

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

OYUN ANTONIO VEGA; MIGUEL VEGA; ANA JULIA VEGA; KRISTIN VEGA; JULIA SANABRIA AND RAMONA ORTEGA.

Plaintiffs,

vs.

PROFESSIONAL HOSPITAL GUAYNABO, INC. and PROFESSIONAL HOSPITAL, INC. d.b.a. PROFESSIONAL HOSPITAL GUAYNABO; DR. LEONARDO VALENTIN GONZALEZ; ABC INSURANCE COMPANIES, EFG INSURANCE; JOHN DOE; JAMES ROE; DOES I-X

Defendants

CIVIL NO.: 20-1753

MEDICAL MALPRACTICE

Article 1802 and 1803

TRIAL BY JURY DEMANDED

COMPLAINT

TO THE HONORABLE COURT:

APPEAR NOW the Plaintiffs in this action, through the undersigned attorneys, and respectfully state, allege and pray as follows:

JURISDICTIONAL BASIS & VENUE

1. Plaintiffs OYUN ANTONIO VEGA, MIGUEL VEGA and KRISTIN VEGA are citizens of, domiciled in, and reside in the state of Kansas.
2. Plaintiff ANA JULIA VEGA is a citizen of, domiciled in, and resides in the state of Washington.
3. Plaintiffs JULIA SANABRIA and RAMONA ORTEGA are citizens of and domiciled in, and reside in the states of Pennsylvania and Texas, respectively.
4. Defendants are citizens of, domiciled in, incorporated in or with their principle place of business in Puerto Rico or a state other than Kansas, Washington, Pennsylvania or Texas.

5. 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.
6. 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.
7. On August 12, 2020, Plaintiffs filed a previous complaint, docketed as case number 20-1406 (ADC), for the medical malpractice described herein.

THE PARTIES

8. Plaintiffs **OYUN ANTONIO VEGA, MIGUEL VEGA, ANA JULIA VEGA** and **KRISTIN VEGA** are the sons, daughter, and daughter in law, respectively, of Marcos A. Vega Robles, hereinafter referred to also as “Mr. Marcos A. Vega”, “Don Marcos” or “patient”.
9. Plaintiffs **JULIA SANABRIA** and **RAMONA ORTEGA** are sisters of Don Marcos.
10. Co-defendant **PROFESSIONAL HOSPITAL GUAYNABO, INC.**, is a corporation duly set up and registered, with its principal place of business in Puerto Rico, with resident agent, Dr. Leonardo Valentin Gonzalez at the following address: Ave. Las Cumbre, Carr. 199, Km 1.2 Guaynabo, P.R. 00970 and does business as PROFESSIONAL HOSPITAL GUAYNABO.
11. Co-defendant **PROFESSIONAL HOSPITAL, INC.**, is a corporation duly set up and registered, with its principal place of business in Puerto Rico, with resident agent, Dr. Leonardo Valentin Gonzalez at the following address: Las Cumbres Ave., Carr. 199, Km 1.2 Guaynabo, P.R. 00970 and does business as PROFESSIONAL HOSPITAL GUAYNABO.

