

<b>Sharp Grossmont Hospital</b> <b>5555 Grossmont Center Drive</b> <b>La Mesa, CA 91944</b>	<b>Emergency Department</b> <b>619 740-4401</b> <b>Assessment Sheet</b>	<b>MR # 573214</b> <b>Account # 81017231</b> <b>Unit Code: B CRIT-ICAI</b> <b>Name: Flores, Eduardo</b> <b>AKA: ,</b> <b>Phone: (619)715-6515</b> <b>Address: 4541 ACACIA AVE, LA MESA, CA 919416447</b> <b>Sex: Male</b> <b>DOB: 07/10/1954</b> <b>Age: 53</b>
Order Entered into HIS - CARMEN ENRIQUEZ at 06/25/2008 15:35 Prepare Patient for Xray - ANNY COBERLY RN at 06/25/2008 15:47 Obtain Xray - ANNY COBERLY RN at 06/25/2008 16:01 X-Ray/Result Returned - ANNY COBERLY RN at 06/25/2008 16:54 Review Results (completion not documented)		Stated weight: 153 lbs Converted Height: <b>15:13 06/25/2008 - Medicine - ANNY COBERLY RN</b> Med: 'NONE Disposition: Consult PCP <b>15:13 06/25/2008 - Allergy Information - ANNY COBERLY RN</b> Allergy: 'No Known Drug Allergies ; Latex Allergy? {No}
<u>Other Orders and Results</u>		<b>15:14 06/25/2008 - Sharp Healthcare Number - REGS</b> Sharp Healthcare Number: SHC-100501784
Order Entered HIS - CARMEN ENRIQUEZ at 06/25/2008 15:30 EKG - ANNY COBERLY RN at 06/25/2008 15:26 EKG Shown to MD - ANNY COBERLY RN at 06/25/2008 15:26		<b>15:16 06/25/2008 - Past Medical History - ANNY COBERLY RN</b>
<u>IV Orders and Doc</u>		Medical history: Valve Disease Surgical history: No Surgical History Social history: *Pt. denies tobacco use, Etch use - occasional, *Pt. denies drug use
<u>Treatments</u> (none)		Immunization History: Tetanus unknown Flu Immunization History: Flu Vaccination UNKNOWN Pneumonia Immunization History: Pneumonia Vaccination UNKNOWN
<u>Physician Note</u> (none)		Pull forward verified by: COBERLY RN, ANNY Note: cardiac cath
<u>Dictation Reference Numbers</u> (none)		<b>15:16 06/25/2008 - Vital Signs - ANNY COBERLY RN</b>
<u>Chart Body</u>		Temp: 99 Oral BP: 122/88 HR: 63 Resp: 16
14:58 06/25/2008 - Arrival Information - DONNA ANDREWS RN Mode of Arrival: Medic Mobility: Stretcher Ambulance: American Med Response Medic 254		<b>15:18 06/25/2008 - Vital Signs - ANNY COBERLY RN</b>
14:58 06/25/2008 - Acuity - DONNA ANDREWS RN Acuity: 2 - Emergent		<b>15:16 06/25/2008 - Oximetry - ANNY COBERLY RN</b>
14:58 06/25/2008 - Change Room - DONNA ANDREWS RN Change Room: Ambulance 1		<b>15:19 06/25/2008 - Initial Triage Info - ANNY COBERLY RN</b>
14:58 06/25/2008 - Change Room - DIANE DETRO RN Change Room: B Critical Ambulance		Complaint Code: Cardiac/Cardiovascular Presenting Complaints: Chest pain, Nausea Chief Complaint: ...chest pain Initial Triage Acuity: 2 - Emergent
15:00 06/25/2008 - Change Physician - MARC KOBERNICK MD, MD ER Physician: KOBERNICK MD, MARC - Resident: UNASSIGNED, - Prim. Care Provider: UNASSIGNED, - Responsible Physician: KOBERNICK MD, MARC -		Quick Assessment: -Awake, alert and oriented X 3, -Moves all extremities w/o difficulty, -Mucous membranes pink, -Respirations even and unlabored, -Skin warm and dry to touch, -Speech clear and coherent, BREATHING no respiratory distress, BREATHING speaking complete sentences, NEURO alert & oriented x3, NEURO Loss of Consciousness - denies, PAIN free, PSM intact, SKIN warm & dry Significant Neg. Findings: Denies pain at present
15:03 06/25/2008 - Change Room - ANNY COBERLY RN Change Room: B Critical Rm 6		Level Of Consciousness: Alert and oriented x 4, Appropriate for age Patient Feels Safe At Home? Yes
15:03 06/25/2008 - Change Nurse - ANNY COBERLY RN Primary Nurse: COBERLY RN, ANNY Secondary Nurse: UNASSIGNED Responsible Nurse: COBERLY RN, ANNY		CC psych/behavioral/sub. abuse? No Note: cc midsternal cp x5 days, pt went to Kaiser clinic for eval of his cp, pt states pain increase when he wakes up, pressure pain, to mid sternal chest w/ rad to left arm. CP relieves with walking. Pt also c/o nausea, denies vomiting, dizziness and sob. Clinic staff gave pt 162 mg ASA and did 12 lead which they said was abnormal. On medics arrival to clinic, pt was CP free. medics gave nitro paste only.
15:12 06/25/2008 - Receive Patient - ANNY COBERLY RN Last Name: Flores First Name: Eduardo Date of Birth: 07/10/1954 Location: B Critical Rm 6 Chief Complaint: ...chest pain Initial Triage Acuity: 2 - Emergent Condition on arrival: Stable Treatments PTA: Lasix, Oxygen, IV therapy Documents Received: EMS run sheet 15:13 06/25/2008 - Patient Metrics - ANNY COBERLY RN		<b>15:20 06/25/2008 - IV Documentation - ANNY COBERLY RN</b>
		Site: Left Wrist
		<b>15:20 06/25/2008 - IV Documentation - ANNY COBERLY RN</b>
		Site #: Location 1 Site: Left Wrist Catheter size: 18g

