

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GEORGE J. MADERA, M.D.,

Plaintiff,

v.

**TAOS HEALTH SYSTEMS, INC., D/B/A HOLY CROSS HOSPITAL,
BOARD OF DIRECTORS OF HOLY CROSS HOSPITAL,
MEDICAL STAFF OF HOLY CROSS HOSPITAL, and
JOHN DOES 1-10,**

Defendants.

**COMPLAINT FOR DAMAGES ARISING FROM BREACH OF CONTRACT,
INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS,
INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC RELATIONS,
AND DEFAMATION**

Plaintiff George J. Madera, M.D., complains of Defendants as follows:

THE PARTIES

1. Plaintiff is a Board Certified general and interventional cardiologist who has over 40 years of experience practicing medicine. He worked for Defendant Taos Health Systems, Inc. d/b/a Holy Cross Hospital as a locum tenens physician from December 3, 2018, until March 8, 2019. Plaintiff is a resident of the State of California.

2. Defendant Taos Health Systems, Inc. d/b/a Holy Cross Hospital (“Hospital”) is a New Mexico nonprofit corporation with its principal place of business in the State of New Mexico. The Hospital maintains and operates medical institutions, including an accredited acute care general hospital known as Holy Cross Medical Center in Taos, New Mexico.

3. Defendant Board of Directors of Taos Health Systems, Inc. d/b/a Holy Cross Hospital (“Board”) of the Hospital controls the business and affairs of the Hospital, including,

without limitation, establishing policies to guide the operation of the Hospital. All officers, practitioners, allied health professionals, employees and agents of the Hospital are subject to control, direction, and removal by the Board. The Board is responsible for final actions on all matters relating to medical staff appointments, clinical privileges, corrective action, and the Hospital's medical staff bylaws. The Board is also responsible for ensuring that adverse recommendations regarding practitioners' medical staff appointments, reappointments, and/or clinical privileges, be accomplished in accordance with the approved fair hearing plan then in effect at the Hospital.

4. Defendant Taos Health Systems, Inc. d/b/a Holy Cross Hospital Medical Staff ("Hospital Medical Staff") is an unincorporated legal entity comprised of the physicians and other practitioners who have been granted clinical privileges at the Hospital. The Hospital Medical Staff has the responsibility and authority to investigate and evaluate matters relating to medical staff appointment status, clinical privileges, and corrective action. The Hospital Medical Staff, through its appropriate officers and committees, is required to adopt and forward to either the Medical Executive Committee or the Joint Conference Committee specific written recommendations regarding medical staff appointment status, clinical privileges, and corrective action, along with appropriate supporting documentation that will allow the Hospital Medical Staff to make a recommendation to the Board.

5. Defendants John Does 1-10 are members of the Hospital, the Board, the Hospital Medical Staff, the Medical Executive Committee, the Credentials Committee, and/or employees or agents of the Hospital, the Board, the Hospital Medical Staff, the Medical Executive Committee, and/or the Credentials Committee who were involved in the events giving rise to the Plaintiff's claims as described herein. Plaintiff is unaware of the true names and capacities, whether

individual, corporate, associate, or otherwise, of the Defendants sued herein as John Does 1-10, and for that reason sues said Defendants, and each of them, by such fictitious means.

JURISDICTION & VENUE

6. The Court has subject matter jurisdiction pursuant to 28 U.S.C. 1332, because there is diversity of citizenship and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. Venue is proper in the District of New Mexico under 28 U.S.C. § 1391(b)(1)&(2).

ALLEGATIONS COMMON TO ALL COUNTS

8. Plaintiff was born in Los Angeles, California. He grew up poor.

9. Plaintiff's father emigrated to the United States at the age of 18 and worked as a gardener in and around Beverly Hills. Plaintiff began working alongside his father at the age of five. Plaintiff learned the value of hard work through these early experiences.

10. Plaintiff's mother was born in Tasco, Arizona, an old railroad town. His mother helped teach him how to read and write. She got Plaintiff a library card when he was very young, and the library card changed his life when he began to read.

11. Plaintiff worked hard in primary school. He was admitted to UCLA as an undergraduate student in 1963. Plaintiff's studies at UCLA were interrupted by the Vietnam War. He was drafted into the United States Army in 1965 while he was working full-time and going to school part-time.

12. Plaintiff was recommended, applied, and selected to Officer Candidate School, Infantry, in Fort Benning, Georgia, during the Vietnam War. He graduated second in his class and received orders which included Ranger School. Plaintiff received his Ranger Tab and was in

Special Operations throughout his military career. Plaintiff excelled in serving his country and earned a spot with the Special Forces as an Army Ranger while serving in Vietnam.

13. Plaintiff returned to the United States after his military service and attended Stanford University to complete his undergraduate studies. He graduated from Stanford University in 1973. Plaintiff went on to complete medical school, a medical internship, and his medical residency at Stanford University.

14. From approximately 1981 to 2019, Plaintiff practiced general and interventional cardiology at various hospitals across the country. He worked as an employed physician and as a locum tenens physician. Plaintiff has approximately 40 years of experience practicing general and interventional cardiology, and he has worked in dozens of health care institutions across the country.

15. Over the last 20 years, Plaintiff has primarily worked as a locum tenens physician. He has completed approximately 35 separate locum assignments at approximately 20 different institutions during that time. Some of those assignments have been reoccurring assignments, meaning that the health care institution invited Plaintiff back for multiple assignments.

16. Plaintiff has gone through the credentialing process at each institution where he has worked and for each locum assignment he has held. Plaintiff never had any trouble with the credentialing process. No state licensing bodies had ever taken action against Plaintiff's medical licenses before the events giving rise to this lawsuit, and his clinical privileges had never been limited, revoked, or suspended. Prior to the events giving rise to this lawsuit, Plaintiff held medical licenses in twelve States.

17. In the late summer of 2018, Plaintiff received a call from a recruiter named Bo Ehmke. Mr. Ehmke worked for a healthcare staffing agency named Delta Locum Tenens, LLC

(“DLT”). DLT works to place physicians in full-time and part-time assignments with hospitals and clinical care facilities throughout the United States. DLT had a staffing agreement in place with the Hospital in the late summer of 2018.

18. Mr. Ehmke informed Plaintiff during the call that the Hospital’s only cardiologist, Geilan Ismail, M.D., planned to retire at the end of the year. As a result of Dr. Ismail’s upcoming retirement, the Hospital was looking to fill a locum tenens position in general cardiology.

19. Plaintiff spoke to Dr. Ismail about the position over the phone. Dr. Ismail told Plaintiff at the end of the call that she would recommend him for the position. In late October of 2018, Plaintiff decided to formally apply for the position at the Hospital. To do so, Plaintiff submitted various forms and documents to the Hospital between October and December of 2018.

20. One of those documents, titled, “Acknowledgement of Receipt and Understanding of Appendix A and Appendix B of Holy Cross Hospital Peer Review Policy,” asked Plaintiff to acknowledge that he had read and understood the Hospital’s Peer Review Policy.

21. The Acknowledgement also stated: “As per the Peer Review Policy, the requirement is to notify all involved practitioners of any and all cases as they come to review regardless of the degree of involvement or of any PSC finding. If you wish to opt out of this initial notification please indicate this by declining below.”

22. Plaintiff did not opt out of receiving notification of any and all cases as they came to review by the Hospital or Hospital Medical Staff.

23. In another document completed during the credentialing process, Dr. Madera formally acknowledged that he had read and agreed to abide by the Hospital’s medical staff bylaws, rules and regulations, and applicable Hospital policies, which included the Hospital’s Peer

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