12. Both corporations, PROFESSIONAL HOSPITAL GUAYNABO, INC. and PROFESSIONAL HOSPITAL INC. are authorized to own, and or, run/operate hospitals.
13. Upon information and belief both corporations, PROFESSIONAL HOSPITAL GUAYNABO, INC. and PROFESSIONAL HOSPITAL INC. own and/or operate PROFESSIONAL HOSPITAL GUAYNABO (hereinafter “PROFESSIONAL HOSPITAL GUAYNABO” or “HOSPITAL”) located at Carr. 199, KM 1.2 Guaynabo, P.R.
14. Co-Defendants PROFESSIONAL HOSPITAL GUAYNABO, INC. and PROFESSIONAL HOSPITAL INC., as owner or operators are responsible for medical and nursing malpractice occurring at **PROFESSIONAL HOSPITAL GUAYNABO (hereinafter referred to as “Professional Hospital Guaynabo” or “Hospital”)** a hospital located in Guaynabo, Puerto Rico, wherein it provides its patients with a gamut of hospital services and/or hospital care, including nursing, emergency, telemetry, respiratory therapy, surgery, ICU, radiology, laboratory, social worker and other hospital care and services.
15. Co-Defendant **DR. LEONARDO VALENTIN GONZALEZ**, (hereinafter “Dr. Leonardo Valentin” or “Dr. Valentin”) is a vascular surgeon, with privileges at PROFESSIONAL HOSPITAL GUAYNABO.
16. Co-Defendant **DR. LEONARDO VALENTIN GONZALEZ**, (hereinafter “Dr. Leonardo Valentin” or “Dr. Valentin”) is an owner of both corporations PROFESSIONAL HOSPITAL GUAYNABO, INC. and PROFESSIONAL HOSPITAL INC. one which owns and the other that operates PROFESSIONAL HOSPITAL GUAYNABO.
17. Co-Defendant **DR. LEONARDO VALENTIN** was Don Marcos’s attending physician,

while hospitalized at **PROFESSIONAL HOSPITAL GUAYNABO** during certain periods in August, September and October 2019.

18. Co-Defendant **PROFESSIONAL HOSPITAL GUAYNABO** assigned **DR. LEONARDO VALENTIN** to be Don Marcos's attending physician, as per established hospital protocol.
19. Co-Defendants **ABC INSURANCE COMPANIES** are entities or corporations organized or operating under the laws of the Commonwealth of Puerto Rico, with their principal place of business in Puerto Rico or in a state other than Kansas, Washington, Pennsylvania or Texas which issued insurance policies on behalf of **PROFESSIONAL HOSPITAL GUAYNABO, PROFESSIONAL HOSPITAL GUAYNABO, INC., PROFESSIONAL HOSPITAL, INC., and DR. LEONARDO VALENTIN GONZALEZ** for the acts or omissions described herein, encompassing the relevant period of time.
20. Co-Defendants **EFG INSURANCE** are entities or corporations organized or operating under the laws of the Commonwealth of Puerto Rico, with their principal place of business in Puerto Rico or in a state other than Kansas, Washington, Pennsylvania or Texas which issued insurance policies on behalf of one or more codefendants for the acts or omissions described herein, encompassing the relevant period of time.
21. Co-Defendants unknown joint tortfeasors **JOHN DOE** and **JAMES ROE** are physicians or other health care providers fictitiously named herein, to be later replaced by their actual names which may become known through further discovery in this litigation and who may be liable to Plaintiffs for the damages suffered, in whole or in part, for the actions and/or omissions herein described, encompassing the relevant period of time.

22. Co-Defendants **DOES I-X**, fictitiously named herein to be later replaced by the action name which may become known through further discovery in this litigation, which are individuals, business entities and/or corporations who are citizens of Puerto Rico or a state other than Kansas, Washington, Pennsylvania or Texas, who caused and/or contributed through their own acts or omissions or the acts or omissions of the employees, agents, or assignees in violation of 31 L.P.R.A. §5141 and/or 31 L.P.R.A. §5142 to the damages caused to Plaintiffs in this case, for which they are jointly and severally liable to Plaintiffs.

