

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

SANDRA GONZÁLEZ JAVIER and  
CECILIA JAVIER PÉREZ,

Plaintiffs

vs.

MAYAGUEZ MEDICAL CENTER-DR.  
RAMON EMETERIO BETANCES, INC.;  
SISTEMAS INTEGRADOS DE SALUD  
DEL SUR OESTE, INC.; DR. ROBERTO  
TORRES AGUIAR; CONJUGAL  
PARTNERSHIP TORRES-DOE; DRA.  
GLORIA PONCE TUA; CONJUGAL  
PARTNERSHIP ROE-PONCE;  
CONTINENTAL INSURANCE  
COMPANY; SINDICATO DE  
ASEGURADORES PARA LA  
SUSCRIPCIÓN CONJUNTA DE SEGURO  
DE RESPONSABILIDAD PROFESIONAL  
MÉDICO-HOSPITALARIA (SIMED);  
ABC INSURANCE COMPANIES; JOHN  
DOE AND JAMES ROE; as well as any  
Other Joint Tortfeasors and Their  
Respective Insurance Companies.

Defendants.

CIVIL NO. 10 -1946 (FAB)

MEDICAL MALPRACTICE

TRIAL BY JURY DEMANDED

AMENDED COMPLAINT

TO THE HONORABLE COURT:

APPEAR NOW the Plaintiffs, through the undersigned attorney, and respectfully state,  
allege and demand judgment as follows:

JURISDICTIONAL BASIS AND VENUE

1. Jurisdiction in this case arises under 28 U.S.C. § 1332 (diversity jurisdiction).

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2. Diversity jurisdiction is established because Plaintiffs are citizens of Connecticut and Washington, while Defendants are domiciled, incorporated and/or has its principal place of business in Puerto Rico or in a state other than Connecticut or Washington.
3. 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.
4. 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**

5. Plaintiff SANDRA GONZALEZ JAVIER (hereinafter “Sandra”) is the daughter of the deceased, Benita Javier Pérez, and is a resident/domicile of Connecticut.
6. Plaintiff CECILIA JAVIER PEREZ (hereinafter “Cecilia”) is the sister of the deceased, Benita Javier Pérez, and is a resident/domicile of Washington state.
7. Co-Defendant MAYAGUEZ MEDICAL CENTER- DR. RAMON EMETERIO BETANCES INC.(hereinafter “Mayaguez Medical Center, REB Inc.”) is a P.R. privately held corporation that at all relevant times rented and administered the Mayaguez Medical Center, its emergency department, as well as the hospital, telemetry and cardiac departments.
8. Mayaguez Medical Center is a medical facility operating in Mayaguez, Puerto Rico which provides health and medical services to patients, ranging from emergency room services to specialized cardiac interventional care.
9. Mayaguez Medical Center was also administered by co-defendant SISTEMAS INTEGRADOS DE SALUD DEL SUR OESTE, INC. (hereinafter “SISSO”), also a privately

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- held corporation that provided medical health and medical services to the patient herein.
10. Sistemas Integrados de Salud del Suroeste, Inc. is incorporated in and with its principle place of business in PR.
  11. SISSO's current address and principle place of business is 410 De Hostos Street, Mayaguez, P.R. 00680.
  12. Co-Defendant DR. ROBERTO TORRES AGUIAR is the interventional cardiologist that treated patient and is a resident of Puerto Rico.
  13. Co-Defendant DRA. GLORIA PONCE TUA is the internist and attending physician that treated patient and is a resident of Puerto Rico.
  14. Co-defendant CONJUGAL PARTNERSHIP TORRES-DOE is the legal entity created through marriage of Dr. Torres Aguiar and his wife.
  15. Co-defendant CONJUGAL PARTNERSHIP ROE-PONCE is the legal entity created through marriage of Dra. Ponce Tua and her husband.
  16. Co-Defendant CONTINENTAL INSURANCE COMPANY is the insurance company that issued a medical malpractice policy on behalf of Mayaguez Medical Center REB, Inc.
  17. Co-Defendant SINDICATO DE ASEGURADORES PARA LA SUSCRIPCIÓN CONJUNTA DE SEGURO DE RESPONSABILIDAD PROFESIONAL MÉDICO-HOSPITALARIA (hereinafter, "SIMED") is the insurance company that issued medical malpractice insurance policies on behalf of Dr. Torres Aguiar and Dra. Ponce Tua.
  18. Co-defendants John Doe and James Roe are unknown joint tort feasons 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,

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for the actions herein described and the damages suffered by Plaintiffs.

