

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

RANDY SANTIAGO CRUZ

Plaintiff

v.

DOCTORS' CENTER HOSPITAL
CAROLINA, LLC; W and X CORP,
CONTINENTAL INSURANCE COMPANY;
Y and Z INSURANCE Companies

Defendants

CIVIL NO.

Plaintiff demands Trial by Jury

COMPLAINT

TO THE HONORABLE COURT:

COMES NOW, Randy Santiago Cruz, the plaintiff, represented by the undersigned attorneys and respectfully states, requests and prays as follows:

I.
PARTIES

1. Plaintiff Randy Santiago Cruz is of legal age and domiciled in Kalama, Washington.
2. Defendant Doctors' Center Hospital Carolina, LLC for diversity of jurisdiction purposes, is a limited liability company that is the owner of and operates a Hospital by the same name located in Carolina, Puerto Rico.

3. W and X Corp are unknown defendants that together with Defendant Doctor's Center Hospital Carolina, LLC may also be jointly responsible to the plaintiff for some or all damages caused as described in this complaint. Once their true identity is made known to the plaintiff, the complaint may be amended to include and properly name said defendants as parties to this complaint.
4. By information and belief, Continental Insurance Company ("Continental") is an insurance carrier authorized to do business in the Commonwealth of Puerto Rico that had issued one or more insurance policies which covers events and damages as described in the present complaint. Said insurance carrier is responsible to the plaintiff by virtue of the insurance policy in effect at the time of the events described in this complaint.
5. Y and Z insurance companies are unknown insurance carriers organized and existing under the laws of the Commonwealth of Puerto Rico who had issued one or more insurance policies which covers events and damages as those alleged and described in this complaint. Said insurance carriers are responsible to the plaintiff by virtue of their respective insurance policies issued and that were in effect to cover the time period and the negligent actions described in this complaint.
6. The action against Continental and the unknown insurance carriers constitutes a direct action against named and unknown defendants' insurance carriers as per Article 20.030 of the Puerto Rico Insurance Code, as amended, 26 L.P.R.A. § 2003.

II.
JURISDICTION AND VENUE

7. This Court has jurisdiction of this matter under 28 U.S.C. § 1332 (diversity).
This is a civil action between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.
8. Venue is proper under 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this District.

III.
FACTS

9. Mr. Santiago Cruz was born on August 12, 1953.
10. Mr. Santiago Cruz was admitted to Defendant Hospital on November 15, 2020.
11. Mr. Santiago Cruz was 67 years old at the time of admission to the hospital.
12. On November 15, 2020, Mr. Santiago Cruz went to the Emergency Room of the Defendant Hospital.
13. Mr. Santiago Cruz was seen by Dr. Yadira Moran Betancourt.
14. Mr. Santiago Cruz's chief complaint was that he was having difficulty with breathing.
15. Upon physical examination, Mr. Santiago Cruz's skin was within normal limits.
16. Mr. Santiago Cruz did not have any skin ulcers.
17. Dr. Moran Betancourt's impression was that Mr. Santiago Cruz had heart failure with acute decompensation.
18. Mr. Santiago Cruz was admitted from the ER to the defendant Hospital that afternoon.
19. The admitting diagnosis was that Mr. Santiago Cruz had respiratory failure due to congestive heart failure.

20.Mr. Santiago Cruz was intubated on November 16 and put on mechanical ventilation.

21.On November 16, 2020, Mr. Santiago Cruz had a renal ultrasound taken. The radiologist, Dr. Lidia Reyes Nieves, noted that the images failed to show a Foley catheter present. The urinary bladder was not visualized, it was collapsed. Dr. Reyes Nieves recommended that the possibility that the Foley catheter was mal-positioned should be considered. She discussed her findings with Dr. Rodriguez.

22.On November 17, 2020, Mr. Santiago Cruz' Foley catheter was removed and placed in again.

23.On November 17, 2020, Mr. Santiago Cruz continued to be sedated. The plan of care for Mr. Santiago Cruz included having the nursing staff reposition him every two hours to prevent pressure ulcers from developing.

24.On November 18, 2020, a skin assessment was conducted of Mr. Santiago Cruz and his skin was within normal limits.

25.On November 18, 2020, Dr. Joel Matos, an infectious disease physician, performed a consultation. His assessment was that Mr. Santiago Cruz had sepsis due to tachycardia, leukocytosis, and fever. He suspected pneumonia. Dr. Matos noted: "possible aspiration during intubation."

26.On November 25, 2020, a chest film was taken with a finding that Mr. Santiago Cruz' heart was enlarged. Mr. Santiago Cruz' skin was reported as normal. The care plan included that Mr. Santiago should be repositioned every three hours.

27.On November 26, 2020, an x-ray was taken of Mr. Santiago Cruz' heart. The report noted: "the heart and mediastinum are not enlarged."

28. On November 26, 2020, a right femoral hemodialysis catheter was implanted.

29. On November 26, 2020, Mr. Santiago Cruz' skin was reported as normal.

30. November 28, 2020, a skin assessment was performed. The chart noted that Mr. Santiago Cruz' skin turgor was edematous and skin texture poor. The chart did not note where on Mr. Cruz' body his skin was edematous. The care plan included repositioning Mr. Cruz every two hours.

31. On November 29, 2020, a skin assessment was performed. The chart note reported that Mr. Santiago Cruz' skin was normal. The care plan included repositioning Mr. Santiago Cruz every two hours.

32. A November 30, 2020, radiology report concluded that Mr. Santiago Cruz' heart was enlarged.

33. On November 30, 2020, a skin assessment was performed. The chart entry reported that Mr. Santiago Cruz' skin was normal.

34. On November 30, 2020, Mr. Santiago Cruz was scheduled to undergo dialysis. However, the chart note documented: "Dialysis treatment time could not be completed because the system coagulated."

35. On December 7, 2020, the healthcare providers at defendant Hospital failed to complete the diagram documenting Mr. Santiago Cruz' skin condition. In the written notes of the chart it was documented that Mr. Santiago Cruz' skin turgor was edematous. Once again, there was no documentation of where on Mr. Santiago Cruz' body his skin was edematous.

36. On December 9, 2020, once again, healthcare providers at defendant Hospital failed to complete the diagram documenting Mr. Santiago Cruz' skin condition.



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