

IN THE CIRCUIT COURT OF THE 11<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.:

CAROLYN MARTIN, AS PLENARY  
GUARDIAN OF ADRIANA MARTIN SERRA;  
DIANA M. SERRA; ELIZABETH M. SERRA;  
AND VICTORIA M. SERRA;

Plaintiffs,

vs.

SARAH WATSON, D.O.,  
SOUTH MIAMI CRITICARE, INC.,  
SOUTH MIAMI HOSPITAL, INC., and  
BAPTIST HOSPITAL OF MIAMI, INC.,

Defendants.

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**COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

COME NOW the Plaintiffs, Carolyn Martin, as Plenary Guardian of Adriana Martin Serra, Diana M. Serra, Elizabeth M. Serra, and Victoria M. Serra, by and through their undersigned attorney, and sue the Defendants, Sarah Watson, D.O., South Miami Criticare, Inc., South Miami Hospital, Inc., and Baptist Hospital of Miami, Inc., and allege:

**JURISDICTIONAL STATEMENT AND IDENTIFICATION OF PARTIES**

1. This is an action which exceeds the minimum jurisdictional limits of this Court, exclusive of interest and costs.
2. At all times material to this action, one or more of the Defendants resided and/or maintained offices for the regular transaction of business in Miami-Dade County, Florida.
3. At all times material to this action the Plaintiff, Carolyn Martin, is *sui juris* and is the duly appointed Plenary Guardian of her incapacitated sister, Adriana Martin Serra.

4. Carolyn Martin and Adriana Martin Serra are residents of Miami-Dade County, Florida.

5. Adriana Martin Serra has three (3) daughters: Diana M. Serra, Elizabeth M. Serra, and Victoria M. Serra who are *sui juris* and residents of Miami-Dade County.

6. At the time of the incident described herein, Diana M. Serra, Elizabeth M. Serra, and Victoria M. Serra were unwed and dependent financially on their mother, Adriana Martin Serra.

7. Prior to the incident described herein, Adriana Martin Serra was gainfully employed without limitations or disability.

8. Adriana Martin Serra is now totally and completely disabled.

9. At all times material to this action, the Defendant, SARAH WATSON, D.O., (hereafter “Dr. Watson”) maintained offices for the regular transaction of business in Miami-Dade County, Florida. Further, the Defendant, Dr. Watson was and is *sui juris*.

10. At all times material to this action, the Defendant, SOUTH MIAMI CRITICARE, INC., (hereafter “Criticare”), a corporation formed under the laws of the State of Florida, maintained offices for the regular transaction of business in Miami-Dade County, Florida. The Defendant, Criticare, undertook to provide physicians to perform medical services and supervision of those medical services performed by its own employees, agents, apparent agents, and servants. Defendant, Criticare, held itself out to the public and to Adriana Martin Serra, in particular, as an entity qualified to render medical services, including but not limited to, any and all services attendant to the medical services performed by Dr. Watson.

11. At all times material to this action, the Defendant, SOUTH MIAMI HOSPITAL, INC., (hereafter “South Miami”), located in Miami-Dade County, Florida, was authorized to and

engaged in the business of providing medical care and services to the public, in general, and to Adriana Martin Serra in particular. South Miami, through its shareholders, officers, agents, apparent agents, employees, and/or servants, undertook to provide hospital and medical services, and supervision of such hospital and medical services performed by its officers, agents, apparent agents, employees and/or servants. Pursuant to this undertaking and pursuant to any and all licensing and permitting regulations with any and all applicable governmental authorities, South Miami held itself out to the public and to Adriana Martin Serra in particular, as outlined in more detail below, as an institution qualified to render hospital and medical care, including but not limited to, any and all services attendant to the medical services performed by the healthcare providers caring for her including, but not limited to, the nurses assigned to care for her, and Dr. Watson. In fact, prior to the more fully described below Emergency Department visit, Adriana Martin Serra did not know, nor did she have a pre-existing relationship with any of the aforementioned healthcare providers. All of the care that Adriana Martin Serra received while a patient at South Miami was afforded to her as a direct result of her presentation to the South Miami Emergency Department on October 15, 2021.

