

**STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT**

SCOTT FUQUA, wrongful death personal  
representative of the ESTATE OF LARRY  
WILLIAMS, and LENORA WILLIAMS,

Plaintiffs,

Case assigned to Mathew, Francis J.

v.

Case No. D-101-CV-2021-00146

SAN JUAN REGIONAL MEDICAL CENTER,  
INC., and GRAHAM TULL, M.D.,

Defendants.

**COMPLAINT FOR MEDICAL MALPRACTICE AND WRONGFUL DEATH**

Plaintiffs, by and through his attorneys, Fine Law Firm (Mark Fine) hereby and respectfully brings this Complaint for medical malpractice and wrongful death against the above-named Defendants, alleging the following:

***PARTIES, JURISDICTION AND VENUE***

1. This Court has jurisdiction over the subject matter and parties to this action pursuant to the Court's general jurisdiction.
2. Plaintiff Scott Fuqua was appointed personal representative of the Estate of Larry Williams pursuant to the Wrongful Death Act by order of this Court dated June 8, 2018.
3. Plaintiff Lenora Williams is a resident of San Juan County, New Mexico. She was married to Larry Williams up until his death.
4. Defendant San Juan Regional Medical Center, Inc. is a domestic nonprofit corporation doing business as San Juan Regional Medical Center with its principal place of business in San Juan County, New Mexico.

5. Venue is proper in this court because Plaintiff Scott Fuqua is a resident of Santa Fe County, New Mexico.

***GENERAL ALLEGATIONS***

6. On or about February 7, 2018, Larry Williams, age 67, presented to the emergency department of San Juan Regional Medical Center with complaints of confusion and low oxygenation, underlying pulmonary disease and a recent history of pneumonia.

7. After a brief evaluation, ER physician Dr. Graham Tull diagnosed him with a urinary tract infection and discharged him.

8. Mr. Williams in fact had pneumonia, and he died of pneumonia and septic shock on February 8, 2018, after returning to the hospital.

9. Providers at the San Juan Regional Medical Center emergency department, including Dr. Tull, negligently failed to perform an adequate evaluation prior to diagnosing Mr. Williams with a urinary tract infection and discharging him from the ER.

10. As a result, Mr. Williams died of his undiagnosed pneumonia and associated medical problems.

11. The allegations contained in the preceding and following paragraphs are incorporated by reference into each of the following Counts as though fully set forth therein.

**COUNT I: MEDICAL NEGLIGENCE OF GRAHAM TULL, MD**

12. In undertaking the care and treatment of Mr. Williams, Dr. Tull was under the duty to possess and apply the knowledge and to use the skill and care that was ordinarily used by reasonably well-qualified physicians trained and practicing in their fields under similar circumstances.

13. By engaging in the acts and omissions described above, Dr. Tull departed from the standard of knowledge, skill and care of physicians trained and practicing in his field under similar circumstances.

14. Dr. Tull's negligence includes, but is not limited to, performing an inappropriate and/or inadequate medical evaluation, incorrectly diagnosing Mr. Williams' medical condition, failing to ensure the administration of antibiotics that had been ordered, and improperly discharging Mr. Williams from the emergency department.

15. The acts and omissions described above proximately caused the decedent and his wrongful death estate to incur injuries and damages, including medical expenses, pain and suffering, loss of chance, aggravation of a preexisting condition, wrongful death, loss of enjoyment of life, and funeral and burial expenses; Plaintiff Lenora Williams incurred loss of consortium damages.

**COUNT II: *RESPONDEAT SUPERIOR* / OSTENSIBLE AGENCY**

16. Defendant San Juan Regional Medical Center, Inc. is legally responsible, through operation of the doctrines of *respondeat superior* or ostensible agency, for the negligent conduct of its physician, Dr. Tull, and any other providers who were responsible for the care of Mr. Williams in the hospital's emergency department on February 7, 2018.

**COUNT III: NEGLIGENCE OF SAN JUAN REGIONAL MEDICAL CENTER, INC.**

17. Defendant San Juan Regional Medical Center, Inc. owed a duty to reasonably supervise the treatment of its patients, including the decedent. That duty included the duty to develop and implement reasonable policies and procedures for evaluating, treating and discharging emergency department patients.

18. Defendant breached this duty by failing to develop, implement and/or enforce reasonable policies and procedures.

19. Defendant's breach of this duty proximately caused the decedent and his wrongful death estate to incur injuries and damages, including medical expenses, pain and suffering, loss of chance, aggravation of a preexisting condition, wrongful death, loss of enjoyment of life, and funeral and burial expenses; Plaintiff Lenora Williams incurred loss of consortium damages.

### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in favor of Plaintiffs and against Defendants, awarding them compensatory damages, costs, pre-judgment interest, post-judgment interest, and any such other and further relief as the Court deems just and proper.

Respectfully submitted,

"Electronically Filed"

/s/ Mark Fine

Mark Fine

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