

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

FRANCISCO PAGÁN HERMINA and DANIEL
PAGÁN HERMINA,

Plaintiffs,

vs.

HOSPITAL DOCTOR SUSONI, INCORPORADO
d/b/a HOSPITAL METROPOLITANO DR. SUSONI;
DR. CHRISTOPHER VEGA ACEVEDO; DR. CESAR
R. RIVERA REVERÓN; ABC INSURANCE
COMPANIES, EFG INSURANCE; JOHN DOE;
JAMES ROE; DOES I-X

Defendants.

CIVIL NO.: 20-1761

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 FRANCISCO PAGÁN HERMINA and DANIEL PAGÁN HERMINA are citizens of, domiciled in, and reside in the state of Florida.
2. Defendants are citizens of, domiciled in, incorporated in or with their principle place of business in Puerto Rico or a state other than Florida.
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.
5. On October 16, 2019, Plaintiffs filed a state court complaint in the Puerto Rico Court of First Instance, docketed as case number AR2020CV01261, for the medical malpractice described herein.
6. That complaint was subsequently amended on October 20, 2019, to include all known tortfeasors named herein.

THE PARTIES

7. Plaintiffs **FRANCISCO PAGÁN HERMINA** and **DANIEL PAGÁN HERMINA** are the sons of Francisco Pagán Serrano, hereinafter referred to also as “Mr. Francisco Pagán” or “Don Francisco”.
8. Co-Defendant **HOSPITAL DOCTOR SUSONI, INCORPORADO d/b/a HOSPITAL METROPOLITANO DR. SUSONI** (hereinafter “**HOSPITAL DR. SUSONI**” or “**HDSI**”) owns and/or operates a hospital located in Arecibo, 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.
9. Co-Defendant **DR. CHRISTOPHER VEGA ACEVEDO** (hereinafter “**DR. VEGA ACEVEDO**”), is an emergency room physician, charged with caring for Don Francisco when he arrived at HOSPITAL DR. SUSONI’s emergency room on October 19, 2019.
10. Co-Defendant **DR. CESAR R. RIVERA REVERÓN** (hereinafter “**DR. RIVERA REVERÓN**”), is an internal medicine physician, charged with caring for Don Francisco when he was admitted at HOSPITAL DR. SUSONI on October 19, 2019.

11. Co-Defendant **HDSI** assigned **DR. RIVERA REVERÓN** to be Don Francisco's attending physician, as per established hospital protocol.
12. 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 Florida, which issued insurance policies on behalf of **HDSI** for the acts or omissions described herein, encompassing the relevant period of time.
13. 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 Florida, which issued insurance policies on behalf of one or more codefendants for the acts or omissions described herein, encompassing the relevant period of time.
14. 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.
15. Co-Defendants **DOES I-X**, fictitiously named herein to be later replaced by the action name that 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 Florida, 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

16. Francisco Pagán was an 85-year-old man, who was a retired hotel industry employee.

17. On October 19, 2019, during morning hours, Don Francisco suffered a fall in his home, which caused a laceration in his head.

18. Don Francisco arrived at the **HDSI's** emergency room in an ambulance on October 19, 2019 at or around 10:00 am in a state of hypotension.

19. **DR. VEGA ACEVEDO** was the emergency room doctor assigned to Don Francisco's care when he is received at the emergency room.

20. Consults were sent to cardiology and nephrology.

21. The consults were not placed as urgent consults or on a STAT basis.

22. The laboratory tests performed on Don Francisco by the emergency room personnel during the morning of October 19, 2019 showed elevated cardiac enzymes and revealed that the patient was in a state of lactic acidosis.

23. Emergency room personnel administered 400mg/250ml of intropin, at a rate of 20ml per hour.

24. At or around 3:28pm of October 19, 2019, Don Francisco was administered 2gm of Rocephin, 0.5gm of toxoid tetanus, 325mg of ASA and 300mg of Plavix.

