

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

TANAIRY RODRIGUEZ; ELENIS
RODRIGUEZ and JEAN PIERRE
CHAPARRO,

Plaintiffs,

v.

TRIPLE-S PROPIEDAD, INC.; ROSELY
ROLDAN REYES; XYZ INSURANCE
COMPANIES; DOES I-X and any other
joint tortfeasors,

Defendants.

Civil No.: 19-1870

RE: TORT ACTION FOR
NEGLIGENCE PURSUANT TO
ARTICLES 1802 & 1803, 31 L.P.R.A
§§ 5141 & 5142

JURY TRIAL DEMANDED

COMPLAINT

TO THE HONORABLE COURT:

APPEAR NOW the Plaintiffs, TANAIRY RODRIGUEZ, ELENIS RODRIGUEZ and JEAN PIERRE CHAPARRO, (hereinafter referred to as “Plaintiffs”), through the undersigned counsel, and hereby state, allege, and request as follows:

JURISDICTIONAL BASIS

1. This case is based upon diversity jurisdiction under 28 U.S.C. §1332.
2. Plaintiffs are citizens of and are domiciled in the state of Connecticut.
3. All Defendants are individuals, corporations, business entities, or partnerships who are citizens of Puerto Rico or of a state other than Connecticut.

4. The matter in controversy exceeds the sum of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00), exclusive of interest and costs, thus vesting jurisdiction on this Honorable Court pursuant to 28 U.S.C. § 1332.
5. Venue is proper in the District of Puerto Rico pursuant to 28 U.S.C. §1391, since the events and acts or omissions giving rise to this claim occurred in this district.

THE PARTIES

6. Plaintiff **TANAIRY RODRIGUEZ** (hereinafter "TANAIRY RODRIGUEZ") is of legal age, a citizen and domiciled in the state of Connecticut.
7. Plaintiff **ELENIS RODRIGUEZ** (hereinafter "ELENIS RODRIGUEZ") is of legal age in the state of Connecticut, where she resides and is domiciled.
8. Plaintiff **JEAN PIERRE CHAPARRO** (hereinafter "JEAN PIERRE") is of legal age, a citizen and domiciled in the state of Connecticut.
9. Defendant **ROSELY ROLDAN** (hereinafter "MS. ROLDAN") is the driver of the car that caused the vehicular accident and Plaintiffs' subsequent injuries. Upon information and belief, she is a citizen of and domiciled in the Commonwealth of Puerto Rico.
10. Defendant **TRIPLE-S PROPIEDAD, INC.** is a corporation organized or operating under the laws of the Commonwealth of Puerto Rico or of a state other than Connecticut, which is authorized to do business in Puerto Rico, and which insures the co-defendant for the acts and/or omissions described herein and/or is liable for the injuries and damages sustained by Plaintiffs.

11. Defendants **XYZ INSURANCE COMPANIES** are corporations organized or operating under the laws of the Commonwealth of Puerto Rico or of a state other than Connecticut, which are authorized to do business in Puerto Rico, and insure one or more co-defendants for the acts and/or omissions described herein and/or are liable for the injuries and damages sustained by Plaintiffs.
12. Defendant **DOES I-X** are individuals, corporations, or entities that are citizens of Puerto Rico or a state other than Connecticut who are unknown and are jointly and severally liable for Plaintiffs' damages.

GENERAL ALLEGATIONS

13. Plaintiffs TANAIKY RODRIGUEZ, ELENIS RODRIGUEZ, and JEAN PIERRE CHAPARRO are friends and family who traveled to Puerto Rico for vacation in May 2019.
14. Plaintiffs rented a car from Avis Car Rental in Isla Verde for the duration of their stay in Puerto Rico.
15. On May 5th, 2019, at approximately 5:00 p.m., Plaintiffs were traveling in the rented car in a south to north direction along the 968 Las Coles Street in Río Grande.
16. Plaintiffs had their seatbelts securely fastened at all times relevant herein.
17. JEAN PIERRE was driving the car, and TANAIKY and ELENIS were sitting in the back seats.

18. While traveling in the middle lane along the 968 Las Coles Street, Plaintiffs were brutally struck in the front by a car operated by Co-Defendant **MS. ROLDAN**.
19. This impact caused Plaintiffs' vehicle to move backwards to the side of the road and severely damage the front of the vehicle.
20. The seatbelts locked forcefully against Plaintiffs' chests and shoulders.
21. TANAIRY loss consciousness for more than 30 minutes.
22. Plaintiffs felt pain on multiple areas of their bodies, particularly their heads, necks, shoulders and backs, but managed to exit the vehicle on their own after some struggle.
23. Upon exiting the vehicle, Plaintiffs noticed that it had suffered a hard impact to the front area of the car.
24. Plaintiffs were taken by ambulance to Hospital Universitario Federico Trilla in Carolina.
25. Plaintiffs ELENIS and JEAN PIERRE were examined, evaluated, submitted to radiological studies, and provided with pain medication prior to being discharged.
26. Plaintiff TANAIRY was transferred to the Puerto Rico Medical Center ("PRMC"), where she was diagnosed with a fracture of the left orbital floor and a laceration to her left eyelid. She remained admitted at PRMC where she continued receiving medical treatment, including an open reduction of the left orbital floor fracture with an orbital implant

27. During this time, and ever since the accident, Plaintiffs all experienced pain in different areas of their bodies as a result of the accident.
28. Once Plaintiffs were able to travel back to Connecticut, they began seeking medical treatment for their injuries, which is still ongoing.
29. Plaintiffs have suffered and continue to suffer physical, emotional, and mental damages as a direct result of Defendants' negligent act or omissions.