19. Defendant ABC Insurance Companies are insurance companies, presently unknown, who are believed to provide named and unnamed defendants with liability (professional liability or malpractice) insurance during the applicable time period.

#### **GENERAL ALLEGATIONS**

20. On or about October 3, 2009, at approximately 3:50 pm, Benita Javier Pérez (hereinafter referred to as “Benita” or “patient”), a 68 year old woman, arrived at the emergency ward at the Mayaguez Medical Center complaining of intermittent chest pain, diaphoresis and shortness of breath.
21. On October 4, 2009, at approximately 10:30 am, Benita was admitted to the hospital telemetry ward for further treatment under the care of Dra. Ponce Tua.
22. Benita was assigned Dra. Ponce Tua as her attending physician by the Mayaguez Medical Center personnel.
23. In an effort to assess Benita’s cardiac condition, Benita underwent an catheterization for an angiogram on October 6, 2009, at approximately 11:00 am, at Mayaguez Medical Center’s Advanced Cardiology Center.
24. Benita was assigned to the care of Dr. Torres Aguiar by the personnel at the Mayaguez Medical Center.
25. Dr. Torres Aguiar performed the cardiac catheterization, which consisted of inserting a probe through the femoral artery of Benita’s inguinal area of right leg to examine the heart.
26. On October 6, 2009, at 12:35 pm, Benita was referred for post operative care and monitoring at the Mayaguez Medical Center’s telemetry ward.

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27. Benita was on anticoagulation therapy, plavix, and beta blockers which made her more susceptible to hemorrhaging.
28. Benita had an unstable angina and awaiting a triple coronary bypass, thereby requiring ever more care and vigilance.
29. Benita should have been referred to the cardiac coronary unit or intensive care unit where she could be monitored closely.
30. Instead, Benita was sent to the telemetry unit where she was placed in an unmonitored bed.
31. While in the telemetry ward, Benita had pain in right leg, abdomen and her extremities were very cold.
32. Nursing care was either scarce or totally absent in the telemetry ward after the catheterization
33. Many hours passed without Benita being visited by a nurse in her room.
34. The nursing care was inadequate and the medical record is absent systematic obtaining and/or recording of patients vitals and nursing assessments of the patient.
35. On October 7, 2009, at approximately 4:30 am, nursing staff notifies resident/doctor that patient is hypotensive.
36. Resident-doctor in an "On Duty Note" reports patient with painful right leg and swelling, falling blood pressure to 50/30 and a growing abdominal mass that appears to be a hematoma.
37. Patient is ordered transferred to MICU by hospital resident.
38. Hospital staff notified Drs. Ponce Tua and Torres Aguiar at 4:50 am and 4:58 am, respectively.
39. At 5:30 am, Dra. Ponce reported that Patient's abdomen continues to grow and is painful.

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40. Patient became bradycardic, unresponsive and pulse less; at 6:00 am ACLS was started and by 6:58 am Benita was pronounced dead.
41. Physician report's that Benita died of hypovolemic shock as a result of intra-abdominal bleeding.
42. At 6:35 am Benita's body was ordered transferred to the morgue.
43. Benita died as a direct result of the failure to adequately monitor, timely detect, address and treat the femoral bleed resulting in hypovolemic shock at Mayaguez Medical Center.

**FIRST CAUSE OF ACTION**  
**AGAINST MAYAGUEZ MEDICAL CENTER REB INC.**

44. The allegations contained above are incorporated by reference as if again fully set forth herein.
45. Defendant Mayaguez Medical Center REB INC., through its acts or omissions, vicariously caused damage to Plaintiffs through fault or negligence in violation of Articles 1802 and 1803 of the Puerto Rico Civil Code, 31 L.P.R.A. §§ 5141, 5142.
46. Defendant Mayaguez Medical Center REB INC. supplies medical, nursing, clerical and administrative personnel at the Mayaguez Medical Center (also referred to "medical institution").
47. Defendant Mayaguez Medical Center REB INC. is responsible and liable for medical malpractice occurring at its medical institution.
48. Defendant Mayaguez Medical Center REB INC., had a duty to provide Benita with nursing and medical attention that satisfied the exigencies generally recognized by the medical and nursing profession in light of the modern means of communication and teaching, and

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acceptable health care, as measured by the standards of the profession, and to protect Benita from further physical, mental, or emotional harm while she was in their care.

