

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI DADE COUNTY, FLORIDA

CIVIL DIVISION

CASE NO.:

PEDRO CRUZ, and CHRISTINA RUIZ,

Plaintiffs,

vs.

NORTH SHORE MEDICAL CENTER, INC.,

Defendant.

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**COMPLAINT FOR DAMAGES**

COME NOW the Plaintiffs, PEDRO CRUZ and CHRISTINA RUIZ, by and through the undersigned attorneys, and sue the Defendant, NORTH SHORE MEDICAL CENTER, INC., (hereinafter referred to as "NORTH SHORE MEDICAL CENTER") and allege as follows:

**JURISDICTIONAL ALLEGATIONS AND IDENTIFICATION OF PARTIES**

1. This is an action for damages far in excess of this Court's minimum jurisdictional amount, to wit: Fifteen Thousand (\$15,000.00) Dollars exclusive of interest and costs and/or attorney's fees.

2. At all times material hereto, PEDRO CRUZ, is amenable to jurisdiction in Florida as he is a resident of Broward County, Florida.

3. At all times material hereto, CHRISTINA RUIZ, is amenable to jurisdiction in Florida as she is a resident of Broward County, Florida.

4. At all times material hereto, PEDRO CRUZ and CHRISTINA RUIZ are legally married.

5. At all times material hereto, NORTH SHORE MEDICAL CENTER, is a hospital located in Miami-Dade County, Florida.

6. Venue is proper in the Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida, pursuant to Fla. Stat. § 47.011, because the cause of action accrued in Miami-Dade County, Florida. All conditions precedent and statutory requisites to the initiation and maintenance of this action have occurred, been performed or have been waived.

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

7. Plaintiffs, PEDRO CRUZ and CHRISTINA RUIZ have been legally wed since 2003.

8. Sometime during August of 2016, CHRISTINA RUIZ and PEDRO CRUZ learned that CHRISTINA RUIZ was pregnant and expecting their fourth child.

9. Sometime during October of 2016, CHRISTINA RUIZ and PEDRO RUIZ learned that they were expecting a baby girl. Shortly thereafter, they decided on the name **Fatima Christina Cruz** for their baby girl.

10. In December of 2016, CHRISTINA RUIZ was admitted to NORTH SHORE MEDICAL CENTER with pregnancy related issues.

11. To the devastation of both CHRISTINA RUIZ and PEDRO CRUZ, their daughter, Fatima Christina Cruz died of a spontaneous fetal demise in her womb, otherwise known in layman terms as a miscarriage.

12. In December of 2016, CHRISTINA RUIZ gave birth to a stillborn Fatima Christina Cruz at NORTH SHORE MEDICAL CENTER.

13. On December 2, 2016, CHRISTINA RUIZ executed two (2) documents both in the presence of hospital personnel for the funeral arrangements for Fatima Christina Cruz which were to be consistent with her and her husband's religion.

14. In January of 2017, CHRISTINA RUIZ and PEDRO CRUZ inquired to the Defendant, NORTH SHORE MEDICAL CENTER, about the whereabouts of their daughter, Fatima Christina Cruz.

15. Subsequently, in January of 2017, NORTH SHORE MEDICAL CENTER informed CHRISTINA RUIZ and PEDRO CRUZ that they had lost and/or thrown away the body of their daughter, Fatima Christina Cruz.

16. CHRISTINA RUIZ and PEDRO CRUZ upon hearing such outrageous and horrifying news became emotionally devastated.

17. As a result of the appalling actions of NORTH SHORE MEDICAL CENTER, Plaintiffs have to endure the knowledge that their baby daughters body had been lost and/or thrown away, but were also denied their right to give their baby daughter a proper funeral.

18. As a result of the Defendant's extreme and gross negligence in the disregard for the rights of a mother and father to have a proper funeral service for their child, CHRISTINA RUIZ and PEDRO CRUZ have suffered extreme and severe emotional distress.

**COUNT I**  
**INTENTIONAL INFLICTION OF SEVERE EMOTIONAL DISTRESS AGAINST**  
**NORTH SHORE MEDICAL CENTER AS TO CHRISTINA RUIZ**

19. Plaintiff, CHRISTINA RUIZ, reasserts the allegations contained in paragraphs (1) through (18) as if fully set forth herein and further alleges:

20. At all times material hereto, Defendant, NORTH SHORE MEDICAL CENTER, acted intentionally, willfully, recklessly and with such a great indifference to the persons, property, or rights of others through its employees and/or agents, when it:

- a. Despite CHRISTINA RUIZ'S express and written agreement to arrange funeral services for her baby daughter, Fatima Christina Cruz, the Defendant nevertheless lost and/or threw away the body of her baby daughter.

21. At all times material hereto, Defendant, NORTH SHORE MEDICAL CENTER's, conduct was so outrageous it went beyond all bounds of decency. Specifically, Defendant had a complete disregard for the rights of a grieving parent to bury their child and deprived CHRISTINA RUIZ's rights under Florida law that she has to give her baby daughter, Fatima Christina Cruz, a just and proper burial according to her faith. Defendant deprived this mother of that right when they threw away the body of a 16 week old baby fetus. Such a horrific and utter indifference to persons and their children is regarded as odious and utterly intolerable in a civilized community.