<p><b>Sharp Grossmont Hospital</b>  <b>5555 Grossmont Center Drive</b>  <b>La Mesa, CA 91944</b></p>	<p><b>Emergency Department</b>  <b>619 740-4401</b>  <b>Assessment Sheet</b></p>	<p>MR # 573214      Account # 81017231      Unit Code: B CRIT-  <b>ICAL</b>  <b>Name: Flores, Eduardo</b>  <b>AKA: ,</b>  <b>Phone: (619)715-6515</b>  <b>Address: 4541 ACACIA AVE, LA MESA, CA 919416447</b>  <b>Sex: Male</b>      <b>DOB: 07/10/1954</b>      <b>Age: 53</b></p>
<p>Rate: Saline Lock  IV Specifications: IV started prior to arrival  Note: medic iv</p> <p>15:23 06/25/2008 - Subjective/HPI - ANNY COBERLY RN  Note: pt, pt states that he was also feeling dizzy x5 days</p> <p>15:24 06/25/2008 - Primary Survey - ANNY COBERLY RN  Airway: Intact  Breathing: Present  Breath Sounds - Left: Breath sounds - Clear  Breath Sounds - Right: Breath sounds - Clear  Circulation: Pulses present rate, rhythm wnl  Radial - L: Present  Radial - R: Present  Dorsal Pedis - L: Present  Dorsal Pedis - R: Present  Cap refill: Under 2 seconds  RUE Strength: Normal  RLE Strength: Normal  LUE Strength: Normal  LLE Strength: Normal  Exposure: *Call bell with patient and educated, *Monitor alarms set and confirmed, Clothing removed, Pt in gown</p> <p>15:25 06/25/2008 - Cardiovascular - ANNY COBERLY RN  Historian: patient, EMS  Symptom: chest pressure, nausea, dizziness  Heart sounds: S1 - normal, S2 - normal  Breath Sounds - Left: Breath sounds - Clear  Breath Sounds - Right: Breath sounds - Clear  Note: cc mid sternal cp with red to left arm, pt stating cp increases when lying on his left side. Also c/o nausea, dizziness. denies sob, and vomiting, neg diaphoresis  Aspirin Administration: Given Prehospital EMS</p> <p>15:25 06/25/2008 - Pain Assessment - ANNY COBERLY RN  Currently In Pain: No</p> <p>15:25 06/25/2008 - Nurse Diagnosis - ANNY COBERLY RN  Nurse Diagnosis: Pain  Desired/Expected Outcome: Patient remains free from harm</p> <p>15:26 06/25/2008 - Supporting Documentation - ANNY COBERLY RN  Ordering Physician: KOBERNICK MD, MARC  Orders: EKG</p> <p>15:34 06/25/2008 - Supporting Documentation - MARC KOBERNICK MD, MD  Ordering Physician: KOBERNICK MD, MARC -  Clinical Indications: Pain  Orders: CBC, CHOLESTEROL-TOTAL, CK, COMP METABOLIC PANEL, TROPONIN, CHEST 1 VIEW PORTABLE</p> <p>15:34 06/25/2008 - Supporting Documentation - MARC KOBERNICK MD, MD  Ordering Physician: KOBERNICK MD, MARC -  Orders: -SALINE LOCK</p> <p>15:46 06/25/2008 - Vital Signs - ANNY COBERLY RN  BP: 113/78  HR: 57  Resp: 