49. Defendant Mayaguez Medical Center REB INC., through the negligent acts or omissions of the nurses and medical staff at Mayaguez Medical Center, breached its duty to provide Benita with acceptable health care, as measured by the standards of the profession, and to protect Benita from further physical, mental, and emotional harm while she was in their care.
50. Benita died as a result of the lack of timely and effective medical treatment administered by Mayaguez Medical Center REB INC.'s nursing and medical personnel assigned to her treatment.
51. Defendant Mayaguez Medical Center REB INC.'s personnel failed to exercise the care and precautions required under the circumstances in order to prevent the loss of Benita's life.
52. Defendant Mayaguez Medical Center REB INC.'s personnel lacked the required knowledge and medical skill.
53. Defendant Mayaguez Medical Center REB INC. failed to timely have available the personnel and equipment necessary to avoid the injuries and subsequent death of Benita.
54. Defendant Mayaguez Medical Center REB INC. negligently failed to initiate timely and appropriate therapeutic treatments upon Benita.
55. Defendant Mayaguez Medical Center REB INC. negligently failed to recognize the serious nature of the Benita's condition.
56. Defendant Mayaguez Medical Center REB INC. negligently and carelessly failed to refer Benita to the intensive care unit for adequate monitoring and treatment of her serious condition.

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57. Defendant Mayaguez Medical Center REB INC. negligently and carelessly failed to timely refer Benita for evaluation to a qualified physician.
58. Defendant Mayaguez Medical Center REB INC. negligently failed to immediately contact and communicate the urgency and rapidly deteriorating condition of Benita with appropriate medical personnel.
59. Defendant Mayaguez Medical Center REB INC. negligently failed to provide the medical treatment and equipment to timely provide the therapeutic treatments in time to avoid Benita's death.
60. At all times herein pertinent, defendant Mayaguez Medical Center REB INC., its directors, officers, and employees were negligent in failing to provide the proper medical attention to Benita, in failing to provide the proper supervision of the medical personnel it employs, and otherwise failing to exercise due care and caution to prevent the tortious conduct and injuries to Benita and Plaintiffs.
61. Defendant Mayaguez Medical Center REB INC. not only failed to adequately supervise its physicians, but permitted the use of its facilities, allowing, encouraging, and condoning the negligent care and improper treatment of Benita, proximately and directly causing Plaintiffs' injuries.
62. Defendant Mayaguez Medical Center REB INC. offered medical services to Benita, but failed to staff its hospital with the medical personnel and equipment necessary to timely, adequately and safely treat her.
63. In so doing, defendant Mayaguez Medical Center REB INC. misled Benita, who sought full hospital treatment into thinking that she would be adequately treated.

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64. Defendant Mayaguez Medical Center REB INC. did not provide the timely services of nursing and medical personnel capable of handling the emergency medical conditions.
65. As a direct result of the negligent acts or omissions of defendant Mayaguez Medical Center REB INC., through its agents, Benita did not receive the adequate medical treatment or care, including, but not limited to, the closely monitoring of vital signs, peripheral pulse, pain, coldness, blood levels, coagulation through periodic laboratory testing, use of femoral stops or pressure on the artery to avoid further bleeding.
66. The inadequate treatment and care, as evidenced by the failure to take vitals, check the patient for bleeding, assess the cause of patient's leg and abdominal pain, paleness, coldness of extremities all signs of internal bleeding, was a direct and proximate cause of Benita Javier Pérez' death and Plaintiffs' damages.
67. As a direct and proximate cause of defendant Mayaguez Medical Center REB INC. and its personnel's substandard medical care and failure to adequately treat Benita, Plaintiffs sustained injuries and other damages, as described below.

**SECOND CAUSE OF ACTION AGAINST  
CONTINENTAL INSURANCE COMPANY AND SIMED**

68. The allegations contained above are incorporated herein by reference as if again fully set forth.
69. Defendant CONTINENTAL INSURANCE COMPANY was, at all times herein pertinent, 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 defendant Mayaguez Medical Center REB, Inc.