22. At all times material hereto, Defendant's outrageous, reckless, willful and/or wanton conduct caused CHRISTINA RUIZ emotional distress.

23. At all times material hereto, the emotional distress caused by Defendant's outrageous conduct was severe and permanent.

24. As a direct and proximate result of the negligence by NORTH SHORE MEDICAL CENTER, Plaintiff, CHRISTINA RUIZ, makes the following claim for damages:

- a. Pain and suffering (Past and Future);
- b. Mental anguish;
- c. Medical and rehabilitative expenses;
- d. Loss of capacity for the enjoyment of life;
- e. Loss of Consortium;

f. All other damages allowed by law.

WHEREFORE, the Plaintiff, CHRISTINA RUIZ, demands judgment for damages against Defendant, NORTH SHORE MEDICAL CENTER, trial by jury for all issues so triable, and any other relief this Honorable Court deems just and proper.

**COUNT II**  
**INTENTIONAL INFLICTION OF SEVERE EMOTIONAL DISTRESS AGAINST**  
**NORTH SHORE MEDICAL CENTER AS TO PEDRO CRUZ**

25. Plaintiff, PEDRO CRUZ, reasserts the allegations contained in paragraphs (1) through (18) as if fully set forth herein and further alleges:

26. At all times material hereto, Defendant, NORTH SHORE MEDICAL CENTER, acted intentionally, willfully, recklessly and with such a great indifference to the persons, property, or rights of others through its employees and/or agents, when it:

a. Despite PEDRO CRUZ'S express wishes to arrange for funeral services for his baby daughter, Fatima Christina Cruz, the Defendant nevertheless lost and/or threw away the body of his baby daughter.

27. At all times material hereto, Defendant, NORTH SHORE MEDICAL CENTER's, conduct was so outrageous it went beyond all bounds of decency. Specifically, Defendant had a complete disregard for the rights of a grieving parent to bury their child and deprived PEDRO CRUZ's rights under Florida law that he has to give his baby daughter, Fatima Christina Cruz, a just and proper burial according to his faith. Defendant deprived this father of that right when they threw away the body of a 16 week old baby fetus. Such a horrific and utter indifference to persons and their children is regarded as odious and utterly intolerable in a civilized community.

28. At all times material hereto, Defendant's outrageous, reckless, willful and/or wanton conduct caused PEDRO CRUZ emotional distress.

29. At all times material hereto, the emotional distress caused by Defendant's outrageous conduct was severe and permanent.

30. As a direct and proximate result of the negligence by NORTH SHORE MEDICAL CENTER, Plaintiff, PEDRO CRUZ, makes the following claim for damages:

- a. Pain and suffering (Past and Future);
- b. Mental anguish;
- c. Medical and rehabilitative expenses;
- d. Loss of capacity for the enjoyment of life;
- e. Loss of Consortium;
- f. All other damages allowed by law.

WHEREFORE, the Plaintiff, PEDRO CRUZ, demands judgment for damages against Defendant, NORTH SHORE MEDICAL CENTER, trial by jury for all issues so triable, and any other relief this Honorable Court deems just and proper.

**COUNT III- TORTIOUS INTERFERENCE WITH A DEAD BODY AGAINST  
NORTH SHORE MEDICAL CENTER AS TO CHRISTINA RUIZ**

31. Plaintiff, CHRISTINA RUIZ, reasserts the allegations contained in paragraphs (1) through (18) as if fully set forth herein and further alleges:

32. At all times material, CHRISTINA RUIZ had a legal right to the body of her baby daughter, Fatima Christina Cruz, for purposes of giving her baby daughter a proper burial.

33. Defendant, NORTH SHORE MEDICAL CENTER, tortuously interfered with CHRISTINA RUIZ's right to the body of her baby daughter when they lost and/or threw away the body of her baby daughter thus preventing her proper burial.

34. As a result of the tortious interference with the dead body of CHRISTINA RUIZ's baby daughter, CHRISTINA RUIZ has suffered emotional distress.

35. The emotional distress that CHRISTINA RUIZ has suffered was severe.

36. As a result of the tortious interference of a dead body by NORTH SHORE MEDICAL CENTER, Plaintiff, CHRISTINA RUIZ, makes the following claim for damages:

- a. Pain and suffering (Past and Future);
- b. Mental anguish;
- c. Medical and rehabilitative expenses;
- d. Loss of capacity for the enjoyment of life;
- e. Loss of Consortium;
- f. All other damages allowed by law.

WHEREFORE, the Plaintiff, CHRISTINA RUIZ, demands judgment for damages against Defendant, NORTH SHORE MEDICAL CENTER, trial by jury for all issues so triable, and any other relief this Honorable Court deems just and proper.