FIRST CAUSE OF ACTION – TRIPLE-S PROPIEDAD, INC.

30. The allegations contained above are incorporated by reference as if again fully set forth herein.
31. Co-Defendant **TRIPLE-S PROPIEDAD, INC.** was, at the time herein pertinent, authorized to do business as such in Puerto Rico, and issued an insurance policy on behalf of Defendants.
32. Pursuant to 26 P.R. Laws Ann. § 2001, an insurance company is directly liable for the negligence or fault of its insured.
33. Pursuant to 26 P.R. Laws Ann. § 2003, an action against an insurer may be brought separately or may be joined together with an action against its insured.
34. As a result, Co-Defendant **TRIPLE-S PROPIEDAD, INC.** is liable to Plaintiffs for the damages caused to them by Defendants.

**SECOND CAUSE OF ACTION – NEGLIGENCE OF ROSELY ROLDAN REYES
UNDER ART. 1802 OF THE PUERTO RICO CIVIL CODE**

35. The allegations contained above are incorporated by reference as if again fully set forth herein.
36. At all times herein pertinent, Co-Defendant **ROSELY ROLDAN REYES** was

the owner and driver of the car that caused the accident and Plaintiffs' injuries.

37. Co-Defendant **ROSELY ROLDAN REYES**, through her acts and omissions while driving said vehicle, caused damage to Plaintiffs through fault and/or negligence in violation of 31 PR. Laws Ann. 5141 (Article 1802 of Puerto Rico's Civil Code).
38. Co-Defendant **ROSELY ROLDAN REYES** is responsible for her negligent behavior in invading Plaintiffs' lane.
39. As a direct and proximate result of Co-Defendant **ROSELY ROLDAN REYES's** negligence while driving the vehicle, Plaintiffs sustained physical, emotional, mental, and economic damages.

THIRD CAUSE OF ACTION - XYZ INSURANCE COMPANIES

40. The allegations contained above are incorporated by reference as if again fully set forth herein.
41. Defendants XYZ Insurance Companies were, at the time herein pertinent, authorized to do business as such in Puerto Rico, and issued an insurance policy on behalf of Defendants or another tortfeasor.
42. Pursuant to 26 P.R. Laws Ann. § 2001, an insurance company is directly liable for the negligence or fault of its insured.
43. Pursuant to 26 P.R. Laws Ann. § 2003, an action against an insurer may be brought separately or may be joined together with an action against its insured.
44. As a result, Defendants XYZ Insurance Companies are liable to Plaintiffs for the damages caused to them by Defendants or another tortfeasor.

FIFTH CAUSE OF ACTION UNDER ARTS. 1802 AND 1803
OF THE PUERTO RICO CIVIL CODE - DOES I-X

45. The allegations contained above are incorporated by reference as if again fully set forth herein.
46. Defendants DOES I-X caused damages to Plaintiffs through fault or negligence in violation of 31 L.P.R.A. §5141 or 31 L.P.R.A. §5142 via their employees, agents, or assignees.
47. Defendants DOES I-X are jointly and severally liable for the damages caused to Plaintiffs.

DAMAGES

48. The allegations contained above are incorporated by reference as if again fully set forth herein.
49. As a result of the negligent acts or omissions of Defendants, Plaintiffs have suffered physical, emotional, mental, and economic damages.

A. TANAIRY RODRIGUEZ

50. As a result of the negligent acts or omissions of Defendants, TANAIRY RODRIGUEZ suffered physical, emotional, and mental damages, including, but not limited to, the physical and emotional pain and suffering of her injured face and shoulder; being unable to engage in crucial work tasks; as well as other physical, emotional, and mental damages.
51. At the time of the accident, TANAIRY RODRIGUEZ was thrown about and she hit her face on the driver's seat.