16</p> <p>15:48 06/25/2008 - Oximetry - ANNY COBERLY RN  Pulse Oximetry %: 99  Oxygen Therapy: Nasal Cannula  Concentration: 2  Units: L/min</p> <p>15:47 06/25/2008 - Group Orders - ANNY COBERLY RN</p>	<p>Grouped Orders: CBC - Obtain Specimen, CHOLESTEROL-TOTAL - Obtain Specimen, CK - Obtain Specimen, COMP METABOLIC PANEL - Obtain Specimen, TROPONIN - Obtain Specimen</p> <p>15:47 06/25/2008 - Group Orders - ANNY COBERLY RN  Grouped Orders: CHEST 1 VIEW PORTABLE - Prepare Patient for Xray</p> <p>15:47 06/25/2008 - Reassessment - ANNY COBERLY RN  Other Assessment: Labs drawn at bedside  Note: by lab assistant</p> <p>16:02 06/25/2008 - Reassessment - ANNY COBERLY RN  Other Assessment: Portable chest x-ray done</p> <p>16:11 06/25/2008 - Vital Signs - ANNY COBERLY RN  BP: 106/67  HR: 58  Resp: 16</p> <p>16:11 06/25/2008 - Pain Assessment - ANNY COBERLY RN  Currently In Pain: No</p> <p>16:11 06/25/2008 - Oximetry - ANNY COBERLY RN  Pulse Oximetry %: 99  Oxygen Therapy: Nasal Cannula  Concentration: 2  Units: L/min</p> <p>18:13 06/25/2008 - Reassessment - ANNY COBERLY RN  Rounding: Vital's updated, Pain Assessed, Pt/Family Informed About Care Plan, Explained wait time until disposition, Bed lowest position, Hourly Rounding, Siderails up, Call Light Accessible, Patient Comfort Assessed, Patient Rounding Done  Note: pt awake, alert, denies pain, skns p/wid, SR on the monitor, hr 56</p> <p>16:58 06/25/2008 - Request call to physician - MARC KOBERNICK MD, MD  Requested by: KOBERNICK MD, MARC  Physician to call: KAISER EPRP</p> <p>17:00 06/25/2008 - Document call placed - CARMEN ENRIQUEZ  Person making call: ENRIQUEZ, CARMEN  Physician called: KAISER EPRP  Awaiting callback: Yes</p> <p>17:11 06/25/2008 - Returned call - HOLLY JUDD CLERK  Physician returning call: KAISER EPRP  Call taken by: JUDD CLERK, HOLLY  Note: Dr Armstrong connected to Dr Kobernick</p> <p>17:12 06/25/2008 - Discharge Diagnosis - MARC KOBERNICK MD, MD  Primary: Chest Pain - cardiac</p> <p>17:12 06/25/2008 - Disposition - MARC KOBERNICK MD, MD  Disposition: Transfer- To Hospital</p> <p>17:17 06/25/2008 - Vital Signs - ANNY COBERLY RN  BP: 94/58  HR: 68  Resp: 16</p> <p>17:17 06/25/2008 - Oximetry - ANNY COBERLY RN  Pulse Oximetry %: 100  Oxygen Therapy: Nasal Cannula  Concentration: 2  Units: L/min</p> <p>17:17 06/25/2008 - Pain Assessment - ANNY COBERLY RN  Currently In Pain: No</p> <p>17:18 06/25/2008 - Vital Signs - ANNY COBERLY RN  Temp: 96.6 Oral</p> <p>18:05 06/25/2008 - Vital Signs - ANNY COBERLY RN</p>	

