

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

JOSE J. TORRES ARROYO, JUAN R. TORRES
ARROYO, JUAN F. TORRES ARROYO AND
GLORIA M. TORRES ARROYO,

Plaintiffs,

vs.

RYDER MEMORIAL HOSPITAL, INC.; DR. ALFRED
VALDIVIESO RODRIGUEZ; DR. PEDRO
SANTIAGO; ABC INSURANCE COMPANIES, EFG
INSURANCE; JOHN DOE; JAMES ROE; DOES I-X

Defendants.

CIVIL NO.: 20-1289

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 request as follows:

JURISDICTIONAL BASIS & VENUE

1. Plaintiffs JOSE J. TORRES ARROYO, JUAN RAMON TORRES ARROYO, JUAN FRANCISCO TORRES ARROYO and GLORIA M. TORRES ARROYO are citizens of, domiciled in, and reside in the state of Connecticut.
2. Defendants are citizens of, domiciled in, incorporated in or with their principle place of business in Puerto Rico or a state other than Connecticut.
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. Plaintiffs JOSE J. TORRES ARROYO, JUAN RAMON TORRES ARROYO and GLORIA M. TORRES ARROYO are the sons and daughter, respectively, of Juan F. Torres Cáceres, (hereinafter “Don Juan” or “patient”.)
6. Co-Defendant RYDER MEMORIAL HOSPITAL, INC (hereinafter “**RMHI**”) owns and/or operates a hospital located in Humacao, 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 and other hospital care and services.
7. Co-Defendant **DR. ALFRED VALDIVIESO RODRIGUEZ** (hereinafter **DR. VALDIVIESO**”), is an emergency room physician, with privileges at **RMHI**.
8. Co-Defendant **DR. VALDIVIESO** was Don Juan’s attending physician, while he was being treated at **RMHI**’ s emergency room on June 24th, 2019.
9. Co-Defendant **DR. VALDIVIESO** discharged Don Juan on June 24th, 2019.
10. Co-Defendant **DR. PEDRO SANTIAGO** (hereinafter “**DR. SANTIAGO**”), is an internal medicine physician, with privileges at **RMHI**.
11. Co-Defendant **DR. SANTIAGO** was Don Juan’s attending physician, while hospitalized at **RMHI** from June 28 through 29th, 2019.
12. Co-Defendant **RMHI** assigned **DR. PEDRO SANTIAGO** to be Don Juan’s attending physician, as per established hospital protocol.

13. 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 Connecticut, which issued insurance policies on behalf of **RMHI** for the acts or omissions described herein, encompassing the relevant period of time. **RMHI** and **ABC INSURANCE COMPANIES** are both jointly and severally responsible for the damages alleged in this complaint.
14. 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 Connecticut, which issued insurance policies on behalf of one or more Co-Defendants for the acts or omissions described herein, encompassing the relevant period of time.
15. 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.
16. 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 Connecticut, 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

17. JUAN F. TORRES CACERES or “Don Juan” was a 68-year-old independent man, who was retired, and had moved to Puerto Rico from Connecticut just weeks earlier to the facts described below.
18. On or about June 24th, 2019, Don Juan, after falling from a ladder at home, was picked up by paramedics in an ambulance at approximately 2:00 pm.
19. Ambulance paramedics described Juan as having suffered a fall that caused multiple body trauma, right leg, right elbow and painful abdomen.
20. According to ambulance records, Juan arrived by ambulance to **RMHI**’s emergency ward at approximately 2:23 pm.
21. According to the **RMHI**’s medical record, patient’s principal complaint was multiple trauma.
22. Don Juan was first screened at approximately 3:03 pm and described in the medical record as alert with severe pain and bandaged right leg with abrasions in both elbows.
23. **DR. VALDIVIESO** was assigned as Don Juan’s attending physician at **RMHI**.
24. Juan was placed in Critical 1 section of the emergency ward and at approximately 3:08 pm was administered pain killer Toradol.
25. Although pelvic X-rays did not reveal fracture or dislocation, X-rays of right leg revealed an acute comminuted non-displaced fracture.
26. A comminuted fracture happens when such great force is placed on a bone that it is crushed or breaks in more than one place.
27. X-rays revealed that Don Juan fractured his right leg at the tibia plateau and fibula.
28. Don Juan had suffered severe blunt trauma to several areas of his body.