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70. Defendant SINDICATO DE ASEGURADORES PARA LA SUSCRIPCIÓN CONJUNTA DE SEGURO DE RESPONSABILIDAD PROFESIONAL MÉDICO-HOSPITALARIA (hereinafter “SIMED”) was, at all times herein pertinent, 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 Dr. Roberto Torres Aguiar and Dra. Gloria Ponce Tua.
71. Pursuant to 26 P.R. Laws Ann. § 2001, an insurance company is liable for the negligence or fault of its insured.
72. 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.
73. As a result, these defendant insurance companies are severally liable to all Plaintiffs for the damages caused to them by defendants Mayaguez Medical Center REB INC., Dr. Torres Aguiar, Dra. Ponce Tua.

**THIRD CAUSE OF ACTION AGAINST  
SISTEMAS INTEGRADOS DE SALUD DEL SUR OESTE, INC. (SISSO).**

74. The allegations contained above are incorporated by reference as if again fully set forth herein.
75. Defendant Mayaguez Medical Center, at the time of the incident also administered by SISTEMSA INTEGRADOS DE SALUD DEL SUR OESTE, INC. (hereinafter “SISSO”).
76. SISSO, through its acts or omissions, vicariously caused damage to Plaintiffs through fault or negligence in violation of Articles 1802 and 1803 of the Puerto Rico Civil Code, 31 L.P.R.A. §§ 5141, 5142.

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77. Defendant SISSO, at the time of the incident, paid and supplied medical, nursing, clerical and administrative personnel at its medical institution.
78. Defendant SISSO, as such, is responsible and liable for medical malpractice occurring at its medical institution.
79. Defendant SISSO, had a duty to provide Benita with nursing and medical attention that satisfied the exigencies generally recognized by the medical and nursing profession in light of the modern means of communication and teaching, and acceptable health care, as measured by the standards of the profession, and to protect Benita from further physical, mental, or emotional harm while she was in their care.
80. Defendant SISSO, through the negligent acts or omissions of the nurses and medical staff at Mayaguez Medical Center, breached its duty to provide Benita with acceptable health care, as measured by the standards of the profession, and to protect Benita from further physical, mental, and emotional harm while she was in their care.
81. Benita died as a result of the lack of timely and effective medical treatment administered by SISSO at Mayaguez Medical Center's through its nursing, resident and medical personnel assigned to her treatment.
82. Defendant SISSO's personnel failed to exercise the care and precautions required under the circumstances in order to prevent the loss of Benita's life.
83. Defendant SISSO's administration of Mayaguez Medical Center's personnel lacked the required knowledge and medical skill.
84. Defendant SISSO's Mayaguez Medical Center failed to timely have available the personnel and equipment necessary to avoid the injuries and subsequent death of Benita.

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85. Defendant SISSO's Mayaguez Medical Center negligently failed to initiate timely and appropriate therapeutic treatments upon Benita.
86. Defendant SISSO's Mayaguez Medical Center negligently failed to recognize the serious nature of the Benita's condition.
87. Defendant SISSO's Mayaguez Medical Center negligently and carelessly failed to refer Benita to the intensive care unit for adequate monitoring and treatment of her serious condition.
88. Defendant SISSO's Mayaguez Medical Center negligently and carelessly failed to timely refer Benita for evaluation to a qualified physician.
89. Defendant SISSO's Mayaguez Medical Center negligently failed to contact and communicate the urgency and rapidly deteriorating condition of Benita with appropriate consultants on a timely basis.
90. Defendant SISSO's Mayaguez Medical Center negligently failed to provide the medical treatment and equipment to timely provide the therapeutic treatments in time to resuscitate Benita.
91. At all times herein pertinent, defendant SISSO's Mayaguez Medical Center, its directors, officers, and employees were negligent in failing to provide the proper medical attention to Benita, in failing to provide the proper supervision of the medical personnel it employs, and otherwise failing to exercise due care and caution to prevent the tortious conduct and injuries to Benita and Plaintiffs.
92. Defendant SISSO's Mayaguez Medical Center not only failed to adequately supervise its physicians, but permitted the use of its facilities, allowing, encouraging, and condoning the

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negligent care and improper treatment of Benita, proximately and directly causing Plaintiffs' injuries.

