

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

SHALIMAR RIVERA VEGA,

Plaintiff,

vs.

**DORADO HEALTH INC. d/b/a/ MANATÍ
MEDICAL CENTER; CONTINENTAL
INSURANCE CO.; DR. LUIS BONILLA
GONZALEZ, his CONJUGAL PARTNERSHIP
BONILLA-DOE comprised by them; their
insurance company; DR. MOE, and his
CONJUGAL PARTNERSHIP MOE-ROE
comprised by them; their insurance company; ABC
Insurance Companies; SINDICATO DE
ASEGURADORES PARA LA SUSCRIPCION
CONJUNTA DE SEGURO DE
RESPONSABILIDAD PROFESIONAL MEDICO-
HOSPITALARIA (“SIMED”); and JOHN AND
JIM DOE, unknown joint tortfeasors,**

Defendants.

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

**TORT ACTION FOR
MEDICAL MALPRACTICE**

TRIAL BY JURY DEMANDED

COMPLAINT

TO THE HONORABLE COURT: _

_____ **APPEARS NOW** the Plaintiff in this action, **SHALIMAR RIVERA VEGA**, through the undersigned attorneys, and respectfully states, alleges and requests as follows:

JURISDICTIONAL BASIS

1. Plaintiff **SHALIMAR RIVERA VEGA**, (hereinafter referred to as “Shalimar Rivera”,

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“Shalimar” or “plaintiff”) is domiciled and a resident of the state of New Jersey.

2. All co-Defendants are domiciled, incorporated or with principal place of business in Puerto Rico or in another state other than New Jersey.
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.

THE PARTIES

4. **SHALIMAR RIVERA** is the daughter of Wilfredo Rivera Natal, who died at MANATÍ MEDICAL CENTER on April 20, 2011.
5. **DORADO HEALTH, INC., d/b/a MANATÍ MEDICAL** (hereinafter “MANATÍ MEDICAL” or “hospital”), is a corporation duly incorporated and registered in and with its principal place of business in Puerto Rico.
6. Defendant **MANATÍ MEDICAL** 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 and emergency services.
7. Defendant **DR. MOE**, referred to herein as such for lack of information as to his/her real name, is an Emergency Room Doctor at Manati Medical Center in Puerto Rico, who was in charge of treating Wilfredo Rivera Natal upon his arrival on March 25, 2011.
8. Defendant **DR. LUIS BONILLA GONZÁLEZ** (hereinafter “Dr. Bonilla”) is a surgeon authorized to practice medicine in Puerto Rico, who operated on Wilfredo Rivera Natal, performing a colostomy, then a colostomy closure and, later, its reversal.

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9. 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. MOE and/or other unknown joint tortfeasors.
10. **CONTINENTAL INSURANCE COMPANY**, is a CNA corporation, which insures Dorado Health Inc. D/B/A MANATI MEDICAL for medical, nursing, hospital staff and other personnel medical malpractice.
11. **ABC 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 New Jersey, which insure some and/or all co-defendants named or unknown joint tortfeasors.
12. **MRS. BONILLA-DOE**, referred to herein as such for lack of information as to her real name, and the conjugal partnership comprised between her and Co-defendant Dr. Luis Bonilla González, are liable for the damages caused by the other spouse while engaging in those activities which benefit the conjugal partnership.
13. **MRS. MOE-ROE**, referred to herein as such for lack of information as to her real name, and the conjugal partnership comprised between her and Co-defendant Dr. MOE, are liable for the damages caused by the other spouse while engaging in those activities which benefit the conjugal partnership.
14. **JOHN** and **JIM DOE** are unknown joint tortfeasors, as individuals, corporations or

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business entities, who are therefore liable to Plaintiffs, in whole or in part, for the actions herein described and the damages suffered by Plaintiffs.