RHYTHM REPORT

ID: 009216843

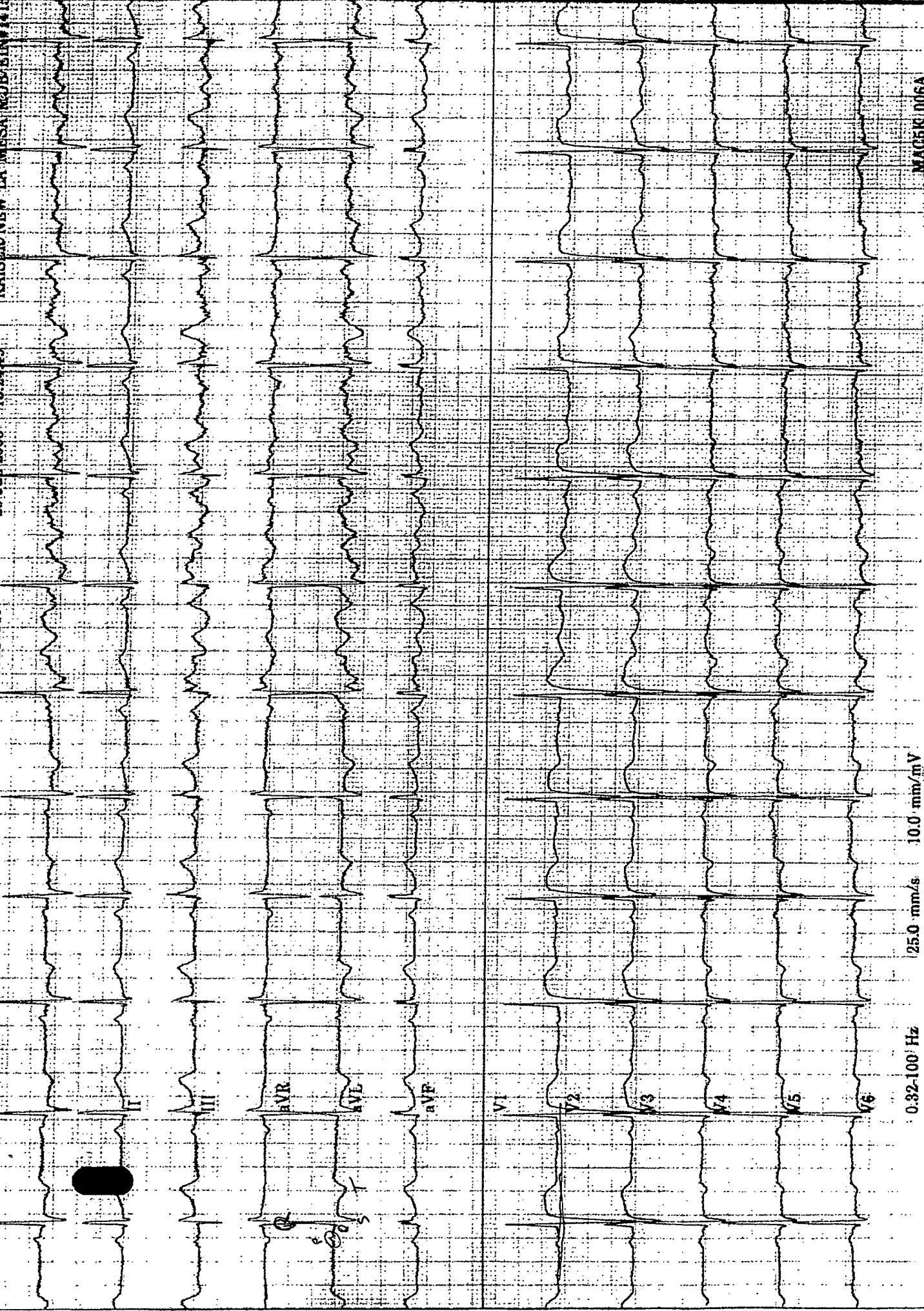
KAISER/NEW LA MESA/MOBIN/141

13:24:49

25-Jun-2008

FLORES, EDUARDO

59



0.32-100 Hz

25.0 mm/s 10.0 mm/mV

MACK006A

FINAL ADDITIONAL STATEMENTS BY DEFENSE ATTORNEY FRANK HIGLEY AND EDUARDO LORES AT THE  
HEARING on 02/09/2021

FRANK HIGLEY:

Thank you Justice Huffman, Patrick on behalf of Sharp Grossmont Hospital. I just want to point out that on the court's previous opinion on this matter back in October 2018 it found that the plaintiff was on inquiry notice because he admitted he could've obtained the info necessary to learn about the negligence by reviewing the cardiologist 2014 report, but now that just demonstrated that he was on inquiry notice so the only thing that saves him is that if he can prove tolling under 352 and there's no fraud, there's no concealment, there's no retention of a foreign object so this court directed him very specifically to go back down and instructed him to replead his complaint with three specific areas. Now he tried on March 14, 2019 when he submitted a third amended complaint, after remand and that didn't comply with this court's orders on remand so Judge Taylor gave him leave to amend and find a lawyer and gave him thirty days to file a fourth amended complaint which he did on May 9<sup>th</sup>, 2019 and again after demur the court found that the plaintiff simply did not comply with the instructions that the fourth DCA sent him down with and that is to 1. specify the nature of Sharp's alleged wrongdoing and reach out to him 2. describe the nature of his claim to incapacity in the time period he claims he was incapacitated and 3. tolling his claim was timely under applicable tolling principles. He's had two chances on remand and couldn't do it and he wants a fifth bite of this apple and it just, at some point, it's too much. He keeps saying he has records, he keeps saying he has facts. He keeps saying that he has things that he can show, but he never shows them. So it just seems like just a process that's going to repeat itself until at some point somebody says, "You've had enough chances. You know what we wanted and you've failed to provide that to us." I'm not sure about the accommodation argument that the appellant has put forward, I've never heard that, I'm not sure. He's known since this court ruled on October 31<sup>st</sup>, 2018 what exactly and specifically was expected of him and he had two more shots at it and he was unable to comply. We're not unsympathetic to Mr. Flores. I've gotten to know him a lot over the last five years, but this is just simply, it has to stop at some point and Sharp asserts that this is it.

Judge Huffman:

Okay, Mr. Flores you've got about five minutes if you'd like to respond.

