment.

**134.** Co-Defendants JIM DOES I-X 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 they failed to provide María with appropriate treatment, but instead allowed lack of respiratory assistance and other negligent acts that worsened her condition and further damages.

**135.** Co-Defendants JIM DOES I-X negligently and carelessly failed to provide proper care of their patient, María, by failing to engage in his examination, evaluation of symptoms and care on a timely basis.

**136.** As a direct and proximate cause of Co-Defendants JIM DOES I-X's negligent actions and omissions upon being presented with a patient in María's condition and with her clinical signs, María was deprived of the opportunity to be promptly treated when time was of the essence and the Plaintiffs, through the premature

death of María, were deprived of her companionship, camaraderie, support and love.

**137.** In so doing, Co-Defendants JIM DOES I-X committed professional negligence, including lack of expertise, fault and malpractice, which directly and proximately caused the death of María Santiago Pino, as detailed herein.

**138.** As a direct and proximate cause of Co-Defendants JIM DOES I-X's negligence in failing to properly treat María, Plaintiffs sustained severe pain and suffering upon the loss of their loved one.

**NINTH CAUSE OF ACTION AGAINST SIMED AND DEF INSURANCE COMPANIES**

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

**140.** Co-defendants SIMED and DEF 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 on behalf of some and/or all co-Defendants and/or other unknown joint tortfeasors.

**141.** Pursuant to 26 P.R. Laws Ann. § 2001, an insurance company is liable for the negligence or fault of its insured.

**142.** 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.

**143.** Therefore, co-Defendants, SIMED and DEF INSURANCE COMPANIES are jointly and severally liable to Plaintiff for the damages caused to her by co-

Defendants DOCTOR CENTER HOSPITAL, INC., DR. LUIS BONILLA GONZALEZ, DR. BRENDA LIZ LOUBRIEL RIVERA, DR. JOHN DOE, DOCTOR CENTER HOSPITAL, and/or other unknown co-Defendants, or joint tortfeasors respectively.

### **DAMAGES**

- 144.** The allegations contained above are incorporated by reference as if again fully set forth herein.
- 145.** As a result of the professional negligence, lack of expertise, fault, and malpractice of all Defendants, Plaintiff unnecessarily and prematurely lost her wife/mother, María Santiago Pino, a 53 year-old vivacious, healthy, fun-loving, beloved and caring person.
- 146.** As a result of the professional negligence, lack of expertise, fault and malpractice of all Defendants, Plaintiffs lived through the extraordinary pain and suffering of seeing their beloved wife and mother struggling to breath, fighting to live, desperately pleading for appropriate nursing and medical care and ultimately losing her life.
- 147.** María Santiago Pino and Plaintiff JOHN RIOS RIVERA had a long and loving marital relationship.
- 148.** María Santiago Pino and Plaintiff JOHN RIOS SANTIAGO had a close and loving mother-son relationship.
- 149.** In losing María Santiago Pino, Plaintiffs not only lost a wife and mother, but also a friend and confidante.
- 150.** Plaintiffs have suffered dearly the loss of María Santiago Pino, with whom they

will not be able to share the special moments in their life and that of her children and grandchildren.

- 151.** As a direct and proximate result of the negligence of all Defendants, Plaintiffs will no longer have the joy of having their wife and mother, María Santiago Pino, with them, or otherwise enjoy the irreplaceable pleasures and value of María Santiago Pino's company and advice.
- 152.** As a direct and proximate result of the negligence of all Defendants, Plaintiffs will continue to suffer the irreparable loss of their wife and mother.
- 153.** As a direct and proximate result of DOCTORS' CENTER HOSPITAL's delay in releasing María's body to her loved ones, Plaintiffs suffered additional emotional pain and suffering at not being able to give María a timely funeral and proper burial soon after her passing.
- 154.** As a direct and proximate result of DOCTORS' CENTER HOSPITAL's delay in releasing María's body to her loved ones after her death, Plaintiffs suffered immense emotional pain and suffering upon seeing María's body in a partially decomposed state.
- 155.** As a direct and proximate result of the negligence of all Defendants, María Santiago Pino suffered for 6 days agonizing in pain, desperately trying to breathe, pleading for nursing and medical care and, eventually, a painful and untimely death, a cause of action which Plaintiff JOHN RIOS SANTIAGO inherits as Mr. María Santiago Pino's heir under Puerto Rico law.
- 156.** Plaintiff JOHN RIOS SANTIAGO, as María Santiago Pino's heir under Puerto Rico law, also represents María Santiago Pino's other two sons: Alex Ríos

Santiago and Steven Ríos Santiago.

157. María Santiago Pino's pain and suffering has a reasonable value of no less than One Million Dollars (\$1,000,000.00).
158. JOHN RIOS RIVERA's economic damages as loss of household services a result of the needless and premature death of his beloved wife has a reasonable value of no less than One Hundred Thousand Dollars (\$100,000.00).
159. JOHN RIOS RIVERA's emotional damages as a result of the needless and premature death of his beloved wife has a reasonable value of no less than One Million Dollars (\$1,000,000.00).
160. JOHN RIOS SANTIAGO'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 Dollars (\$1,000,000.00)
161. The damages suffered by Plaintiffs and those suffered by their wife and mother, which cause of action JOHN RIOS SANTIAGO inherits, have a reasonable value in excess of **THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000.00)**, including, but not limited to their own, past and future mental and emotional pain and suffering, as well as the inherited pain and suffering experienced by her father, as described above.
162. Plaintiffs hereby demand trial by jury.

**WHEREFORE**, Plaintiffs demand judgment against Defendants jointly and severally, in the amount of no less than **THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000.00)**, plus costs incurred, reasonable attorneys' fees, and such other and further relief as this Honorable Court may seem just and proper under the law.

**RESPECTFULLY SUBMITTED .**

In San Juan, Puerto Rico this 10th day of August, 2015.

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s/ Leticia Casalduc Rabell

**LETICIA CASALDUC RABELL**

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**ILEANA C. CARDONA FERNANDEZ**

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