GENERAL ALLEGATIONS

15. Mr. Wilfredo Rivera Natal, hereinafter referred to “Mr. Rivera Natal” or “patient”, was only 53 years old at the time of his death.
16. At all times material hereto, co-Defendant Dr. Luis Bonilla González was a surgeon with privileges and was allowed to practice medicine at Manatí Medical.
17. On February 19, 2010, upon a diagnosis of perforated diverticulitis, Dr. Bonilla performed on Wilfredo Rivera Natal a resection of the intestine and colostomy.
18. The intended treatment was to allow the intestine to heal and then reverse the colostomy by reuniting or performing an anastomosis of the resected or severed intestine.
19. On or about February 25, 2011, pursuant to an appointment for surgery, Mr. Rivera Natal showed up at Manatí Medical fully prepared to have Dr. Bonilla perform the anastomosis or colostomy closure (re-attachment of the intestine and, consequently, removal of the colostomy).
20. The operation never took place because Dr. Bonilla forgot and failed to show up, leaving Mr. Rivera Natal waiting for hours.
21. On Friday, March 18, 2011, Dr. Luis Bonilla González finally performed the intestinal anastomosis and colostomy closure on his patient, Wilfredo Rivera Natal, at Manatí Medical.
22. On Monday, March 21, 2011, Mr. Rivera Natal was released from the Manati Medical

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hospital with instructions to follow a regular diet, low in sodium.

23. Once informed that the surgery had gone as planned, Plaintiff Shalimar Rivera followed-up closely her father's recovery by telephone.
24. Mr. Rivera Natal's recovery between Monday, March 21 and Friday, March 25, 2011 was uneventful.
25. On Friday, March 25, 2011, on or about 3:50 p.m., Mr. Rivera Natal reported to his son, Wilberto Rivera, that he was experiencing severe pain in the abdomen and needed to be rushed to the hospital.
26. Mr. Rivera Natal arrived via ambulance at Manatí Medical's emergency ward at approximately 5:15 p.m.
27. Both Mr. Rivera Natal and Wilberto Rivera, reported at the emergency ward that patient Rivera Natal was experiencing severe pain in his abdomen and his legs and that he had undergone a colostomy closure only 7 days earlier, on March 18, 2011.
28. Mr. Rivera Natal's clinical signs and past history of recent colostomy closure required that he receive immediate and aggressive medical treatment at the emergency department.
29. Mr. Rivera Natal was neither transferred to ICU nor admitted to the hospital for many hours to come.
30. Shortly after 8 pm, blood laboratory results further confirmed that patient Rivera Natal was in grave danger and in need of immediate surgical intervention to repair the intestinal anastomosis leak and clean the infected area.
31. Radiologic studies were not ordered or performed until many hours after Mr. Rivera

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Natal's arrival in the emergency room.

32. Mr. Rivera Natal's scar was producing purulent secretions.
33. Mr. Rivera Natal repeatedly released gases in very loud, protracted burps and vomited a dark green/black substance.
34. Due to lack of medical and nursing care, the patient's son, Wilberto Rivera, at times had to walk the emergency ward's premises trying to get a doctor or nurse to attend to his father, Mr. Rivera Natal, who continued in great pain.
35. Several hours passed and the emergency ward physician failed to: contact Dr. Bonilla or promptly consult with the surgeon on call or the head of surgery department.
36. Despite the patient's severe pain and distress, the first consultation on the emergency medical record is not placed until 11:50 p.m., almost seven (7) hours after the patient showed up at the hospital's emergency department in dire need.
37. Mr. Rivera Natal was not admitted at Manatí Medical until 1:40 a.m., on March 26, 2011, almost nine (9) hours after having been delivered to the emergency room by ambulance at 5:15 pm on March 25, 2011.
38. A CT (computerized tomography) was not done on Mr. Rivera Natal until the next day, March 26, 2011.
39. The first note of an intervention by Dr. Bonilla on his patient is entered at 5:00 am on March 26, 2011.
40. It is not until sometime after 10:30 a.m. on March 26, 2011, more than seventeen (17) hours after his arrival at the emergency room, that Mr. Rivera Natal is finally taken into

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surgery.