29. There were no routine laboratories such as a CBC (complete blood count), abdominal sonogram, CT scan, MRI to rule out other emergency conditions.
30. The physical examinations by **DR. VALDIVIESO** and **RMHI's** personnel were cursory and inadequate.
31. Don Juan's right leg was immobilized with a splint and, without any more diagnostic tests to rule out internal bleeding.
32. **DR. VALDIVIESO** discharged Don Juan home at 8:55 pm with instructions to see an orthopedist.
33. On June 28, 2019, only four days later, Don Juan returned to **RMHI** emergency ward via ambulance, complaining of abdominal pain and rectal bleeding.
34. Don Juan was admitted to **RMHI**, under the care of attending physician **DR. PEDRO SANTIAGO**.
35. Laboratory tests revealed that Don Juan's hemoglobin was critically low at 6.2 (normal values for men range between 13.5-17.5).
36. **DR. SANTIAGO's** admission note indicates that Juan was suffering from metabolic acidosis, hyperkalemia; active GI bleeding and acute colitis.
37. **DR. SANTIAGO** admitted Don Juan to **RMHI** with instructions for transfusion of packed red blood cells, intravenous antibiotics, and aggressive hydration.
38. Subsequently Don Juan's respiration deteriorated and at 9:00 pm, he was transferred to the Intensive Care Unit where blood transfusion began at 9:20 pm.
39. After the transfusion, Don Juan complained of much pain in the abdomen and was administered demerol and phenergan.
40. At 1:40 am Don Juan's blood transfusion was completed.

41. At 6:35 am the hospital protocol for adverse reaction to transfusion was activated, due to Don Juan's reaction to the blood transfusion.
42. The medical record states that at 7:00 am Don Juan complained of right-side abdominal pain.
43. Another blood transfusion was commenced at 11:07 am.
44. At 7:00 pm Don Juan was described as disoriented, with irregular breathing and distended abdomen painful to touch.
45. At 9:00 pm Don Juan suffered changes in heart rhythm; was administered epinephrine, intubated but was declared dead soon after at 9:20 pm.
46. As a direct result of Defendants' negligence and failure to properly provide Don Juan with adequate emergency room and hospital treatment by medical nursing care and staff, Plaintiffs have lost their father.
47. As a direct result of Defendants' negligence and failure to properly provide Don Juan with adequate medical and nursing care, Don Juan was inhumanly treated, causing him much pain and suffering, inherited by Plaintiffs.
48. 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.

**FIRST CAUSE OF ACTION FOR NEGLIGENCE AGAINST
RMHI AND ITS PERSONNEL**

49. The allegations contained above are incorporated by reference as if again fully set forth herein.
50. Co-Defendant **RMHI**, through the acts or omissions of its employees, personnel, nurses,

doctors, 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.

51. Co-Defendant **RMHI** provides emergency, nursing, respiratory therapy and medical care to all types of patients, including the elderly and medically compromised, such as Don Juan.
52. Co-Defendant **RMHI**, at the relevant times of this Complaint, provided emergency, nursing and medical treatment to Don Juan, including to provide treatment to Don Juan initial conditions at its emergency ward on June 24, 2019 as well as when he was admitted on June 28 through June 29th, 2019.
53. Co-Defendant **RMHI** contracted, employed, provided privileges or arranged for Co-Defendants **DR. VALDIVIESO** and **DR. SANTIAGO** to provide medical evaluations and treatment to patients, including to Don Juan, during the times pertinent to this Complaint.
54. Co-Defendant **RMHI** has established policies, procedures and/or requirements for the provision of the nursing/medical treatment for patients, such as Don Juan, at its emergency ward and hospital.
55. Co-Defendant **RMHI** supplies doctors, nurses, therapists, clerical, administrative, emergency and technical personnel to treat patients such as Don Juan.
56. Co-Defendant **RMHI** derives revenue from the services it provides it patients.
57. Co-Defendant **RMHI** established policies, procedures and/or requirements for the proper examination, testing, evaluation and discharge at its emergency ward for patients such as Don Juan that had suffered multiple body trauma.
58. Co-Defendant **RMHI** failed to ensure that Juan was properly and adequately treated at its emergency ward and not discharged without ruling out emergency other conditions.