12. At all times material to this action, the Defendant, BAPTIST HOSPITAL OF MIAMI, INC., (hereafter “Baptist”), located in Miami-Dade County, Florida, was authorized to and engaged in the business of providing medical care and services to the public, in general, and to Adriana Martin Serra in particular. Baptist, through its shareholders, officers, agents, apparent agents, employees, and/or servants, undertook to provide hospital and medical services, and supervision of such hospital and medical services performed by its officers, agents, apparent agents, employees and/or servants. Pursuant to this undertaking and pursuant to any and all licensing and permitting regulations with any and all applicable governmental authorities, Baptist

held itself out to the public and to Adriana Martin Serra in particular, as outlined in more detail below, as an institution qualified to render hospital and medical care, including but not limited to, any and all services attendant to the medical services performed by the healthcare providers caring for her including, but not limited to, the emergency department physician Radha Kotamraju, M.D., and nurses assigned to care for her. In fact, prior to the more fully described below Hospitalization, Adriana Martin Serra did not know, nor did she have a pre-existing relationship with any of the aforementioned healthcare providers. All of the care that Adriana Martin Serra received while a patient at Baptist was afforded to her as a direct result of her presentation to the Baptist Emergency Department on October 17, 2021 and subsequent admission.

#### **AGENCY**

13. At all times material to this action, the Defendant, Dr. Watson was and/or still is the actual agent, servant, employee and/or apparent agent of the Defendant, Criticare, and was acting within the course and scope of her employment and/or agency agreement.

14. Additionally, and/or alternatively, at all times material to this action, the Defendant, Dr. Watson was and/or still is the actual agent, servant, employee, and/or apparent agent of the Defendant, South Miami, and was acting within the course and scope of her employment and/or agency agreement.

15. At all times material to this action, Radha Kotamraju, M.D., the registered nurses, technicians, and administrative personnel were and/or still are the actual agents, servants, employees, and/or apparent agents of the Defendant, Baptist, and were acting within the course and scope of their employment and/or agency agreement.

#### **COMPLIANCE WITH CONDITIONS PRECEDENT OF FLORIDA STATUTES §766.106(2)**

16. A Notice of Intention to Initiate Litigation against the defendants named herein was duly provided and acknowledged in accordance with the requirements of §766.106(2), Fla. Stat. (2021), and Fla. R. Civ. Pro 1.650. Specifically, a Notice of Intent to Initiate Litigation in compliance with §766.106 was provided to the defendants named herein or to an individual or entity who bears a legal relationship to said defendants in compliance with Fla. R. Civ. Pro 1.650.

17. This action is properly brought within two (2) years of when the negligent incident occurred or within two (2) years within the date when the alleged negligence could have been discovered with the exercise of due diligence and not later than four (4) years of when the incident occurred.

18. Any and all conditions precedent to the filing of this lawsuit have been complied with or have otherwise been waived.

19. Through counsel's signature of this Complaint, it is hereby certified, pursuant to §766.203, Fla. Stat. (2021) that counsel for the Plaintiff, prior to the filing of this action, has made a reasonable investigation, as permitted by the circumstances, to determine that there are grounds for a good faith belief that there has been negligence in the care and treatment of Adriana Martin Serra. Further, such reasonable investigation has given rise to a good faith belief that grounds exist for an action against the Defendants.

#### **FACTS GIVING RISE TO CAUSE OF ACTION**

20. Adriana Martin Serra (hereafter "Adriana") was an otherwise healthy, 58-year-old female, and mother of three daughters, Diana Marie Serra (26 years old), Elizabeth Marie Serra (20 years old) and Victoria Marie Serra (19 years old).

21. Adriana was gainfully employed as a Florida licensed Optician (license number DO2556) at LensCrafters for nearly 30 years.

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