41. The Operation Report was signed at 12:50 pm on March 26, 2011, at which time Mr. Rivera Natal was admitted to the ICU in critical state.
42. Shalimar Rivera arrived in Puerto Rico with her three children on March 27, 2011, in order to be by her father's side.
43. Shalimar visited her father daily and witnessed her father's suffering as his condition continued worsening.
44. Subsequent to the performance of the belated emergency surgery, Wilfredo Rivera Natal's septic condition continued to deteriorate.
45. Just 5 days after the emergency surgery, on April 1, 2011 Mr Rivera Natal required a double above-the-knee amputation of his lower extremities.
46. Wilfredo Rivera Natal finally passed away on April 20, 2011, after a long and extremely painful twenty four (24) day ordeal at Manatí Medical.
47. Upon receiving Mr. Rivera Natal, a patient who had had a colostomy closure 7 days prior and was experiencing severe pain in the abdomen, the emergency department physician(s) and/or nurses and/or technicians at Manatí Medical failed to provide Mr. Rivera Natal with timely medical, technical and nursing care.
48. Patient's clinical picture and history pointed to an obvious intestinal anastomosis leak, which required immediate surgical intervention.
49. Radiologic studies were not ordered or performed promptly, but were negligently delayed.
50. Immediate radiological studies would have confirmed the already evident anastomotic

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leak and need for urgent surgery.

51. An abdominal CT was not performed on patient until after more that eight (8) hours from his arrival.
52. The CT was not formally read and transcribed until 9:26 a.m. on March 26, 2011.
53. Personnel at Manatí Medical failed to properly diagnose and/or treat Mr. Rivera Natal's condition, particularly in light of the fact that he had had a colostomy closure only 7 days earlier.
54. Manatí Medical personnel were negligent in their care of Wilfredo Rivera Natal, often times leaving him unattended for hours at the emergency ward, while he exhibited terrible pain and vomiting.
55. Personnel at Manatí Medical, emergency department physicians and nursing or clerical staff failed to immediately notify and consult the emergency situation with the surgeon that had closed the colostomy, Dr. Bonilla.
56. Instead, the Manati Medical staff waited for hours before placing a consult with Dr. Bonilla or contacting him regarding this patient.
57. Manati Medical emergency department personnel, failed to timely secure the surgical intervention needed to repair the leaking intestinal anastomosis.
58. Manati Medical emergency department should have contacted the surgeon on call, and if unavailable, should have contacted the head of surgery department at Manatí Medical and secure prompt surgical intervention.
59. Mananti Medical staff should have ensured the patient was prepared for surgery,

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including all the laboratory, radiologic and other measures completed.

60. Manatí Medical staff should have ensured that an operating room and personnel were available for immediate surgery upon securing the services of a surgeon.
61. Dr. MOE, the emergency room doctor who attended to Mr. Rivera Natal, failed to properly diagnose and/or treat Mr. Rivera Natal's condition, particularly given the history of recent closure of a colostomy.
62. Dr. MOE, the emergency room doctor who attended to Mr. Rivera Natal, failed to refer the emergency situation promptly to his surgeon, Dr. Bonilla, and/or the surgeon on call and/or the head of surgery at Manatí Medical.
63. Dr. MOE, instead, did not place a surgical consult until almost seven (7) hours while his patient's infection raged and he agonized under his inadequate care.
64. Dr. MOE, as the physician in charge of this patient at Manatí Medical emergency ward, had to secure prompt surgical services for this patient and he failed to do so.
65. Manatí Medical personnel, including but not limited to Dr. MOE, failed to adequately treat Wilfredo Rivera Natal by ensuring immediate treatment and prompt surgery.
66. Dr. Luis Bonilla González had performed the colostomy closure on Wilfredo Rivera Natal just seven days before he presented at Manatí Medical's emergency ward with his leaking intestine.
67. Dr. Bonilla was eventually, but belatedly, contacted by Manatí Medical personnel who informed him of his patient's condition.
68. Many hours elapsed after Mr. Rivera Natal was delivered at the hospital's emergency

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department by ambulance, before Dr. Luis Bonilla González showed up at Manatí Medical to attend to him.