93. Defendant SISSO's Mayaguez Medical Center offered medical services to Benita, but failed to staff its hospital with the medical personnel and equipment necessary to timely, adequately and safely treat her.
94. In so doing, defendant SISSO's Mayaguez Medical Center misled Benita, who sought full hospital treatment into thinking that she would be adequately treated.
95. Defendant SISSO's Mayaguez Medical Center did not provide the timely services of nursing and medical personnel capable of handling the emergency medical conditions.
96. As a direct result of the negligent acts or omissions of defendant SISSO's Mayaguez Medical Center, through its agents, Benita did not receive the adequate medical treatment or care, including, but not limited to, the closely monitoring of vital signs, peripheral pulse, pain, coldness, blood levels, coagulation through periodic laboratory testing, use of femoral stops or pressure on the artery to avoid further bleeding.
97. The inadequate treatment and care, as evidenced by the failure to take vitals, check the patient for bleeding, assess the cause of patient's leg and abdominal pain, paleness, coldness of extremities all signs of internal bleeding, was a direct and proximate cause of Benita Javier Pérez' death and Plaintiffs' damages.
98. As a direct and proximate cause of defendant SISSO's Mayaguez Medical Center and its personnel's substandard medical care and failure to adequately treat Benita, Plaintiffs sustained injuries and other damages, as described below.

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**FOURTH CAUSE OF ACTION AGAINST**  
**DR. TORRES AGUIAR**

99. The preceding allegations are included herein as if restated in full.
100. Co-Defendant Dr. Roberto Torres Aguiar's treatment of patient Benita Javier Perez 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 a delay of Benita's diagnosis and treatment, contributing to Benita's eventual death.
101. Co-Defendant Dr. Torres Aguiar's negligent intervention consisted that when he performed the cardiac catheterization, he improperly inserting the catheter probe too high up in the inguinal artery which eventually caused the retroperitoneal hemorrhage and patient's death.
102. Co-Defendant Dr. Torres Aguiar failed to refer the patient to an ICU or acute cardiac ward where she would get adequate monitoring of Benita's cardiac and post catheterization condition.
103. Co-Defendant Dr. Torres Aguiar failed to ensure adequate monitoring by not having patient in at least a monitored bed at telemetry.
104. Co-Defendant Dr. Torres Aguiar failed to timely order immediate and life saving treatment when initially contacted by hospital personnel or soon thereafter.
105. Co-Defendant Dr. Torres Aguiar failed to timely order abdominal computerized tomography (CT) scan and surgical consultation for the retroperitoneal hemorrhage.
106. Co-Defendant Dr. Torres Aguiar failed to timely diagnose and treat the retroperitoneal hemorrhage, a known complication of the cardiac catheterization, resulting in Benita's

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suffering and death and plaintiffs damages.

107. In so doing, Co-Defendant Dr. Torres Aguiar committed professional negligence, including lack of expertise, fault and malpractice, which directly and proximately caused the pain and suffering of Benita before she finally died, and also the pain and suffering of plaintiffs
108. As a direct and proximate cause of Co-Defendant Dr. Torres Aguiar's negligence in failing to timely diagnose and treat Benita during her hospitalization post catheterization at Mayaguez Medical Center, Plaintiffs sustained damages, as described herein.

**FIFTH CAUSE OF ACTION AGAINST**  
**DRA. PONCE TUA**

109. The preceding allegations are included herein as if restated in full.
110. Co-Defendant Dra. Gloria Ponce Tua's treatment of patient Benita Javier Perez 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 a delay of Benita's diagnosis and treatment, contributing to Benita's eventual death.
111. Co-Defendant Dra. Ponce Tua failed to ensure adequate monitoring by ordering frequent nurses visits and by having patient in at least a monitored bed at telemetry.
112. Co-Defendant Dra. Ponce Tua failed to timely order immediate and life saving treatment when initially contacted by hospital personnel.
113. Co-Defendant Dra. Ponce Tua failed to timely order abdominal ct scan and surgical consultation for the retroperitoneal hemorrhage.
114. Co-Defendant Dra. Ponce Tua failed to timely diagnose and treat the retroperitoneal

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hemorrhage, a known complication of the cardiac catheterization, resulting in Benita's suffering and death and plaintiffs damages.