59. Co-Defendant **RMHI** failed to ensure that Don Juan was properly and adequately treated when he was hospitalized on June 28-29, 2019.
60. Co-Defendant **RMHI** established policies, procedures and/or requirements for the provision of safe blood transfusions for patients such as Don Juan.
61. Don Juan suffered an adverse reaction to the blood transfusion due to the negligence of the hospital personnel and blood bank that failed to properly type and cross or handle the blood used to transfuse Don Juan.
62. The mismatched or mistyped blood or blood products introduced into Juan caused an adverse reaction that either caused or contributed to the death of Don Juan.
63. In the alternative, Don Juan's internal bleeding and/or other conditions were mishandled to the point they caused or contributed to his demise.
64. Co-Defendant **RMHI** is liable for medical/nursing malpractice caused by the personnel it hires to provide services to its patients.
65. Co-Defendant **RMHI** owed a duty to Don Juan and to Plaintiffs to provide emergency room personnel, 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.
66. The treatment offered by **RMHI**, through its personnel, nurses, employees, doctors, agents and assignees, to Don Juan 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 Juan's death and the injuries to plaintiffs, as described herein.
67. Co-Defendant **RMHI**, through its 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.

68. Co-Defendant **RMHI**, through its personnel, nurses, employees, doctors, agents and assignees, negligently failed to adequately monitor Don Juan's delicate condition.

69. Co-Defendant **RMHI**, through its personnel, nurses, employees, doctors, agents and assignees, negligently failed to recognize the serious nature of the Don Juan's condition before he was discharged from the emergency department and when he was readmitted to the hospital four days later.

70. Co-Defendant **RMHI**, through its personnel, nurses, employees, doctors, agents and assignees, negligently and carelessly failed to timely treat Don Juan when he appeared at its facilities on both occasions.

71. Co-Defendant **RMHI**, through its personnel, nurses, employees, doctors, agents and assignees, negligently failed to timely and properly diagnose and administer proper care in order to avoid Don Juan's death.

72. Co-Defendant **RMHI**, through its personnel, nurses, employees, doctors, agents and assignees, failed to ensure proper and timely physician, nursing and other medical services were made available to Don Juan.

73. At all times herein pertinent, Co-Defendant **RMHI**, through its executives, directors, personnel, nurses, employees, doctors, agents and assignees were negligent in failing to provide the proper medical attention to Don Juan, in failing to provide the proper supervision or management of Co-Defendants **DR. VALDIVIESO** and **DR. SANTIAGO**,

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.

74. Co-Defendant **RMHI**, through its 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.

75. In so doing, Co-Defendant **RMHI**, through its personnel, nurses, employees, doctors, agents and assignees, misled those who sought full medical treatment into thinking that they would be appropriately treated.

76. As a direct and proximate cause of Co-Defendant **RMHI's** acts or omissions, through its personnel, nurses, employees, doctors, agents and assignees, including its failure to properly treat Don Juan, Plaintiffs lost their father and sustained damages, including mental, and emotional pain and suffering and associated damages, as described below.

77. Pursuant to 31 L.P.R.A. §5142, Co-Defendant **RMHI** is liable for the negligent acts or omissions of its personnel, agents, and employees including **DR. VALDIVIESO and DR. SANTIAGO**, as described herein.

