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P.O. Box 364152  
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**RE: Pending of Threatened Litigation, Claims and Assessments**

Dear Gentlemen:

I have received the Puerto Rico and the Caribbean Cardiovascular Center's request to provide a description and evaluation of all pending and/or threatened litigations and/or claims that this firm has been retained to defend on their behalf. To facilitate matters, the undersigned will provide you with an individualized description of the matters under our purview to the present

**Roberto Villafañe v. Centro Cardiovascular, Civil KDP 09-0411**

Description of the nature of the claim: this is a claim filed by plaintiff against one of the independent contractors physicians of the Hospital claiming that he had prescribed a medication they claimed to be contraindicated for patients with renal conditions which requires constant monitoring and that can cause loss of hearing, dizziness and muscular ailments.

Progress of the matter to date: Discovery continues in this case and depositions to plaintiff expert had recently been taken.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. I do not foresee a loss beyond \$15,000 at this moment.

**Aida Milagros Velez Roche v. Centro Cardiovascular, Civil No KDP 04-0437**

Description of the nature of the claim: this is a claim filed by the parents of a seven year old boy that had been treated at the Hospital and in the management of a medical complication by the physician's staff of the Hospital, the patient was wrongly intubated and the child suffers from ischemic encephalopathy.

Progress of the matter to date: The discovery in this case has been very slow and there are several additional areas of investigations that needed to be completed. The depositions of plaintiff parents were taken. Just recently we took plaintiff's expert deposition and the same confirmed the exposure the Hospital is facing in this matter.

CCPR's response to the claim: The Hospital needs to evaluate this claim in order to seek an amicable settlement with the plaintiffs once some of the investigation angles are completed.

Likelihood of an unfavorable outcome: This scenario is contemplated at this time. The loss in this case can go well beyond \$1,500,000.

**Carmen L. Ruiz Pagan v. Centro Cardiovascular, Civil No KDP 07-1179**

Description of the nature of the claim: this is a claim filed by plaintiff against the Hospital and other defendants. Against the Hospital the claim is that this patient had been admitted for treatment at the CCPR and required another procedure at the University Hospital. She had been transferred there and once the procedure ended, she claims they had left her for six hours at University Hospital awaiting for the escort to come back to pick her up from CCPR.

Progress of the matter to date: The case has been settle. Payment was made and the case is closed.

CCPR's response to the claim: See above.

Likelihood of an unfavorable outcome: CCPR contributed \$2,500 to a global settlement of \$7,000.

**Ramon Orta Estrada v. Centro Medico del Turabo, et als Civil No KDP 09-1061**

Description of the nature of the claim: this claim plaintiff alleged that one of the physicians of the CCPR incorrectly discharge the patient to her house after she had had a cateterism performed at the facility.

Progress of the matter to date: The discovery is on-going at the present time with some depositions scheduled to commence next month and well into next year.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. I do not foresee a loss beyond \$15,000 at this moment.

**Nereida Ramirez v Dr Ivan Gonzalez Cancel, et als, Civil No KDP 09-1649**

Description of the nature of the claim: This is a claim filed by plaintiff asserting that the cardiovascular surgeon wrongly took her to the operating to take out a tumor that was closed to the cardiotoraxic cavity.

Progress of the matter to date: The case has been slowly moving. Only interrogatories have been answered and no court hearing has taken place as of today.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. I do not foresee a loss beyond \$10,000 at this moment.

**Alberto Maldonado v. Dr. Juan Vilaró Nelms, et als Civil No KPE 10-1607**

Description of the nature of the claim: This is a preliminary injunction and damages claim filed by one of the cardiothoracic surgeons of the staff against doctor Vilaró, doctor Jose Novoa and the CCPR's executive committee claiming that all of them together coerced to wrongly take doctor Maldonado's privileges at the CCPR.

Progress of the matter to date: The preliminary injunction hearing was heard and decided in favor of the CCPR. Plaintiff appealed the determination of the lower court but the Appeals Court confirmed the decision by the Court of First Instance. That determination is now firm and final. There is still pending the defamation claim against one of the physicians which was stayed. This claim was dismissed without prejudice and we do not expect doctor Maldonado to re file this case. The year to file it is almost due to expire.