69. Dr. Bonilla did not promptly arrive, but delayed reaching the hospital, knowing that immediate surgical intervention was needed to save his patient's life.
70. Dr. Bonilla failed to ensure that his patient had the necessary work-up, or that the operating room was ready to ensure immediate surgery.
71. Dr. Bonilla, when finally arrived at Manatí Medical on March 26, 2011, took over eight (8) hours before he provided his patient with the desperately needed life saving surgical treatment.
72. In spite of the evident signs that Mr. Rivera Natal was experiencing a ruptured bowel at the site where it had been reunited upon closing the colostomy, over seventeen (17) hours elapsed from the time Mr. Rivera Natal was delivered by ambulance to the Manatí Medical emergency department, before Dr. Bonilla finally operated on him.
73. Upon confronting a patient who had had a colostomy closure 7 days prior and was experiencing severe pain in the abdomen, Dr. Luis Bonilla González, Dr. MOE and the other physicians on staff and/or nurses and/or technicians at Manatí Medical knew or should have known that, Mr. Rivera Natal's chances of survival greatly reduced with each hour that passed without the surgical repair and cleaning of the leaking intestinal or failed anastomosis.
74. Because an inordinately excessive amount of time was allowed to elapse between the patient arriving at Manatí Medical and the performance of the emergency surgery, the

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patient's condition worsened substantially.

75. At the conclusion of the belated operation, Dr. Bonilla described his patient as critical.
76. Shortly after Dr. Bonilla operated on his critically ill patient, he left Puerto Rico for a vacation, during which time he would be at a convention.
77. Due to Dr. Bonilla's absence, his patient was placed under the care of Dr. Cruzado.
78. Five days later, Dr. Cruzado proceeded to amputate both of the patient's legs as the sepsis progressed.
79. The patient's family was informed he would receive treatment with suctioning medical equipment, critical to his treatment.
80. Days passed and the equipment was never provided and the patient never received the benefit of the use of such equipment.
81. Manatí Medical failed to ensure patient had the benefit of this equipment.
82. After much agony and suffering, Mr. Rivera Natal died.
83. During his stay at Manatí Medical the medical staff, nurses and technicians of Manatí Medical and Dr. Bonilla failed to offer the patient proper treatment, committing medical malpractice which resulted in the deterioration of the patient's condition up to his eventual death.
84. The medical care received by Wilfredo Rivera Natal was below standard as well as unprofessional and inhuman.
85. Upon Mr. Rivera Natal's death, Plaintiff Rivera requested from Manatí Medical Hospital a copy of Mr. Rivera Natal's entire medical record.

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86. Manati Medical failed to provide any records from the emergency room or the surgery.
87. Plaintiff's aunt, Laura Rivera, sister of Wilfredo Rivera, also intervened in an effort to obtain the complete medical record and was unsuccessful.
88. Plaintiff was forced to request the intervention of the office of the Patient Advocate, through a complaint, before the hospital finally produced the records related to the belated surgery but not those related to the emergency room.
89. Shalimar Rivera had to request again the records related to the emergency room.
90. It appears that Manati Medical has produced an incomplete copy of her father's medical record to plaintiff.

FIRST CAUSE OF ACTION
FOR NEGLIGENCE UNDER ARTICLE 1802
OF THE PUERTO RICO CIVIL CODE
MANATÍ MEDICAL CENTER AND ITS PERSONNEL

91. The allegations contained above are incorporated by reference as if again fully set forth herein.
92. Manatí Medical has emergency and surgery departments within its hospital premises.
93. At the relevant times of this complaint, Manatí Medical operated or contracted to operate emergency and surgery departments within its premises.
94. The hospital sets up policies, procedures and/or requirements for the operation of the emergency, hospital and surgery departments on its premises.
95. The hospital supplies nursing, clerical, administrative, and technical personnel to the emergency, hospital and surgery departments.

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96. The hospital derives revenue from the services provided at and by the emergency and surgery departments within its premises.
97. The hospital is liable for medical malpractice occurring at the emergency and surgery departments located on its premises.
98. The treatment offered by Manatí Medical to Wilfredo Rivera Natal 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 Plaintiff, Shalimar Rivera, the untimely death of her beloved father, Wilfredo Rivera Natal, and the injuries as described herein.
99. Manatí Medical personnel failed to exercise the care and precautions required under the circumstances in order to prevent the loss of Wilfredo Rivera Natal's life, lacked the required knowledge and medical skill, failed to timely have available the personnel and equipment necessary to avoid the injuries and subsequent death of Wilfredo Rivera Natal.
100. Manatí Medical negligently failed to recognize or otherwise ignored the serious nature of Wilfredo Rivera Natal's condition upon complaining of severe pain in the abdomen only 7 days after he had had a colostomy closure.
101. Manatí Medical negligently failed to timely and appropriately provide for the emergency surgery required by Wilfredo Rivera Natal.
102. Manatí Medical negligently and carelessly failed to have Dr. Luis Bonilla González and/or

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another surgeon in its staff attend to Wilfredo Rivera Natal and provide the emergency surgery that his condition evidently and urgently required.