115. In so doing, Co-Defendant Dra. Ponce Tua committed professional negligence, including lack of expertise, fault and malpractice, which directly and proximately caused the pain and suffering of Benita before he finally died, and also the pain and suffering of plaintiffs
116. As a direct and proximate cause of Co-Defendant Dra. Ponce Tua's negligence in failing to timely diagnose and treat Benita during her hospitalization post catheterization at Mayaguez Medical Center, Plaintiffs sustained damages, as described herein.

**SIXTH CAUSE OF ACTION AGAINST  
CONJUGAL PARTNERSHIP TORRES-DOE**

117. The preceding allegations are included herein as if restated in full.
118. Upon information and belief, Dr. Torres Aguiar was married and had a conjugal property partnership with his wife Mrs. Doe (referred to herein as such for lack of information as to her real name) at the time of the events described in this complaint.
119. The activities by which Co-Defendant Dr. Torres Aguiar caused Benita and Plaintiff's damages were activities which benefitted Co-Defendant Conjugal Partnership Torres-Doe comprised by Dr. Torres Aguiar and his wife, Mrs. Doe.
120. As such, Conjugal Partnership Torres-Doe and Dr. Torres Aguiar are jointly and severally liable to Plaintiff for the damages caused by Co-Defendant Dr. Torres Aguiar.

**SEVENTH CAUSE OF ACTION AGAINST  
CONJUGAL PARTNERSHIP ROE-PONCE**

121. The preceding allegations are included herein as if restated in full.
122. Upon information and belief, Dra. Ponce Tua was married and had a conjugal property

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partnership with her husband, Mr. Roe (referred to herein as such for lack of information as to his real name) at the time of the events described in this complaint.

123. The activities by which Co-Defendant Dra. Ponce Tua caused Benita and Plaintiff's damages were activities which benefitted Co-Defendant Conjugal Partnership Roe-Ponce comprised by Dra. Ponce Tua and her husband, Mr. Roe.

124. As such, Conjugal Partnership Roe-Ponce and Dra. Ponce Tua are jointly and severally liable to Plaintiff for the damages caused by Co-Defendant Dra. Ponce Tua.

#### **DAMAGES**

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

126. As a result of the acts or omissions, professional negligence, lack of expertise, fault, and malpractice of all Defendants, Plaintiffs' mother and sister, Benita Javier Pérez suffered an extremely painful and tragic death.

127. As a direct result of the acts or omissions of all Defendants, Plaintiffs have suffered damages, including but not limited to mental anguish and ongoing pain and suffering.

128. As a direct result of the acts or omissions of all Defendants, Plaintiffs have lost her mother and sister Benita, who was only 68 years old.

129. Benita was a vivacious, fun loving and exceptional woman whose life was ended too soon as a result of defendants negligence.

130. As a direct result of the acts or omissions of all Defendants, Plaintiffs have been deprived of the irreplaceable pleasures and value of their mother and sister's love, companionship, advice and will continue to experience that loss each day for the rest of their lives.

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131. As a direct result of the acts or omissions of all Defendants, Plaintiffs have been deprived of the joy Benita brought them and are haunted knowing that her untimely death was totally preventable had the correct procedures been carefully executed.
132. As a direct and proximate result of the negligence of all Defendants, Benita suffered many hours in agony and eventually a painful death, a cause of action which plaintiff Sandra González Javier inherits as one of Benita' heirs under Puerto Rico law.
133. Plaintiff Sandra González Javier's proportional share of his mother's pain and suffering has a reasonable value of no less than Two Hundred and Fifty Thousand dollars (\$250,000).
134. Plaintiff Sandra González Javier's past, present and future damages have a reasonable value of no less than ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000).
135. Plaintiff Cecilia Javier Pérez' past, present and future damages have a reasonable value of no less than SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS (\$750,000).
136. The damages suffered by Plaintiffs have a total reasonable value in excess of TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000), 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**

137. Plaintiffs demand a trial by jury.

**WHEREFORE**, Plaintiffs respectfully demand judgment against Defendants, jointly and severally, in the amount of no less than TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000), 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.

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**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 30<sup>th</sup> day of December, 2010.

**CERTIFICATE OF SERVICE:** We hereby certify that on this same date, the preceding motion was filed with the Court's CM/ECF system which will notify the counselors of record.

*Plaintiffs' Counsel:*

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