CCPR's response to the claim: See above

Likelihood of an unfavorable outcome: See above.

**Jeannette Ortiz Ayala v. CCPR, et als; Civil No KDP 10-1150**

Description of the nature of the claim: This is a claim filed by plaintiff asserting that the vascular surgeon wrongly placed a catheter in the patient's leg that cause profuse bleeding that need it a re-intervention by another vascular surgeon. She claims to have lost some mobility in her right extremity.

Progress of the matter to date: Plaintiff had recently hired new counsel and the discovery began to move. We had a hearing last month in the case and depositions have been set once plaintiff announces and submits an expert report.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. I do not foresee a loss beyond \$5,000 at this moment.

**Nora H. Tirado v. CCPR et als; Civil No. KDP 10-0780**

Description of the nature of the claim: This is a claim filed by plaintiff asserting that wife of a patient that went to the Hospital for a cardiac catheterization sustained a fall when she trampled against a wheel chair that was in another cubicle nearby the one she was with her husband.

Progress of the matter to date: MAPFRE PRAICO settle the case and the case is closed.

CCPR's response to the claim: See above.

Likelihood of an unfavorable outcome: See above.

**Georgina Gavino v. Municipio de San Juan v. CCPR Civil No KDP 08-1264**

Description of the nature of the claim: This is a claim filed by plaintiff originally against the Municipality of San Juan due to injuries sustained by plaintiff while walking in front of the sidewalk just in the entrance of CCPR. The Municipality brought a third party claim against the CCPR claiming that the maintenance of that sidewalk was of our responsibility. Our investigation showed otherwise and points that the sidewalk is of the Municipality.

Progress of the matter to date: Discovery has taken place among all parties. We had an ocular inspection of the premises and a meeting among the engineers from both CCPR and ASEM. The matter is still pending since none of the parties have yet define the contours of their responsibility towards the sidewalk.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital. I do not know if CCPR notify this claim to the CCPR insurance carrier.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. Nevertheless, we will have to await whose responsibility is the maintenance of the sidewalk to determine whether the Hospital would have any exposure. I do not anticipated exposure beyond \$25,000.

**Andrea Pastrana v. CCPR, Civil No KDP 11-0070 [801]**

Description of the nature of the claim: This is a claim filed by plaintiff asserting that while walking towards one of the elevators of the Hospital she fell on a area that she claims was wet.

Progress of the matter to date: Discovery has taken place among all parties. MAPFRE PRAICO as insurance carrier of the Hospital for general liability claims has also appeared to defend the claim with us.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. Since this claim as of today is being covered by the Hospital's insurance carrier I do not foresee a loss from the Hospital at this moment.

**Ishmael Rivas Serrano v. CCPR Civil No. KDP 2010-1367**

Description of the nature of the claim: This is a claim filed by plaintiff against the Hospital and doctor Miguel Abreu asserting that he and the medical staff of the Hospital should have ordered non-invasive vascular studies of the lower extremities due to the patient's inability to walk. The omission impeded to perform a revascularization of the extremity that would have avoided the patient losing to gangrene his right foot.

Progress of the matter to date: We have just received the medical files of the case and we are in the middle of written discovery. We took plaintiff's deposition and the plaintiff had recently amended the complaint to bring additional parties to the case. Plaintiff has an expert outlining the Hospital's

liability.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. Reserve should be kept at this time in \$75,000.

**Aida García Colón v CCPR Civil No KDP 10-1432**

Description of the nature of the claim: This is a claim filed by plaintiff asserting that after a cardiac catheterization performed at the Hospital she was transferred to her room and order to begin to walk. The patient try to walk but felt loss of sensation in her extremities. She wanted to go to the bathroom and allegedly requested a wheel chair which she says was never brought to her. She nevertheless stand up to go to the bathroom and fell to the floor.