GENERAL ALLEGATIONS

23. Plaintiff OYUN ANTONIO VEGA requested the medical record of his father, Don Marcos at Professional Hospital Guaynabo shortly after he died in October 2019.
24. Despite the persistent follow up, Professional Hospital Guaynabo, did not produce the medical record until nine months later, in July 2020.
25. Don Marcos was a 76-year-old independent man, who had been retired union leader, a manager at a security company and, more recently, a bartender at ESJ Towers.
26. On August 13, 2019, Don Marcos was admitted to **PROFESSIONAL HOSPITAL GUAYNABO**, under the care of attending physician **DR. LEONARDO VALENTIN**.
27. Seven days later, **DR. VALENTIN**, on August 20th, performed an above the knee amputation (AKA).
28. On August 23rd, Dr. Valentin surgical intervened for an inguinal pseudo aneurysm.
29. On August 29, **DR. VALENTIN** discharged the patient home to his apartment in Carolina, where he lived alone.
30. **DR. VALENTIN** made no notes in the medical record as to home care or wound care for right above-knee amputation or the right groin wound.

31. The Hospital's nursing or social worker personnel made no arrangements for home nursing care despite Don Marcos inability to care for himself and his open wounds.
32. Don Marcos and his family tried as best they knew or could to clean and treat the wounds during the next two weeks.
33. On September 13, 2019 Don Marcos returned to the Hospital for a follow up visit.
34. A doctor covering for **DR. VALENTIN** admitted Don Marcos for infection of the above-knee amputation, right inguinal and sacral region ulceration.
35. On the same date, he underwent a right above-knee amputation stump debridement as the stump was emitting a foul smell.
36. There was also noted in medical record on September 13, 2019, ulceration of the right groin measuring 8 cm and foul-smelling.
37. The sacral ulceration was documented to be a grade 4 ulceration on evaluation of September 17, 2019.
38. Don Marcos suffered numerous debridement of the sacral decubitus on September 17th , 20th, 23rd, 25th, 27th.
39. Don Marcos was in significant pain due to these wounds, and was initially treated with intravenous morphine, which was discontinued secondary to notation of delirium.
40. According to the records with regards to pain he reported that his pain was at a level 8 out of 10.
41. Don Marcos infection worsened as his white blood cell count reflected, as it rose day after day.
42. Don Marcos was transfused on October 1 and discharged home the following day October 2, 2019.

43. Again, there was no documentation in the medical record of home care instructions and open wound care of above-knee right leg, open wound of the right groin and the sacral decubitus ulceration.
44. The **HOSPITAL'S** medical, nursing and social worker personnel failed to ensure appropriate home nursing care despite Don Marcos inability to care for himself and his open wounds.
45. The **HOSPITAL** failed to transfer Don Marcos to a suitable facility such as a rehab center or keep him hospitalized until he could appropriately care for himself.
46. Don Marcos and his family were left to fend for themselves despite not having the knowledge, training, equipment or medication.
47. Only 6 days later, on October 8, Don Marcos was found dead at home.

**FIRST CAUSE OF ACTION AGAINST
NEGLIGENCE OF PROFESSIONAL HOSPITAL GUAYNABO AND ITS
PERSONNEL**

48. The allegations contained above are incorporated by reference as if again fully set forth herein.
49. After the leg amputation, Defendants failed to provide adequate pain management and allowed Don Marcos to go for extended periods in horrible pain.
50. So inhuman and callous was the pain treatment, that the nurses would refer to Don Marcos, as the patient that was “always crying out in pain”.
51. Don Marcos did not receive proper medical treatment and pain management when he was not properly treated for the terrible pain he was suffering.
52. Don Marcos did not receive proper medical or nursing treatment in order to avoid the

infection development of the amputated leg, groin and sacral areas.