25. At 4:00pm of October 19, 2019, **DR. RIVERA REVERON** ordered Don Francisco's admission under a diagnosis of hypotension with a rule-out of sepsis, for treatment aimed at reducing the cardiac enzymes and normalize the patient's hypotensive state.

26. At 4:51pm, Don Francisco's blood oxygen levels were recorded at only 81%.

27. At that time, **DR. RIVERA REVERON** ordered an increase to the intropin rate to 30ml

per hour and the application of a venturi mask at 50%.

28. Rafael Pagan Hermina, Don Francisco's son and Plaintiff's sibling, accompanied his father throughout the whole afternoon and early evening of October 19, 2019, until he could ensure that the admissions process was complete and that all necessary orders for Don Francisco's care had been placed.
29. Don Francisco complained of shortness breath and difficult breathing on several occasions on October 19, 2019.
30. It is not until 10:10pm on October 19, 2019 that Don Francisco's admission and transfer to the telemetry unit at **HDSI**.
31. The room assigned to Don Francisco was far from the main nurse's station for the telemetry unit when compared to the other rooms.
32. At 12:10am on October 20, 2019, Don Francisco's blood oxygen levels reached 89%, causing him disorientation.
33. Hospital staff changed Don Francisco to a semi-seated position and placed a non-rebreathing mask, as well as soft restraints in both hands.
34. The measures taken by hospital staff achieved a 97% blood oxygen level for the patient.
35. At 6:00am on October 20, 2019, Don Francisco's blood level oxygen level had decreased to 95%. Hospital records show that his venturi mask had been set to 24%.
36. At 10:00am, hospital personnel aided Don Francisco with his personal hygiene and changed his bandages.
37. During the late morning hours of October 20, 2019, Rafael Pagán Hermina received a call from a social worker at HDSI, who stated that Don Francisco was having difficulty communicating with the hospital personnel.

38. Rafael Pagán Hermina arrived at HDSI at or around 2:00pm to visit his father and corroborate the social worker's statement.
39. At that time, Rafael Pagán Hermina found his father in an unresponsive state.
40. Rafal Pagán Hermina quickly hailed hospital staff to come to his father aid.
41. The hospital staff were not aware of Don Francisco's state, and only learned of it when Rafael Pagán Hermina alerted them.
42. Hospital staff launched a code for Don Francisco and proceeded to perform CPR to Don Francisco; pursuant to the medical records, atropine was administered on 2:25pm and 2:28pm.
43. Regrettably, Don Francisco did not regain consciousness and the emergency doctor on shift declared Don Francisco dead at 2:34pm on October 20, 2019.
44. On information and belief, the cardiology consult, which showed that Don Francisco was suffering from serious cardiac issues, was not incorporated to his medical file until after his passing.
45. Don Francisco did not receive appropriate nursing care from the **HDSI's** nursing staff, particularly in light of his admission to the telemetry ward.
46. Given the patient's erratic blood oxygen levels, nursing staff had a duty to monitor the patient's state.
47. All medical staff, including **DR. CHRISTOPHER VEGA ACEVEDO** and **DR. CESAR R. RIVERA REVERÓN**, should have recognized the precarious nature of Don Francisco's state of health.
48. Further, all medical staff, including **DR. CHRISTOPHER VEGA ACEVEDO** and **DR. CESAR R. RIVERA REVERÓN**, should have been alerted by Don Francisco's

laboratory test results as to the existence of a severe urinary tract infection, which was causing the patient's septicemia.

49. All medical staff, including **DR. CHRISTOPHER VEGA ACEVEDO** and **DR. CESAR R. RIVERA REVERÓN**, should have treated the underlying cause of his erratic blood oxygenation levels, the septicemia caused by the severe UTI.
50. Plaintiffs have suffered much pain and suffering, emotional and mental damages as a direct result of Defendants' negligence and/or the negligence of their employees, agents, or assignees.