103. Manatí Medical failed to ensure the proper medical and technical care of Wilfredo Rivera Natal by its emergency and surgery departments.
104. Manatí Medical negligently failed to contact and communicate the urgency and rapidly deteriorating condition of Wilfredo Rivera Natal to Dr. Luis Bonilla González or, in the alternative, a Doctor in its surgical staff.
105. Manatí Medical failed to ensure prompt surgical services be made available to Wilfredo Rivera Natal, including the operating room facilities and staff.
106. At all times herein pertinent, co-Defendant Manatí Medical, its directors, officers, and employees were negligent in failing to provide the proper medical attention to Wilfredo Rivera Natal, in failing to provide the proper supervision of co-Defendants Dr. MOE, Dr. Luis Bonilla González and as well as the medical personnel Manatí Medical employs, and otherwise failing to exercise due care and caution to prevent the tortious conduct and injuries to Plaintiff and to Wilfredo Rivera Natal.
107. Manatí Medical, 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 Wilfredo Rivera Natal, proximately and directly causing Plaintiffs' injuries.
108. Manatí Medical 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

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its patients and ensure prompt emergency attention.

109. In so doing, Manatí Medical misled those who sought full hospital treatment into thinking that they would be appropriately treated.
110. Manatí Medical did not provide the timely services of persons capable of properly and effectively coordinating its emergency and surgical departments.
111. As a direct and proximate result of Manatí Medical's lack of available surgeons, as well as the supervision of such specialists and other medical personnel, and its failure to staff its emergency and surgical departments with the medical personnel and personnel in charge of coordinating and communicating vital information necessary to appropriately treat emergency situations at Manatí Medical, Manatí Medical and its personnel negligently caused Plaintiff the untimely death of her father and the injuries as described herein.
112. During Wilfredo Rivera Natal's stay at Manatí Medical, the medical staff, nurses and technicians of Manatí Medical and Dr. Bonilla failed to offer the patient proper treatment, committing medical malpractice which resulted in the deterioration of the patient's condition up to his eventual death.
113. As a direct and proximate cause of co-Defendant Manatí Medical and its personnel's failure to properly treat Wilfredo Rivera Natal, Plaintiff 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

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AGAINST DR. LUIS BONILLA GONZÁLEZ

114. The allegations contained above are incorporated by reference as if again fully set forth herein.
115. Defendant Dr. Luis Bonilla González's treatment of Wilfredo Rivera Natal 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 Plaintiff the untimely death of her beloved father, Wilfredo Rivera Natal, and the injuries and pain and suffering as described herein.
116. During his stay at Manatí Medical, the medical staff, nurses and technicians of Manatí Medical and Dr. Bonilla failed to offer the patient proper treatment, committing medical malpractice which resulted in the deterioration of the patient's condition up to his eventual death.
117. At the time of the incidents giving rise to this Complaint, Defendant Dr. Luis Bonilla González was the surgeon in charge of Wilfredo Rivera Natal's care, who had performed on him, initially, a colostomy and, subsequently, the closure or reversal of that first procedure.
118. Defendant Dr. Luis Bonilla González negligently and carelessly failed to timely intervene, examine, treat, monitor, and immediately operate on Wilfredo Rivera Natal to stop the leaking of the contents of the intestines into the body, eliminate the fecal material from the area and apply antibiotics to fight the infection, all urgent and life saving measures.