53. Don Marcos did not receive proper medical or nursing treatment in order to avoid the development of pressure ulcers.
54. Don Marcos's pressure wounds were not adequately treated by the personnel at **PROFESSIONAL HOSPITAL GUAYNABO**, the nursing personnel of **PROFESSIONAL HOSPITAL GUAYNABO** or, the physician in charge Don Marcos's treatment, **DR. VALENTIN**.
55. Don Marcos was improperly cared for, allowing the pressure wounds to grow, exude, and deteriorate to stage 4, where by definition ulcers are deepest, extending into muscle, tendon, ligament, cartilage or even bone.
56. **PROFESSIONAL HOSPITAL GUAYNABO** medical, nursing and other personnel failed to adequately move Don Marcos in order to avoid the formation and progression of pressure ulcers and wounds.
57. **PROFESSIONAL HOSPITAL GUAYNABO** staff failed to adequately examine and/or treat Marcos's conditions, pressure sores, and overall medical condition.
58. While at **PROFESSIONAL HOSPITAL GUAYNABO**, Don Marcos amputated limb was totally exposed while being improperly cleaned by nurses who did not wear sterile gloves and only used saline solution.
59. Defendants failed to adequately monitor and care for the wounds of Marcos, thereby allowing them to become infected.
60. Don Marcos did not receive proper medical or nursing treatment and was prematurely and improperly discharged home without ensuring proper home care.
61. Appropriate home or intermediary care should have been implemented prior to his

discharge from the hospital to allow for continued quality care. The failure to ensure patient had proper wound care led to sepsis and the subsequent demise of this patient.

62. As a direct result of Defendants' negligence and failure to properly provide Don Marcos with adequate medical and nursing care, plaintiffs have lost their father.

63. As a direct result of Defendants' negligence and failure to properly provide Don Marcos with adequate medical and nursing care, Don Marcos was inhumanly treated, causing him much pain and suffering, loss of human dignity, inherited by plaintiffs.

64. Plaintiffs have suffered much pain and suffering, emotional and mental damages a direct result of Defendants' negligence and/or the negligence of their employees, agents, or assignees.

65. Defendant corporations, doing business as (d.b.a) **PROFESSIONAL HOSPITAL GUAYNABO**, through the acts or omissions of its employees, personnel, nurses, doctors, social workers, agents, sub-contractors, or assignees, caused damage to Plaintiffs through fault or negligence in violation of 31 L.P.R.A. §5141 and/or 31 L.P.R.A. §5142.

66. Defendant corporations, through **PROFESSIONAL HOSPITAL GUAYNABO** provide nursing, wound care and medical care and social worker services to all types of patients, including the elderly and medically compromised, such as Don Marcos.

67. Defendant corporations, through **PROFESSIONAL HOSPITAL GUAYNABO**, at the relevant times of this Complaint, provided nursing and medical treatment to Marcos, including to provide treatment to Marcos initial conditions for admittance and later when he was unable to take care of himself.

68. Defendant corporations, through **PROFESSIONAL HOSPITAL GUAYNABO** contracted, employed, or arranged for **DR. VALENTIN** to provide medical evaluations

and treatment to patients, including to Marcos, during the times pertinent to this Complaint.

69. Defendant corporations, through **PROFESSIONAL HOSPITAL GUAYNABO** established policies, procedures and/or requirements for the provision of the nursing/medical treatment for patients, such as Don Marcos.
70. Defendant corporations, through **PROFESSIONAL HOSPITAL GUAYNABO's** established policies, procedures and/or requirements for the provision of the nursing/medical treatment and preventive care for patients who are at risk of developing pressure ulcers and infection, such as Don Marcos.
71. Defendant corporations, through **PROFESSIONAL HOSPITAL GUAYNABO** supply doctors, nurses, therapists, clerical, administrative, social workers and technical personnel to treat patients such as Don Marcos and ensure proper discharge to a facility or place where adequate medical care can be provided to the patient.
72. Defendant corporations, through **PROFESSIONAL HOSPITAL GUAYNABO** failed in its duty to appropriately discharge Don Marcos from the hospital on both occasions, when neither he, nor his family, could not adequately take care of Don Marcos at his apartment where he lived alone.
73. Defendant corporations, through **PROFESSIONAL HOSPITAL GUAYNABO** negligently withheld information from plaintiffs, until July 2020, even though the medical records had been requested soon after his death in October.
74. Defendant corporations, through **PROFESSIONAL HOSPITAL GUAYNABO** derive revenue from the services it provides it patients.
75. Defendant corporations, through **PROFESSIONAL HOSPITAL GUAYNABO** are liable for medical/nursing malpractice caused by the personnel it hires to provide services

to its patients.