**FIRST CAUSE OF ACTION AGAINST NEGLIGENCE
OF HOSPITAL DR. SUSONI AND ITS PERSONNEL**

51. The allegations contained above are incorporated by reference as if again fully set forth herein.
52. Defendant **HDSI**, 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.
53. Defendant **HDSI** provides nursing, respiratory therapy and medical care to all types of patients, including the elderly and medically compromised, such as Don Francisco.
54. Defendant **HDSI**, at the relevant times of this Complaint, provided nursing and medical treatment to Don Francisco.
55. Defendant **HDSI** has an inadequate system to alert nurses when patients are in distress, particularly for patients in the telemetry ward.
56. Defendant **HDSI** has monitors with sound alarms that cannot be heard or detected unless the nurses come into the hospital room.
57. Defendant **HDSI** and its personnel and nursing staff failed to place adequate monitoring

and telemetry equipment in Don Francisco's treatment plan.

58. Defendant **HDSI** failed to place Don Francisco in a room suitable for close and effective monitoring by nurses.
59. Defendant **HDSI** and its personnel and nursing staff failed to adequately observe and oversee Don Francisco's monitoring and telemetry equipment readouts at the nursing station.
60. Defendant **HDSI** and its technical personnel at its telemetry center failed to adequately observe and oversee Don Francisco's monitoring and telemetry equipment readouts and/or failed to promptly alert the nurses at the telemetry nursing station when Don Francisco's vitals became unstable.
61. Furthermore, Defendant **HDSI** and its personnel and nursing staff failed to recognize Don Francisco's impending catastrophe, specifically his sepsis which led to his shortness of breath, low oxygen saturation, disorientation to the extent he was restrained, high white blood cell counts and recent fall at home.
62. Defendant **HDSI's** personnel and nursing staff failed to perform an adequate bedside evaluation of Don Francisco's symptoms and laboratory results.
63. Defendant **HDSI's** personnel and nursing staff did not complement Don Francisco's treatment plan with adequate prophylactic treatment.
64. Defendant **HDSI** derives revenue from the services it provides its patients.
65. Defendant **HDSI** is liable for medical/nursing malpractice caused by the personnel it hires to provide services to its patients.
66. Defendant **HDSI** 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.

67. The treatment offered by **HDSI**, through its personnel, nurses, employees, doctors, agents and assignees, to Don Francisco 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 Francisco's death and the injuries to Plaintiffs, as described herein.
68. Defendant **HDSI**, through its personnel, nurses, employees, doctors, agents and assignees, failed to exercise the care and precautions required under the circumstances in order to prevent Don Francisco's passing, lacked the required knowledge and medical/nursing skill, failed to timely have available the personnel and equipment necessary to avoid Don Francisco's passing and subsequent injuries to Plaintiffs.
69. Defendant **HDSI**, through its personnel, nurses, employees, doctors, agents and assignees, negligently failed to adequately monitor Don Francisco's delicate condition.
70. Defendant **HDSI**, through its personnel, nurses, employees, doctors, agents and assignees, negligently failed to recognize the serious nature of the Don Francisco's condition before he was found unresponsive by his son.
71. Defendant **HDSI**, 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.
72. In so doing, Defendant **HDSI**, through its personnel, nurses, employees, doctors, agents and assignees, misled those who sought full medical treatment into thinking that they

would be appropriately treated.

73. As a direct and proximate cause of Defendant **HDSI's** acts or omissions, through its personnel, nurses, employees, doctors, agents and assignees, including its failure to properly treat Don Francisco, Plaintiffs lost their father and sustained damages, including mental, and emotional pain and suffering and associated damages, as described below.
74. Pursuant to 31 L.P.R.A. §5142, Defendant **HDSI** is liable for the negligent acts or omissions of its personnel, agents, and employees including **DR. CHRISTOPHER VEGA ACEVEDO** and **DR. CESAR R. RIVERA REVERÓN**, as described herein.