**SECOND CAUSE OF ACTION FOR NEGLIGENCE AGAINST
DR. ALFRED VALDIVIESO RODRIGUEZ**

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

79. Co-Defendant **DR. VALDIVIESO** 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.

80. Co-Defendant **DR. VALDIVIESO** and/or other unknown joint tortfeasors owed a duty to Don Juan 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.
81. Co-Defendants **DR. VALDIVIESO** and/or other unknown joint tortfeasors' treatment of Don Juan 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.
82. At the time of the incidents giving rise to this Complaint, Co-Defendant **DR. VALDIVIESO** was the treating physician assigned by **RMHI** to treat Don Juan while he was admitted to **RMHI's** emergency ward.
83. Co-Defendant **DR. VALDIVIESO** negligently and carelessly failed to provide Don Juan with prompt attention and preventive medical, nursing care and monitoring despite the fact that Don Juan had had a terrible fall from a ladder suffering multiple body trauma and had complained of abdominal pain as well as his right leg.
84. Co-Defendant **DR. VALDIVIESO** failed to order routine laboratories such as a CBC (complete blood count), abdominal sonogram, CT scan, MRI and others to rule out other emergency conditions.
85. Co-Defendant **DR. VALDIVIESO** failed to carry out adequate physical examinations of Don Juan while under his care.
86. Co-Defendant **DR. VALDIVIESO** negligently and carelessly failed to properly and timely order the appropriate tests to reach a correct diagnosis before discharging Don Juan.

87. Co-Defendant **DR. VALDIVIESO** negligently and carelessly diagnosed *one* of Don Juan's injuries —the right leg fracture— but failed to properly and timely order the appropriate tests to reach a correct diagnosis or rule out other potential emergency conditions, such as internal bleeding.
88. Co-Defendant **DR. VALDIVIESO** negligently and carelessly failed to provide Don Juan with the necessary examining, testing, evaluating, medical and nursing care, including ruling out internal bleeding after his fall from a ladder at home.
89. Co-Defendant **DR. VALDIVIESO** 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 discharged Don Juan, without doing the appropriate work up in order to discard any other life threatening conditions.
90. In so doing, Co-Defendant **DR. VALDIVIESO** 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 Juan, as detailed herein.
91. As a direct and proximate cause of Co-Defendant **DR. VALDIVIESO** and/or other potentially unknown joint tortfeasors' acts or omissions, including their failure to properly and timely treat Don Juan, Plaintiffs sustained damages, including emotional, mental, physical and economic damages, as described below.

**THIRD CAUSE OF ACTION FOR NEGLIGENCE AGAINST
DR. SANTIAGO**

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

93. Co-Defendant **DR. SANTIAGO** 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.
94. Co-Defendant **DR. SANTIAGO** and/or other unknown joint tortfeasors owed a duty to Don Juan 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.
95. Co-Defendant **DR. SANTIAGO** and/or other unknown joint tortfeasors' treatment of Don Juan 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.
96. At the time of the incidents giving rise to this Complaint, Co-Defendant **DR. SANTIAGO** was the treating physician assigned by **RMHI** to treat Don Juan while he was admitted to **RMHI**.
97. Co-Defendant **DR. SANTIAGO** negligently and carelessly failed to properly and timely intervene, examine, treat and monitor Don Juan's medical condition.
98. Co-Defendant **DR. SANTIAGO** negligently and carelessly failed to provide Don Juan with prompt attention and preventive medical, nursing care and monitoring despite the fact that Don Juan was in a very delicate condition.
99. Co-Defendant **DR. SANTIAGO** negligently and carelessly failed to provide Don Juan with the necessary medical care, including close monitoring, evaluating, testing and administration of proper medication to prevent his deterioration and ultimate death.

100. Co-Defendant **DR. SANTIAGO**, 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 Juan's serious condition.

101. In so doing, Co-Defendant **DR. SANTIAGO** 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 Juan, as detailed herein.

102. As a direct and proximate cause of Co-Defendant **DR. SANTIAGO** and/or other potentially unknown joint tortfeasors' acts or omissions, including their failure to properly and timely treat Don Juan, Plaintiffs sustained damages, including emotional, mental, physical and economic damages, as described below.

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

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

104. Co-Defendants fictitiously named as **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 a public liability and/or malpractice insurance policy and/or other applicable insurance on behalf of Defendants, and /or other unknown joint tortfeasors.

105. Pursuant to 26 P.R. Laws Ann. § 2001, Co-Defendants **ABC INSURANCE COMPANIES** are jointly and severally liable for the negligence or fault of their insured.

106. Pursuant to 26 P.R. Laws Ann. § 2003, this action is brought directly against Co-Defendants **ABC INSURANCE COMPANIES**.

**FIFTH CAUSE OF ACTION AGAINST
EFG INSURANCE**

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

108. Co-Defendant fictitiously named as **EFG INSURANCE** 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.

109. Pursuant to 26 P.R. Laws Ann. § 2001, Co-Defendants **EFG INSURANCE** are jointly and severally liable for the negligence or fault of their insured.