76. Defendant corporations, through **PROFESSIONAL HOSPITAL GUAYNABO** owed a duty to Plaintiffs to provide nurses, doctors, facilities, staffing, treatment and medical care consistent with the medical standards that satisfy the exigencies generally recognized by the medical profession in light of the modern means of communication and teaching.
77. The treatment offered by **PROFESSIONAL HOSPITAL GUAYNABO**, through its corporations, personnel, nurses, employees, doctors, agents and assignees, to Don Marcos 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 Don Marcos's death and the injuries to plaintiffs, as described herein.
78. **PROFESSIONAL HOSPITAL GUAYNABO**, through its corporations, personnel, nurses, employees, doctors, agents and assignees, failed to exercise the care and precautions required under the circumstances in order to prevent the damage and injuries to Plaintiffs, lacked the required knowledge and medical/nursing skill, failed to timely have available the personnel and equipment necessary to avoid the injuries and subsequent injuries to Plaintiffs.
79. **PROFESSIONAL HOSPITAL GUAYNABO**, through its corporations, personnel, nurses, employees, doctors, agents and assignees, negligently failed to adequately monitor Don Marcos's delicate condition and prematurely discharged him on both occasions.
80. **PROFESSIONAL HOSPITAL GUAYNABO**, through its corporations, personnel, nurses, employees, doctors, agents and assignees, negligently and carelessly failed to timely treat Don Marcos to prevent or eradicate the formation of ulcers.

81. **PROFESSIONAL HOSPITAL GUAYNABO**, through its corporations, personnel, nurses, employees, doctors, agents and assignees, negligently failed to timely and properly set up an intermediary care a home care plan in order to provide Don Marcos with appropriate nursing and medical care and prevent Don Marcos' wounds to become infected and ulcers to worsen.
82. **PROFESSIONAL HOSPITAL GUAYNABO**, through its corporations, personnel, nurses, employees, doctors, agents and assignees, failed to ensure proper and timely nursing and medical services were made available to Don Marcos.
83. At all times herein pertinent, **PROFESSIONAL HOSPITAL GUAYNABO**, through its corporations, executives, directors, personnel, nurses, employees, doctors, agents and assignees were negligent in failing to provide the proper medical attention to Don Marcos, in failing to provide the proper supervision or management of **DEFENDANT CORPORATIONS and DR. VALENTIN** , as well as the medical and other personnel it employs, and otherwise failing to exercise due care and caution to prevent the tortious conduct and injuries to Plaintiffs.
84. **PROFESSIONAL HOSPITAL GUAYNABO**, through its corporations, personnel, nurses, employees, doctors, agents and assignees, offered medical services to patients, but failed to staff its operation with the medical personnel necessary to timely, appropriately, and safely treat its patients and ensure appropriate and timely treatment.
85. In so doing, Defendant **PROFESSIONAL HOSPITAL GUAYNABO**, through its corporations, personnel, nurses, employees, doctors, agents and assignees, misled those who sought full medical treatment into thinking that they would be appropriately treated.
86. As a direct and proximate cause of Defendant corporations, through **PROFESSIONAL**

HOSPITAL GUAYNABO's acts or omissions, through its personnel, nurses, employees, doctors, agents and assignees, including its failure to properly treat Don Marcos, Plaintiffs lost their father and sustained damages, including mental, and emotional pain and suffering and associated damages, as described below.

87. Pursuant to 31 L.P.R.A. §5142, Defendant corporations, through **PROFESSIONAL HOSPITAL GUAYNABO** is liable for the negligent acts or omissions of its personnel, agents, and employees including **DR. VALENTIN**, nursing personnel as well as social workers as described herein.