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119. Defendant Dr. Luis Bonilla González negligently and carelessly failed to provide Wilfredo Rivera Natal with prompt attention and medical care in light of the severe abdominal pain experienced by his patient, on whom he had performed surgery to reverse a colostomy just 7 days prior to the emergency.
120. Defendant Dr. Luis Bonilla González negligently and carelessly failed to appear at Manatí Medical upon Wilfredo Rivera Natal experiencing an emergency directly related to the surgery he had performed on him just 7 days earlier.
121. Defendant Dr. Luis Bonilla González negligently and carelessly failed to ensure that another surgeon intervene with patient Wilfredo Rivera Natal upon his failure to do so, which was his duty as the surgeon who was in charge of Wilfredo Rivera Natal's post surgical care.
122. Defendant Dr. Luis Bonilla González negligently and carelessly failed to provide proper care of patient Wilfredo Rivera Natal, by failing to intervene immediately with his emergency medical condition, instead took hours before showing up at the hospital.
123. 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 treatment upon reaching the hospital.
124. Defendant Dr. Bonilla, instead, waited until reaching the hospital to take the steps to secure an operating room and thus delayed the surgery for over eight (8) hours, allowing Wilfredo Rivera Natal's fecal infection to progress unabated.

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125. 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 Plaintiff, particularly the loss Wilfredo Rivera Natal, as detailed herein, and by Mr. Rivera Natal himself before his untimely death.
126. As a direct and proximate cause of co-Defendant Dr. Luis Bonilla González's negligence in failing to properly treat Wilfredo Rivera Natal, Plaintiff sustained severe injuries and other damages, as described below.

THIRD CAUSE OF ACTION
AGAINST MRS. DOE, SPOUSE OF DR. LUIS BONILLA GONZÁLEZ
AND THEIR CONJUGAL PARTNERSHIP

127. The allegations contained above are incorporated by reference as if again fully set forth herein.
128. 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. Ms. Bonilla-Doe.
129. 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, Jane Doe, referred to herein as such for lack of information as to her real name.
130. As such, this Conjugal Partnership, and the spouse of Dr. Luis Bonilla González are jointly and severally liable to Plaintiff for the damages caused by Dr. Luis Bonilla González.

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FOURTH CAUSE OF ACTION
FOR NEGLIGENCE UNDER ARTICLE 1802
OF THE PUERTO RICO CIVIL CODE
AGAINST DR. MOE

131. The allegations contained above are incorporated by reference as if again fully set forth herein.
132. At the time of the incidents giving rise to this Complaint, Co-defendant Dr. MOE was an emergency room doctor at Manatí Medical.
133. Dr. MOE, as the physician in charge of the patient while in Manati Medical's emergency ward, failed to timely and adequately provide the prompt medical care the patient needed.
134. Dr. MOE failed to ensure prompt surgical attention, instead delayed in contacting Dr. Bonilla or other surgeons on staff, while his patient agonized as the infection continued progressing for many hours.
135. Dr. MOE failed to closely monitor his patient while in the emergency ward and failed to ensure the nursing care also monitored his patient.
136. Dr. MOE 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.
137. Defendant Dr. MOE's treatment of Wilfredo Rivera Natal 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 Plaintiff the untimely death of her beloved father, Wilfredo Rivera Natal, and the injuries and pain and suffering as described herein.

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138. Defendant Dr. MOE negligently and carelessly failed to promptly intervene, examine, treat and monitor Mr. Wilfredo Rivera Natal while at the emergency department and failed to refer his urgent condition to Dr. Bonilla and/or Manatí Medical's surgery department.
139. Defendant Dr. MOE negligently and carelessly failed to provide Wilfredo Rivera Natal with prompt attention and medical care despite the fact that he was promptly informed of the severe abdominal pain experienced by this patient and that he had had surgery to close a colostomy just 7 days prior to the emergency.
140. Defendant Dr. MOE negligently and carelessly failed to ensure that either Dr. Bonilla or a Manatí Medical surgeon intervene urgently with patient Wilfredo Rivera Natal.
141. Defendant Dr. MOE 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 Wilfredo Rivera Natal.
142. In so doing, Defendant Dr. MOE committed professional negligence, including lack of expertise, fault and malpractice, which directly and proximately caused the injuries and damages suffered by Plaintiff, particularly the loss Wilfredo Rivera Natal, as detailed herein, and by Mr. Rivera Natal himself before his untimely death
143. As a direct and proximate cause of co-Defendant Dr. MOE's negligence in failing to properly treat Wilfredo Rivera Natal, Plaintiff sustained severe injuries and other damages, as described below.