52. TANAIRY RODRIGUEZ loss consciousness for more than 30 minutes.
53. After being transferred to the emergency room, TANAIRY had a CT scan on her head and cervical spine, as well as the facial bones.
54. Plaintiff TANAIRY RODRIGUEZ was diagnosed with a fracture of left orbital floor and a laceration without foreign body of left eyelid and periocular area.
55. The CT scan showed a comminute fracture of the floor of the left orbit involving the infraorbital foramen, with associated protrusion of extraconal fat, and mild inferior displacement of the rectus muscle. There was an associated hemorrhagic process within the left maxillary sinus and left presptal, left pre-maxillary, and left medial canthus soft tissue swelling.
56. For this reason, TANAIRY was transferred to Puerto Rico Medical Center in San Juan, where on May 9, 2019, she was subjected to an open reduction of the left orbital floor fracture with an orbital implant.
57. Plaintiff TANAIRY RODRIGUEZ was discharged from the hospital on May 10, 2019, but was not allowed to travel back home for two weeks.
58. TANAIRY returned to Connecticut on May 25, 2019, and continued seeking orthopedic treatment.
59. As of today, TANAIRY continues to experience dull pain under her left eye; and she suffers headaches, especially on workdays after spending decent time in front of a computer.
60. As a result of the accident, sometimes TANAIRY feels tired and her eyelid is heavy and she has to close her eyes to rest them.

61. TANAIRY plans on continuing with her line of work for the foreseeable future, and is deeply distressed that the injuries she sustained in the accident may cause long-term *sequelae* for her eye, further affecting her health and livelihood.

62. TANAIRY RODRIGUEZ has suffered and continues to suffer physical, emotional, and mental damages as a direct result of Defendants' negligent act or omissions.

63. TANAIRY RODRIGUEZ' physical damages as a result of the injuries sustained in the incident have a reasonable value of no less than **THREE HUNDRED THOUSAND DOLLARS (\$300,000.00)**.

64. TANAIRY RODRIGUEZ' emotional and mental damages as a result of the injuries sustained in the incident have a reasonable value of no less than **ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)**.

65. Thus, TANAIRY RODRIGUEZ' physical, emotional and mental damages as a result of injuries sustained in the incident have a reasonable value of no less than **FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00)**.

66. These are ongoing damages and will continue to accrue.

B. ELENIS RODRIGUEZ

67. Since the accident, ELENIS RODRIGUEZ has experienced pain to her low back left shoulder, left elbow and left wrist.

68. ELENIS RODRIGUEZ was initially diagnosed with low back pain and contusion to left elbow when she was evaluated at the emergency room.

69. After being able to travel back to Connecticut, ELENIS RODRIGUEZ continued

to receive medical treatment due to her persistent pain, which increases with sitting, standing, bending and while performing normal grooming activities.

70. Once in Connecticut, ELENIS RODRIGUEZ was assessed with lumbar strain, left L-3-L4 and L5 transverse process fracture, left shoulder sprain, left elbow contusion and left wrist sprain.

71. ELENIS RODRIGUEZ has received at least ten (10) sessions of physical therapy.

72. Thus, ELENIS RODRIGUEZ has suffered and continues to suffer physical, emotional, and mental damages as a direct result of Defendants' negligent act or omissions.

73. ELENIS RODRIGUEZ' physical damages as a result of the injuries sustained in the incident have a reasonable value of no less than **ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$125,000.00)**.

74. ELENIS RODRIGUEZ emotional and mental damages as a result of the injuries sustained in the incident have a reasonable value of no less than **SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00)**.

75. Thus, ELENIS RODRIGUEZ's physical, emotional and mental damages as a result of injuries sustained in the incident have a reasonable value of no less than **TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)**.

76. These are ongoing damages and will continue to accrue.

C. JEAN PIERRE CHAPARRO

77. Since the accident, MR. CHAPARRO has experienced pain to his neck, chest, back and left wrist.

78. MR. CHAPARRO was initially assessed with sprain of joints and ligaments of unspecified parts of his neck.

79. MR. CHAPARRO was ordered to take Naproxen 375 mg for five days.

80. MR. CHAPARRO stayed in Puerto Rico with TANAIRY until she was able to travel back to Connecticut on May 25, 2019.

81. Once MR. CHAPARRO was back in Connecticut, he continued receiving medical treatment.

82. On May 28, 2019, MR. CHAPARRO was assessed with a cervical strain and sprain, a thoracic strain and sprain, a lumbar strain and sprain and an anterior chest contusion.

83. MR. CHAPARRO is currently receiving medical treatment due to his persistent pain, which increases with prolonged sitting, standing, bending and lifting.

84. MR. CHAPARRO has received at least ten (10) sessions of physical therapy.

85. Thus, MR. CHAPARRO has suffered and continues to suffer physical, emotional, and mental damages as a direct result of Defendants' negligent act or omissions.

86. MR. CHAPARRO's physical damages as a result of the injuries sustained in the incident have a reasonable value of no less than **ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$125,000.00)**.

87. MR. CHAPARRO's emotional and mental damages as a result of the injuries sustained in the incident have a reasonable value of no less than **SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00)**.

88. Thus, MR. CHAPARRO's physical, emotional and mental damages as a result of injuries sustained in the incident have a reasonable value of no less than **TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)**.

89. These are ongoing damages and will continue to accrue.

TRIAL BY JURY DEMANDED

90. Plaintiffs hereby demand trial by jury.

WHEREFORE, Plaintiffs demand judgment against Defendants, jointly and severally, in the amount of no less than **EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00)** plus costs incurred, reasonable attorneys' fees, and such other and further relief as to this Honorable Court may seem just and proper under the law.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 13th day of September, 2019.

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