**SECOND CAUSE OF ACTION AGAINST
NEGLIGENCE OF DR. VALENTIN**

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

89. Defendants **DR. VALENTIN** and/or other unknown joint tortfeasors, through their acts or omissions, caused damage to Plaintiffs through fault or negligence in violation of 31 L.P.R.A. §5141 and/or 31 L.P.R.A. §5142.

90. Defendants **DR. VALENTIN** and/or other unknown joint tortfeasors owed a duty to Don Marcos and to Plaintiffs to provide medical care and treatment consistent with the medical standards that satisfy the exigencies generally recognized by the medical profession in light of the modern means of communication and teaching.

91. Defendants **DR. VALENTIN** and/or other unknown joint tortfeasors' treatment of Don Marcos 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 injuries as described herein.

92. At the time of the incidents giving rise to this Complaint, Defendant **DR. VALENTIN** was the treating physician assigned by **PROFESSIONAL HOSPITAL GUAYNABO** to treat Don Marcos while he was admitted to **PROFESSIONAL HOSPITAL GUAYNABO**.
93. Defendant **DR. VALENTIN** negligently and carelessly failed to properly and timely intervene, examine, treat and monitor Don Marcos' medical condition.
94. Defendant **DR. VALENTIN** negligently and carelessly failed to provide Don Marcos with prompt attention and preventive medical, nursing care and monitoring despite the fact that Don Marcos was in a very delicate condition and could become sceptic.
95. Defendant **DR. VALENTIN** negligently and carelessly failed to provide Don Marcos with the necessary medical and nursing care, including close monitoring and appropriate wound care by the nursing personnel.
96. Defendants **DR. VALENTIN** , and/or other potentially unknown joint tortfeasors 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 and treat Don Marcos, but instead allowed him to be treated less than human and eventually prematurely discharged.
97. In so doing, Defendants **DR. VALENTIN** and/or other potential unknown joint tortfeasors, committed professional negligence, including lack of expertise, fault and malpractice, which directly and proximately caused the injuries and damages suffered by Plaintiffs, particularly for the suffering and death of Don Marcos, as detailed herein.
98. As a direct and proximate cause of Defendants **DR. VALENTIN** and/or other potentially unknown joint tortfeasors' acts or omissions, including their failure to properly and timely

treat Don Marcos, Plaintiffs sustained damages, including emotional, mental, physical and economic damages, as described below.

**THIRD CAUSE OF ACTION AGAINST
UNKNOWN INSURERS ABC, EFG INSURANCE**

99. The allegations contained above are incorporated herein by reference as if again fully set forth.
100. Defendants fictitiously named as **ABC, EFG**, were, at all times herein pertinent, insurance companies authorized to do business as such in the Commonwealth of Puerto Rico which issued a public liability and/or malpractice insurance policy and/or other applicable insurance on behalf of Defendants, and /or other unknown joint tortfeasors.
101. Pursuant to 26 P.R. Laws Ann. § 2001, Defendants **ABC, EFG** are jointly and severally liable for the negligence or fault of their insured.
102. Pursuant to 26 P.R. Laws Ann. § 2003, this action is brought directly against Defendant **ABC, EFG**.

**FOURTH CAUSE OF ACTION FOR NEGLIGENCE AGAINST
JOHN DOE AND JAMES ROE UNKNOWN JOINT TORTFEASORS**

103. The allegations contained above are incorporated by reference as if again fully set forth herein.
104. Co-Defendants **JOHN DOE** and **JAMES ROE** are so designated for lack of knowledge at this point in the proceedings.
105. Co-Defendants **JOHN DOE** and **JAMES ROE**'s intervention in the nursing, social worker, technical or medical care of Don Marcos A. Vega while at **PROFESSIONAL HOSPITAL GUAYNABO** 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 Don Marcos A. Vega' death and, thus, the pain and suffering of Don Marcos while hospitalized and of Plaintiffs upon his premature death, as described herein.