Progress of the matter to date: Discovery has taken place among all parties. MAPFRE PRAICO initially appeared on behalf of CCPR but decided that this incident was not a general liability claim but a malpractice claim against the insured and decided not to cover the claim.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. I would place a reserve of \$15,000.

**Julia Picon Montalvo v. CCPR Civil No KDP 11**

Description of the nature of the claim: This is a claim filed by plaintiff asserting that while she was inside the facilities close to the entrance of the building, she sustained a fall that provoke injuries to her.

Progress of the matter to date: Discovery has taken place among all parties. MAPFRE PRAICO as insurance carrier of the Hospital for general liability claims has also appeared to defend the claim with us.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. Since this claim as of today is being covered by the Hospital's insurance carrier I do not foresee a loss from the Hospital at this moment.

**Nereida Torres Rosado v. CCPR Civil No KDP 2006-1082**

Description of the nature of the claim: This is a claim of a patient that was transfer to CCPR from Ashford Presbyterian Hospital due to chest pain. The patient arrived at the facilities of CCPR where a cardiac catheterization was performed showing severe obstruction of one of the arteries. The patient was consulted to the cardiovascular surgeon whom decided that the patient was too high risk to be taken to surgery and recommended medical management. The patient died two days later.

Progress of the matter to date: Discovery had ended and the case is set for trial next year. We do not foresee settlement at this time.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. There are three of the Hospital's staff physicians included in the complaint with 100k policies, which in my opinion should cover any settlement scenario of the case. My reserve recommendation is \$10,000.

**Hortensia Cruz Rivera v. CCPR Civil No KDP 2011-0233**

Description of the nature of the claim: This is a claim filed by plaintiff asserting that while she was @ her room at the Hospital hospitalize after a mitral valve insertion, during the night she was given Ativan and fell from her bed. She was found on the floor by a patient later that morning.

Progress of the matter to date: Discovery has just began with interrogatories been sent to plaintiffs.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. I would place a reserve of \$15,000.

**William Hall v. CCPR Civil No KDP 2011-0961**

Description of the nature of the claim: The patient was admitted under the instructions of one of the staff physicians and they claimed that the staff physicians missed the development of a cardiac tamponade and was discharged from the Hospital.

Progress of the matter to date: Discovery has begun and interrogatories have been answered by both parties. No depositions have been set yet.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. I would place a reserve of \$5,000 while the case is further investigated.

**Dilsa Reyes Burgos v CCPR USDC 11-1777**

**José Betancourt v CCPR KDP 2011-0921**

Description of the nature of the claims: these claims are both related to same nucleus of operating facts. This is a claim of a plaintiff that was admitted to the CCPR on July 21, 2010 for treatment of her cardiac condition. While the patient was hospitalized she fell from her bed. Plaintiffs are claiming that the patient died as a result of this fall.

Progress of the matter to date: Discovery has begun and interrogatories have been answered by both parties. No depositions have been set yet. CCPR has filed a third party complaint against the University of Puerto Rico since one of plaintiff's allegations in this complaint is that the resident taking care of the patient failed to take appropriate measures to restrict the patient since she clearly had demonstrate evidence of bouts of disorientation.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This scenario is not contemplated at this time. I would place a reserve of \$150,000 since if plaintiff proves that the death was a result of the fall, then there are sufficient claims to warrant this amount.

**Naydamar Perez v. CCPR KDP 2011-1120 [801]**

Description of the nature of the claim: This is a claim filed by plaintiff against doctor Iván González Cancel and the Hospital. In it the plaintiff claims that the patient had a mitral valve replacement which eventually four days later developed respiratory insufficiency which force the patient to be reintubated. An expert for the plaintiff's claims in essence that the procedure was too risky and should not have done and the reintubation was unnecessarily delayed and this provoked neurologic damages from which the patient never recovered.

Progress of the matter to date: Discovery has begun and interrogatories have been answered by both parties. Plaintiff has stated that he will bring additional physicians as defendants particularly those involved with the process of reinserting the tube. Depositions have been set for December and/or January 2013.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This case has a potential for a substantial damages claim. In this scenario, I would place a reserve of \$50,000, if the other physicians are brought to the case.