110. Pursuant to 26 P.R. Laws Ann. § 2003, this action is brought directly against Co-Defendant **EFG INSURANCE**.

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

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

112. Co-Defendants **JOHN DOE** and **JAMES ROE** are so designated for lack of knowledge at this point in the proceedings.

113. Co-Defendants **JOHN DOE** and **JAMES ROE**'s intervention in the nursing, technical or medical care of Don Juan while at Co-Defendant **RMHI** 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 Juan's death and, thus, the pain and suffering of Don Juan while hospitalized and of Plaintiffs upon his premature death, as described herein.

114. 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 Juan, commensurate with his reported symptoms of deterioration, and, as such, directly caused and/or contributed to causing Don Juan physical injury and emotional pain, as well as his premature death and the emotional pain and suffering such death caused upon Plaintiffs.

115. 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.

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

117. Co-Defendants **JOHN DOE** and **JAMES ROE** negligently and carelessly failed to provide proper care to their patient, Don Juan, 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.

118. 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 Juan's condition and with his clinical signs, Don Juan was deprived of the opportunity to be promptly treated when time was of the essence and the Plaintiffs, through the premature death of Don Juan, was deprived of his companionship, camaraderie, support and love.

119. 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 Juan's condition and with his clinical signs, Don Juan was deprived of the opportunity to be promptly treated when time was of the essence and Don Juan was caused physical and emotional damages which cause of action is inherited by Plaintiffs.

120. 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 Juan, as detailed herein.

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

DAMAGES

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

123. As a direct and proximate result of the acts or omissions of all Co-Defendants, Don Juan died prematurely at the age of 68, leaving his adult children behind.

124. As a result of the professional negligence, lack of expertise, fault, and malpractice of all Co-Defendants, Plaintiffs unnecessarily and prematurely lost their father, Don Juan, a beloved and caring person.
125. 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.
126. 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.
127. In losing Don Juan, Plaintiffs lost their father, confidant and friend.
128. Plaintiffs have suffered dearly the loss of Juan, with whom they will not be able to share the special moments in their lives and that of their children.
129. As a direct and proximate result of the negligence of all Defendants, Plaintiffs will no longer have the joy of having their father 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.
130. As a direct and proximate result of the negligence of all Defendants, Don Juan lived for days in terrible pain, eventually suffering an unwarranted and untimely death, a cause of action which all Plaintiffs inherit as Don Juan's heirs under Puerto Rico law.
131. As a direct and proximate result of the negligence of all Defendants, all Plaintiffs will continue to suffer the irreparable loss of their father.
132. The negligent acts and omissions of the Co-Defendants have directly and proximately caused Plaintiff **JOSE J. TORRES ARROYO** intense emotional and mental pain and

suffering, frustration and a grave sense of injustice valued in an amount of no less than **SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00)**.

133. The negligent acts and omissions of the Co-Defendants have directly and proximately caused Plaintiff **JUAN RAMON TORRES ARROYO** intense emotional and mental pain and suffering, frustration and a grave sense of injustice equal to a sum not less than **SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00)**.

134. The negligent acts and omissions of the Co-Defendants have directly and proximately caused Plaintiff **JUAN FRANCISCO TORRES ARROYO** intense emotional and mental pain and suffering, frustration and a grave sense of injustice valued in an amount of no less than **SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00)**.

135. The negligent acts and omissions of the Co-Defendants have directly and proximately caused Plaintiff **GLORIA M. TORRES ARROYO** intense emotional and mental pain and suffering, frustration and a grave sense of injustice equal to a sum not less than **SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00)**.

136. The negligent acts and omissions of the Defendants directly and proximately caused Don Juan 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

137. In total, the damages suffered by Plaintiffs have a reasonable value in excess of **FOUR MILLION DOLLARS (\$4,000,000.00)**.

TRIAL BY JURY DEMANDED

138. 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 **FOUR MILLION DOLLARS (\$4,000,000.00)**, as well as costs incurred, reasonable attorneys' fees, and such other and further relief as this Honorable Court may seem just and proper under the law.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 22nd day of June 2020.

Attorneys for Plaintiffs:

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