106. Co-Defendants **JOHN DOE** and **JAMES ROE** 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 do the necessary monitoring, testing and assessment of Don Marcos A. Vega, commensurate with his reported symptoms of deterioration, and, as such, directly caused and/or contributed to causing Don Marcos A. Vega physical injury and emotional pain, as well as his premature death and the emotional pain and suffering such death caused upon Plaintiffs.

107. Co-Defendants **JOHN DOE** and **JAMES ROE** 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 and treat the patient's symptoms and condition and, thus, failed to provide a prompt, complete, thorough and adequate medical evaluation and treatment.

108. Co-Defendants **JOHN DOE** and **JAMES ROE** negligently and carelessly failed to promptly test, monitor, evaluate and treat Don Marcos A. Vega' symptoms, thus denying him the provision of essential and life-saving treatment.

109. Co-Defendants **JOHN DOE** and **JAMES ROE** negligently and carelessly failed to provide proper care to their patient, Don Marcos, by failing to engage in his examination, evaluation of symptoms, and care on a timely basis, so that they did not follow up on the signs and symptoms of deterioration.

110. As a direct and proximate cause of Co-Defendants **JOHN DOE** and **JAMES ROE**'s negligent actions and omissions upon being presented with a patient in Don Marcos's condition and with his clinical signs, Don Marcos was deprived of the opportunity to be promptly treated when time was of the essence and the Plaintiffs, through the premature death of Don Marcos, was deprived of his companionship, camaraderie, support and love.

111. As a direct and proximate cause of Co-Defendants **JOHN DOE** and **JAMES ROE**'s negligent actions and omissions upon being presented with a patient in Don Marcos's condition and with his clinical signs, Don Marcos was deprived of the opportunity to be promptly treated when time was of the essence and Don Marcos was caused physical and emotional damages which cause of action is inherited by Plaintiffs.

112. In so doing, Co-Defendants **JOHN DOE** and **JAMES ROE** committed professional negligence, including lack of expertise, fault and malpractice, which directly and proximately caused the death of Don Marcos, as detailed herein.

113. As a direct and proximate cause of Co-Defendants **JOHN DOE** and **JAMES ROE**'s negligence in failing to properly treat Don Marcos, Plaintiffs and Don Marcos sustained severe pain and suffering.

FIFTH CAUSE OF ACTION AGAINST ALL CO-DEFENDANTS FOR ALL LIENS OR PAYMENTS THAT MEDICARE, MEDICARE ADVANTAGE, MEDICAID AND/OR ANY STATE OR FEDERAL AGENCIES ARE ENTITLED TO RECOVER

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

115. All Co-Defendants committed professional negligence including lack of experience, failures and bad practice, requiring that Don Marcos be subjected to an extensive medical

procedure, which directly and immediately caused his extended suffering, culminating in his death.

116. The medical treatment received by Don Marcos at PROFESSIONAL HOSPITAL GUAYNABO was covered by Medicare and/or Medicare Advantage, which could be entitled to recover in whole or in part that monetary amount incurred for said treatment provided as a result of professional negligence of the co-defendants.

117. Plaintiffs' claim from the co-defendants and/or any third party payer any lien or amount to be paid that is entitled to Medicare, Medicare Advantage, Medicaid, and/or any state or federal agency because of benefits, if any, that the patient received as a result of the allegations in this complaint.

118. At the moment, it is unknown if any amount is owed, but in case it is owed, the defendants need to compensate or reimburse that amount to be determined.

DAMAGES

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

120. As a direct and proximate result of the acts or omissions of all Co-Defendants, Don Marcos greatly suffered and died prematurely at the age of 76, leaving his adult children and sisters behind.

121. As a result of the professional negligence, lack of expertise, fault, and malpractice of all Co-Defendants, Plaintiffs unnecessarily and prematurely lost their father/brother, Marcos A. Vega, a beloved and caring person.

