

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

HECTOR LUIS RIOS-VELAZQUEZ

Plaintiff

vs

CIVIL 11-1631CCC

P.R. EMERGENCY MEDICAL SERVICES  
GROUP, P.S.C.; X INSURANCE  
COMPANY; JOHN DOE; JOHN DOE, INC.;  
and X,Y INSURANCE COMPANIES

Defendants

**OPINION AND ORDER**

The action before us is a civil torts action filed by plaintiff Héctor L. Ríos-Velázquez, a resident of Florida, against defendant PR Emergency Medical Services Group, PSC, et al., for the damages caused by two falls suffered by his mother Mrs. Marta Velázquez-Pacheco on July 4, 2010 while she was in the intensive care unit of the emergency room at the Hospital Damas in Ponce. Plaintiff claims that defendant PR Emergency Medical Services Group, PSC (“PR Emergency”), a professional services corporation that for the date of the events was the entity in charge of the administration, management, operation, handling, control and supervision of the emergency room at the Hospital Damas, along with the other defendants in the complaint were the direct, proximate and adequate cause of the death of his mother.

Before the Court is a Motion Requesting Summary Judgment filed by defendant PR Emergency filed on October 6, 2011 (**docket entry 6**) along with its Memorandum of law filed on November 14, 2011 (docket entry 13), requesting dismissal for lack of causation. Plaintiff opposed the motions (docket entries 17 and 19) and movant replied (docket entry 21).

Defendant PR Emergency sustains that the only fact alleged as cause of death in the complaint are the alleged injuries caused by the fall from a gurney while Mrs. Velázquez was

under their custody and that this allegation is belied by the evidence they submitted which indicates that “the undoubted cause of death of decedent was a ‘Pulmonary Thromboembolism, Ischemic and Hypertensive Cardiopathy.’” Defendant PR Emergency’s motion is based on the documentary evidence, including the Autopsy Report No. 5125-08, certified translation of the pertinent nurses notes, the Death Summary of the Medical Record by the attending physician who certified cause of death, Dr. Mónica Rodríguez, and the expert report and expert opinion of Dr. Jorge Gutiérrez (docket entry 6, exhibits 1, 2, 3, 4, 5). Defendant sustains that there is no genuine material fact that would preclude the entry of a judgment of dismissal for failure to establish a causal link between the certified cause of death and the defendant’s acts or omissions.

Plaintiff’s opposition argues that there is a genuine issue of material facts that precludes the entry of judgment. Plaintiff’s primary argument is that the emergency medical record hides and doesn’t say anything about the two falls suffered by Mrs. Velázquez. Plaintiff includes a sworn statement made by a witness who testifies about Mrs. Velázquez’ falls and a written Expert Medical Report by Dr. Edwin Miranda-Aponte, which states that “ the patient’s fall to the floor apparently over the assistance bench beside the stretcher, which could explain the multiple rib fractures.” Dr. Miranda’s Expert Medical Report also states: “[t]he patient, within her serious critical condition, attempted to go to the rest room and f[e]ll to the floor sustaining multiple rib fractures. The hospital did not provide any security measures to prevent the fall. The patient developed an absolute cardiovascular collapse with asystole, very difficult to revert, resulting in a fatal outcome.” The facts presented by plaintiff in its opposition based on the statement given by an eyewitness and the expert report, dispute defendant’s position of what took place inside the emergency room and establish causal link between the cause of death and defendant’s acts or omissions.

Since there are genuine issues of material facts in controversy, the Motion for Summary Judgment (**docket entry 6**) is DENIED.

SO ORDERED.

At San Juan, Puerto Rico, on June 19, 2012.

S/CARMEN CONSUELO CEREZO  
United States District Judge