**COUNT IV- TORTIOUS INTERFERENCE WITH A DEAD BODY AGAINST NORTH SHORE MEDICAL CENTER AS TO PEDRO CRUZ**

37. Plaintiff, PEDRO CRUZ, reasserts the allegations contained in paragraphs (1) through (18) as if fully set forth herein and further alleges:

38. At all times material, PEDRO CRUZ had a legal right to the body of his baby daughter, Fatima Christina Cruz, for purposes of giving his baby daughter a proper burial.

39. Defendant, NORTH SHORE MEDICAL CENTER, tortuously interfered with PEDRO CRUZ's right to the body of his baby daughter when they lost and/or threw away the body of his baby daughter thus preventing her proper burial.

40. As a result of the tortious interference with the dead body of PEDRO CRUZ's baby daughter, PEDRO CRUZ has suffered emotional distress.

41. The emotional distress that PEDRO CRUZ has suffered was severe.

42. As a result of the tortious interference of a dead body by NORTH SHORE MEDICAL CENTER, Plaintiff, PEDRO CRUZ, makes the following claim for damages:

- a. Pain and suffering (Past and Future);
- b. Mental anguish;
- c. Medical and rehabilitative expenses;
- d. Loss of capacity for the enjoyment of life;
- e. Loss of Consortium;
- f. All other damages allowed by law.

WHEREFORE, the Plaintiff, PEDRO CRUZ, demands judgment for damages against Defendant, NORTH SHORE MEDICAL CENTER, trial by jury for all issues so triable, and any other relief this Honorable Court deems just and proper.

**COUNT V- NEGLIGENCE INFLICTION OF EMOTIONAL DISTRESS AGAINST  
NORTH SHORE MEDICAL CENTER AS TO CHRISTINA RUIZ**

43. Plaintiff, CHRISTINA RUIZ, reasserts the allegations contained in paragraphs (1) through (18) as if fully set forth herein and further alleges:

44. At all times material hereto, NORTH SHORE MEDICAL CENTER owed a duty to CHRISTINA RUIZ to properly handle the body of her baby daughter, Fatima Christina Cruz.

45. NORTH SHORE MEDICAL CENTER breached that duty through its willful and/or wanton conduct in negligently mishandling of the body; specifically by losing and/or throwing away the body of CHRISTINA RUIZ's baby daughter, Fatima Christina Cruz.

46. As a result of NORTH SHORE MEDICAL CENTER'S willful and/or wanton conduct, CHRISTINA RUIZ has suffered emotional distress.

47. The emotional distress suffered by CHRISTINA RUIZ was severe.



48. As a direct and proximate result of the willful and/or wanton misconduct by NORTH SHORE MEDICAL CENTER, Plaintiff, CHRISTINA RUIZ, makes the following claim for damages:

- a. Pain and suffering (Past and Future);
- b. Mental anguish;
- c. Medical and rehabilitative expenses;
- d. Loss of capacity for the enjoyment of life;
- e. Loss of Consortium;
- f. All other damages allowed by law.

WHEREFORE, the Plaintiff, CHRISTINA RUIZ, demands judgment for damages against Defendant, NORTH SHORE MEDICAL CENTER, trial by jury for all issues so triable, and any other relief this Honorable Court deems just and proper.

**COUNT VI- NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS AGAINST  
NORTH SHORE MEDICAL CENTER AS TO CHRISTINA RUIZ**

49. Plaintiff, PEDRO CRUZ, reasserts the allegations contained in paragraphs (1) through (18) as if fully set forth herein and further alleges:

50. At all times material hereto, NORTH SHORE MEDICAL CENTER owed a duty to PEDRO CRUZ to properly handle the body of his baby daughter, Fatima Christina Cruz.

51. NORTH SHORE MEDICAL CENTER breached that duty through its willful and/or wanton conduct in negligently mishandling of the body; specifically by losing and/or throwing away the body of PEDRO CRUZ's baby daughter, Fatima Christina Cruz.

52. As a result of NORTH SHORE MEDICAL CENTER'S willful and/or wanton conduct, PEDRO CRUZ has suffered emotional distress.

53. The emotional distress suffered by PEDRO CRUZ was severe.

54. As a direct and proximate result of the willful and/or wanton misconduct by NORTH SHORE MEDICAL CENTER, Plaintiff, PEDRO CRUZ, makes the following claim for damages:

- a. Pain and suffering (Past and Future);
- b. Mental anguish;
- c. Medical and rehabilitative expenses;
- d. Loss of capacity for the enjoyment of life;
- e. Loss of Consortium;
- f. All other damages allowed by law.

WHEREFORE, the Plaintiff, PEDRO CRUZ, demands judgment for damages against Defendant, NORTH SHORE MEDICAL CENTER, trial by jury for all issues so triable, and any other relief this Honorable Court deems just and proper.

**DEMAND FOR JURY TRIAL**

The Plaintiff further demands trial by jury of all issues so triable as a matter of right.

DATED this 3rd day of March, 2017.  
Respectfully Submitted,

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