122. As a result of the professional negligence, lack of expertise, fault, and malpractice of all Co-Defendants, Plaintiffs quality of life has been severely impaired.

123. As a result of the professional negligence, lack of expertise, fault, and malpractice of all Co-Defendants, Plaintiffs lived through the extraordinary pain and suffering of seeing their beloved father die a painful, untimely and undignified death, knowing that it was avoidable.

124. In losing Don Marcos, Plaintiffs lost their father, brother, confidant and friend.

125. Plaintiffs have suffered dearly the loss of Marcos, with whom they will not be able to share the special moments in their lives and that of their children.

126. As a direct and proximate result of the negligence of all Defendants, Plaintiffs will no longer have the joy of having their father/brother with them, or otherwise enjoy the irreplaceable pleasures and value of his company and advice and that which his company would have provided their children.

127. As a direct and proximate result of the negligence of all Defendants, Don Marcos for weeks suffered terrible pain, during which time he was inhumanely treated, eventually, an unwarranted and untimely death, a cause of action which all Plaintiffs inherit as Mr. Marcos 's heirs under Puerto Rico law.

128. As a direct and proximate result of the negligence of all Defendants, all Plaintiffs will continue to suffer the irreparable loss of their father/brother, Don Marcos.

129. The negligent acts and omissions of the Defendants have directly and proximately caused Plaintiff **OYUN ANTONIO VEGA** intense emotional and mental pain and suffering, loss, frustration and a grave sense of injustice valued in an amount of no less than **TWO MILLION DOLLARS (\$2,000,000.00)**.

130. The negligent acts and omissions of the Defendants have directly and proximately caused Plaintiff **MIGUEL VEGA** intense emotional and mental pain and suffering, frustration,

loss and a grave sense of injustice equal to a sum not less than **TWO MILLION DOLLARS (\$2,000,000.00)**.

131. The negligent acts and omissions of the Defendants have directly and proximately caused Plaintiff **ANA JULIA VEGA** intense emotional and mental pain and suffering, frustration, loss and a grave sense of injustice equal to a sum not less than **TWO MILLION DOLLARS (\$2,000,000.00)**.

132. The negligent acts and omissions of the Defendants have directly and proximately caused Plaintiff **JULIA SANABRIA** and **RAMONA ORTEGA** intense emotional and mental pain and suffering, frustration, loss and a grave sense of injustice equal to a sum not less than **ONE MILLION DOLLARS EACH** for a total of no less than **TWO MILLION (\$2,000,000.00)**.

133. The negligent acts and omissions of the Defendants have directly and proximately caused Plaintiff **KRISTIN VEGA** intense emotional and mental pain and suffering, loss, frustration and a grave sense of injustice equal to a sum not less than **THREE HUNDRED AND FIFTY THOUSAND DOLLARS (\$350,000.00)**.

134. The negligent acts and omissions of the Defendants directly and proximately caused Don Marcos A. Vega intense physical, emotional, and mental pain and suffering valued in the amount of no less than **ONE MILLION DOLLARS (\$1,000,000.00)**, which is inherited by Plaintiffs and claimed herein under Puerto Rico law

135. In total, the damages suffered by Plaintiffs have a reasonable value in excess of **SEVEN MILLION THREE HUNDRED AND FIFTY THOUSAND DOLLARS (\$9,350,000.00)**.

TRIAL BY JURY DEMANDED

136. Plaintiffs demand trial by jury on all causes of action herein raised.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment against all Defendants jointly and severally, in an amount not less than **NINE MILLION THREE HUNDRED AND FIFTY THOUSAND DOLLARS (\$9,350,000.00)** as well as costs incurred, reasonable attorneys' fees, and such other and further relief as this Honorable Court may seem just and proper under the law.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 28th day of December, 2020.

INDIANO & WILLIAMS, P.S.C.
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