**SECOND CAUSE OF ACTION AGAINST NEGLIGENCE
OF DR. CHRISTOPHER VEGA ACEVEDO**

75. The allegations contained above are incorporated by reference as if again fully set forth herein.
76. Defendant **DR. VEGA ACEVEDO** 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.
77. Defendant **DR. VEGA ACEVEDO** and/or other unknown joint tortfeasors owed a duty to Don Francisco 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.
78. Defendant **DR. VEGA ACEVEDO** and/or other unknown joint tortfeasors' treatment of Don Francisco 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.

79. At the time of the incidents giving rise to this Complaint, Defendant **DR. VEGA ACEVEDO** was the emergency room physician assigned by **HDSI** to treat Don Francisco when he arrived at **HDSI's** emergency room.
80. Defendant **DR. VEGA ACEVEDO** negligently and carelessly failed to properly and timely intervene, examine, and diagnose Don Francisco's medical condition.
81. Defendant **DR. VEGA ACEVEDO** did not comprehend Don Francisco's delicate medical state.
82. Defendant **DR. VEGA ACEVEDO** failed to recognize and identify the root cause of Don Francisco's delicate medical state.
83. As a direct result, Defendant **DR. VEGA ACEVEDO** failed to place the appropriate consults to the pertinent specialists in an urgent or STAT basis, as required by Don Francisco's dire situation.
84. In so doing, Defendant **DR. VEGA ACEVEDO** 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 death of Don Francisco, as detailed herein.
85. As a direct and proximate cause of Defendant **DR. VEGA ACEVEDO** and/or other potentially unknown joint tortfeasors' acts or omissions, including their failure to properly and timely treat Don Francisco, Plaintiffs sustained damages, including emotional, mental, physical and economic damages, as described below.

**THIRD CAUSE OF ACTION AGAINST NEGLIGENCE
OF DR. CESAR R. RIVERA REVERÓN**

86. The allegations contained above are incorporated by reference as if again fully set forth herein.
87. Defendant **DR. RIVERA REVERÓN** 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.
88. Defendant **DR. RIVERA REVERÓN** and/or other unknown joint tortfeasors owed a duty to Don Francisco 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.
89. Defendant **DR. RIVERA REVERÓN** and/or other unknown joint tortfeasors' treatment of Don Francisco 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.
90. At the time of the incidents giving rise to this Complaint, Defendant **DR. RIVERA REVERÓN** was the treating physician assigned by **HDSI** to treat Don Francisco while he was admitted to **HDSI**.
91. Defendant **DR. RIVERA REVERÓN** negligently and carelessly failed to properly and timely intervene, examine, and diagnose Don Francisco's medical condition.
92. Defendant **DR. RIVERA REVERÓN** did not comprehend Don Francisco's delicate medical state.
93. Defendant **DR. RIVERA REVERÓN** failed to recognize and identify the root cause of

Don Francisco's delicate medical state.

94. As a direct result, Defendant **DR. RIVERA REVERÓN** failed to place or follow up on the appropriate consults to the pertinent specialists in an urgent or state manner, as required by Don Francisco's dire situation.
95. In so doing, Defendant **DR. RIVERA REVERÓN** 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 death of Don Francisco, as detailed herein.
96. As a direct and proximate cause of Defendant **DR. RIVERA REVERÓN** and/or other potentially unknown joint tortfeasors' acts or omissions, including their failure to properly and timely treat Don Francisco, Plaintiffs sustained damages, including emotional, mental, physical and economic damages, as described below.

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

97. The allegations contained above are incorporated herein by reference as if again fully set forth.
98. 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.
99. Pursuant to 26 P.R. Laws Ann. § 2001, Defendants **ABC, EFG** are jointly and severally liable for the negligence or fault of their insured. [L]
[SEP]
100. Pursuant to 26 P.R. Laws Ann. § 2003, this action is brought directly against

Defendant **ABC, EFG**.