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FIFTH CAUSE OF ACTION
AGAINST SALLY ROE, SPOUSE OF DR. MOE
AND THEIR CONJUGAL PARTNERSHIP

144. The allegations contained above are incorporated by reference as if again fully set forth herein.
145. At the time of the events described in this complaint, Co-defendant Dr. MOE was married and had a Conjugal Partnership with his wife, Ms. MOE-Roe.
146. The activities by which Co-defendant MOE caused Plaintiffs damages were activities which benefitted Co-defendant's Conjugal Partnership comprised by Dr. MOE and his spouse, Sally Roe, referred to herein as such for lack of information as to her real name.
147. Therefore, this Conjugal Partnership, and Sally Roe are jointly and severally liable to all Plaintiffs for the damages caused by Dr. MOE.

SIXTH CAUSE OF ACTION
AGAINST CONTINENTAL INSURANCE CO., SIMED AND
ABC INSURANCE COMPANY.

148. The allegations contained above are incorporated herein by reference as if again fully set forth.
149. Co-defendants CONTINENTAL INSURANCE COMPANY, SIMED, 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 on behalf of some and/or all co-Defendants and/or other unknown joint tortfeasors.

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150. Pursuant to 26 P.R. Laws Ann. § 2001, an insurance company is liable for the negligence or fault of its insured.
151. 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.
152. Therefore, co-Defendants CONTINENTAL, SIMED and ABC Insurance Companies are jointly and severally liable to Plaintiff for the damages caused to her by co-Defendants DORADO HEALTH INC, Dr. LUIS BONILLA GONZALEZ, Dr. MOE, Manatí Medical and/or other unknown co-Defendants, or joint torfeasors respectively.

DAMAGES

153. The allegations contained above are incorporated by reference as if again fully set forth herein.
154. As a result of the professional negligence, lack of expertise, fault, and malpractice of all Defendants, Plaintiff unnecessarily and prematurely lost her father, Wilfredo Rivera Natal, a 53 year-old beloved and caring person.
155. As a result of the professional negligence, lack of expertise, fault and malpractice of all Defendants, Plaintiff lived through the extraordinary pain and suffering of seeing her beloved father remain intubated after the performance of a gravely belated emergency surgery, undergo the drastic amputation of both his legs above the knee level and, finally, die an untimely death.
156. SHALIMAR was only twenty nine (29) years old when her father died.
157. Wilfredo Rivera Natal and Plaintiff had a close and special father-daughter

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relationship.

158. Wilfredo Rivera Natal and Plaintiff visited, spoke regularly or otherwise were in close contact.
159. In losing Mr. Rivera Natal, Plaintiff not only lost her father, but also a friend and confidant.
160. Plaintiff has suffered dearly the loss of Wilfredo Rivera Natal, whom she will not be able to share the special moments in her life and that of her children.
161. As a direct and proximate result of the negligence of all Defendants, Plaintiff will no longer have the joy of having her father, Wilfredo Rivera, with her, or otherwise enjoy the irreplaceable pleasures and value of Wilfredo Rivera's company and advice.
162. As a direct and proximate result of the negligence of all Defendants, Plaintiff will continue to suffer the irreparable loss of her father.
163. As a direct and proximate result of the negligence of all Defendants, Mr. Rivera Natal suffered 24 days in agony and, eventually, a painful and untimely death, a cause of action which Plaintiff Shalimar Rivera inherits as Mr. Wilfredo Rivera's heir under Puerto Rico law.
164. Shalimar Rivera as her fathers heir, represents Mr. Rivera Natal's heirs, comprised of two persons: herself and her brother Wilberto Rivera.
165. Wilfredo Rivera Natal's pain and suffering has a reasonable value of no less than One Million Dollars (\$1,000,000).
166. Ms. Shalimar Rivera's emotional damages as a result of the needless and premature

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death of her beloved father has a reasonable value of no less than One Million Dollars (\$1,000,000).

167. The damages suffered by Plaintiff and those suffered by her father, which cause of action she inherits, have a reasonable value in excess of **TWO MILLION DOLLARS (\$2,000,000.00)**, including, but not limited to her 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.

168. Plaintiffs hereby demand trial by jury.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally, in the amount of no less than **TWO MILLION DOLLARS (\$2,000,000.00)**, plus costs incurred, reasonable attorneys' fees, and such other and further relief as this Honorable Court may seem just and proper under the law.

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RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 15th day of March, 2012.

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