#### **Elvin Miranda Miranda v CCPR KDP 2011-0846**

Description of the nature of the claim: This is a claim filed by plaintiff against the Hospital since he claims that after an operation for an abdominal aneurism, he developed swelling in his testicles and the right leg. He claims that now he has to walk slowly and with a cane for assistance.

Progress of the matter to date: Discovery has begun and interrogatories have been answered by both parties. Plaintiff attorney has made an informal offer to settle the case for \$30,000 but has not officially made the offer.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: At this time plaintiffs have not submitted any expert evidence nor medical records to sustain his impairment. Therefore, at this time I would place the reserve at \$10,000.

#### **Eladia Varcacel v Doctor's Center Hospital KDP 2011-1198**

Description of the nature of the claim: This is a claim filed by plaintiff against several physicians and Hospital due to plaintiff's loss of his extremities. At the present time this claim is centered against Metropolitan Hospital and doctors Valentín, whom were in charge of the patient vascular condition. At the present, the only intervention by the Hospital staff was for the holding of an cardiac catheterization that was done at the facilities of the CCPR.

Progress of the matter to date: Discovery has begun and interrogatories have been answered by both parties. Discovery has been set with various depositions to be taken next year.

CCPR's response to the claim: The claim will be vigorously defended by the Hospital.

Likelihood of an unfavorable outcome: This case has a potential for a substantial damages claim. In this scenario, I would place a reserve of \$50,000 for the moment.

#### **Etervina Ramos Afanador v CCPR KDP 2012-0844 [804]**

Description of the nature of the claim: This is a claim filed by plaintiff against doctor Agustín Rodríguez, doctor Joanne Marin and the CCPR claiming in essence that two chest x-ray studies ordered by doctor Rodríguez on November 2010 and January 2011 respectively were not read by the radiologist until September 2011. The patient claims that by failing to read these x-rays, the patient could not discovered that she had evidence of lung cancer

Progress of the matter to date: The case has just begin and we have recently answered the complaint,

CCPR's response to the claim: This case has to be settle..

Likelihood of an unfavorable outcome: This case has a potential for a substantial damages claim. In this scenario, I would place a reserve of \$150,000.

#### **Lourdes Medina Barreto v CCPR KDP 2012-0183 [808]**

Description of the nature of the claim: This is a claim filed by plaintiff whom was admitted to the CCPR for a mitral valve repair and/or replacement. The operation took place without further complications. The patient was transferred initially to the ICU and three days later she was transferred to the regular floor. While on her room, the patient apparently while sleeping fell to the floor and sustained trauma to her head. The patient died four days later.

Progress of the matter to date: The case has just begin and we have recently answered the complaint.

CCPR's response to the claim: Too early to determine the cause of death. We are still conducting the investigation.

Likelihood of an unfavorable outcome: This case has a potential for a

damages claim. In this scenario, I would place a reserve of \$75,000 at this time.

**Gladys Rodríguez Martínez v CCPR KDP 2012-0546**

Description of the nature of the claim: This is a claim for a fall suffered at the tunnel between the Hospital main facilities and the parking lot. The patient suffered injuries to her knees.

Progress of the matter to date: The case has just begin and we just filed a motion for extension of time to answer the complaint.

CCPR's response to the claim: This case will be handle by MAPFRE/PRAICO since they are insurance carrier for CCPR for these type of claims.

Likelihood of an unfavorable outcome: Unlikely. I do not foresee any exposure to the Hospital.

The following opinions of these claims are made by this counsel to the best of his knowledge with the facts that are available to us at the present time. We also must advise that since all of these claims are filed before a court of law, it is the exclusive decision of these courts to determine the outcome of these cases.

If you need any further information concerning the aforesaid, do not hesitate to contact the undersigned at 787. 777-8000

With nothing further to add, I remain

Cordially,



Roberto Ruiz Comas