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

101. The allegations contained above are incorporated by reference as if again fully set forth herein.
102. Co-Defendants **JOHN DOE** and **JAMES ROE** are so designated for lack of knowledge at this point in the proceedings.
103. Co-Defendants **JOHN DOE** and **JAMES ROE**'s intervention in the nursing, technical or medical care of Don Francisco Pagán Serrano while at Co-Defendant **HDSI** 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 Francisco Pagán Serrano's death and, thus, the pain and suffering of Plaintiffs upon his premature death, as described herein.
104. 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 Francisco Pagán Serrano, commensurate with his reported symptoms, and, as such, directly caused and/or contributed to causing Don Francisco Pagán Serrano's premature death and the emotional pain and suffering such death caused upon Plaintiffs.
105. 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.

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

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

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

109. 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 Francisco, as detailed herein.

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

SIXTH 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

111. The allegations contained above are incorporated by reference as if again fully set forth herein.
112. Co-Defendants **DR. CHRISTOPHER VEGA ACEVEDO, DR. CESAR R. RIVERA REVERÓN**, and **HDSI's** personnel committed professional negligence including lack of experience, failures and bad practice, which directly and immediately caused his suffering and culminated in his death.
113. The medical treatment received by Don Francisco at **HDSI** 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.
114. 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.
115. 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

116. The allegations contained above are incorporated herein by reference as if again fully set forth.
117. As a direct and proximate result of the acts or omissions of all Defendants, Don Francisco died prematurely at the age of 85, leaving his adult children behind.

118. As a result of the professional negligence, lack of expertise, fault, and malpractice of all Defendants, Plaintiffs unnecessarily and prematurely lost their father, Don Francisco, a beloved and caring person.
119. As a result of the professional negligence, lack of expertise, fault, and malpractice of all Defendants, Plaintiffs quality of life has been severely impaired.
120. As a result of the professional negligence, lack of expertise, fault, and malpractice of all Defendants, Plaintiffs lived through the extraordinary pain and suffering of seeing their beloved father die a painful, untimely and undignified death, knowing that it was avoidable.
121. In losing Don Francisco, Plaintiffs lost their father, confidant and friend.
122. Plaintiffs have suffered dearly the loss of Don Francisco, with whom they will not be able to share the special moments in their lives and that of their children.
123. 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.
124. As a direct and proximate result of the negligence of all Defendants, Don Francisco lived for over 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 Don Francisco's heirs under Puerto Rico law.
125. As a direct and proximate result of the negligence of all Defendants, all Plaintiffs will continue to suffer the irreparable loss of their father.

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

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

128. The negligent acts and omissions of the Defendants directly and proximately caused Don Francisco Pagán Serrano 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

129. The economic damages suffered by the Plaintiffs and/or Don Francisco Pagán Hermina, as part of their potential responsibility to reimburse Medicare and/or Medicare Advantage for an unknown amount that could approximate **ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)** that includes all lien and/or payment, reimbursement to which Medicare, Medicare Advantage, Medicaid, and/or any state or federal agency because of the hospital medical treatment as a result of the medical malpractice, if any, that the patient received as a result of the allegations in this Complaint.

130. In total, the damages suffered by Plaintiffs have a reasonable value in excess of **FIVE MILLION ONE HUNDRED THOUSAND DOLLARS (\$5,100,000.00)**.

TRIAL BY JURY DEMANDED

131. 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 **FIVE MILLION ONE HUNDRED THOUSAND DOLLARS (\$5,100,000.00)**, 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 30th day of December, 2020.

CERTIFICATE OF SERVICE: I certify that on this same that I electronically filed the foregoing with the Clerk of the Court using CM/ECF system, which will automatically send notice of such filing to all attorneys of record.

INDIANO & WILLIAMS, P.S.C.

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