Eduardo Flores:

Okay, on the respondent brief of Mr. Higley he said on Page one, he said, he continued to mislead this court. Dr. Hoagland noted that he recommended that Flores be transferred to Kaiser to perform a catheterization. That's not true. The catheterization was done at Sharp. That's not true. Then he continued lying to the court that Mr. Flores left medical facility against medical advice. No, that's not true. I signed a paper refusing a surgery and they sent me to another hospital against my will, so Mr. Higley, I explained to him what happened to me. I'm going to be honest with you. Now I know because like he said it's been five years, now I know what happened. Dr. Covernick, he's an independent doctor,

①

but he was working for Sharp Grossmont Hospital. Sharp Grossmont Hospital has to look at whatever he's been doing. He modified the records, that's the real truth, he modified the records. He did it the way that he wanted and Sharp Grossmont was trying to cover up, that's why in December when I said that I wanted to get my records they called security on me. They called security and they denied to give me those records. And there are no records no more, you go and request the records and this is still in litigation and there are no records, they destroyed it. That's why I asked Mr. Higley and Sharp Grossmont to understand that point that's it's not that I have something against these doctors. I respect that. It's the way they did it.

I declare under penalty of perjury that the above is true and correct dialogue that was spoken during the hearing and taken from the actual video.



Eduardo Flores



①  
**From:** Eduardo Flores <[edfloliger@gmail.com](mailto:edfloliger@gmail.com)>

**Sent:** Tuesday, February 23, 2021 11:39 AM

**To:** Patrick Higley <[phigley@ldrlaw.com](mailto:phigley@ldrlaw.com)>

**Subject:** Re: Flores vs sharp grossmont

Good morning mr. Higley I would like to talk to you regarding and we can settle and anyway the case

②  
On Mon, Mar 8, 2021, 10:44 AM Patrick Higley <[phigley@ldrlaw.com](mailto:phigley@ldrlaw.com)> wrote:

Hello Eduardo,

Good morning. My client, Sharp Grossmont Hospital, believes it has done nothing wrong, and as such, it is unwilling to pay any settlement money in this matter. I understand this may be upsetting to you, and I apologize for that. It is my job to relay such messages.

④  
Patrick

is to settle this by asking for a settlement for the damage that they have caused me. Ask the CEO's of Sharp Grossmont with all due respect to do an investigation with the people who were present on 06/25/2008 or with all respect you do it yourself to find out the truth. If I am lying then I want to be accused and get the authorities to get involved so they can press charges on me.

Thank you

----- Forwarded message -----

From: **Eduardo Flores** <[edfoliger@gmail.com](mailto:edfoliger@gmail.com)>  
Date: Mon, Mar 8, 2021, 2:51 PM  
Subject: Re: Flores vs sharp grossmont  
To: Patrick Higle <[phigle@ldrlaw.com](mailto:phigle@ldrlaw.com)>

Good afternoon Mr. Patrick,

I want to get to the point with my evidence.

Look CT 00171 Volume 1 of 2.

Time 15:26 supporting documents.

Anny Coberly RN

Ordering physician Kobernick MD Marc ordered EKG. They never gave me the report.

Same CT 00171

Time 15:47 Anny Coberly RN

Chest 1 view portable prepare patient for x ray.

Other assessment plans draw at bedside and catheterization was done minutes before the EKG. CT 00194, Dr. Hoagland commented "HISTORY OF PRESENT ILLNESS" also commented "there is no definite history of a heart attack. On CT 00195 DIAGNOSTIC TEST DISCUSSION, he commented " I suspect all he had done was an ECG."

I think Dr. Hoagland at that time didn't want to contradict his colleagues or the records of the EKG. They hid it from him or ignored it.

I know that you are a good person at heart before being a lawyer. Don't believe me. Ask the nurse Anny Coberly or the Dr. Cobernick or anyone that es present that day of 06/25/2008.

CT 00160 Rhythm Report from Kaiser. 06/25/2008 page 1 of 5 CT 00165 CT00166 where I indicate with clarity the heart attack. Sharp Grossmont has good cardiologist. They can interpret the rhythm report.

I know that Kaiser isn't affiliated with Grossmont. There's only a difference of 20 minutes when the first EKG was taken.

The damage is already done. I am a person who is retarded. The Dr. Silva when she did the analysis of me she told me that I am worse than a child of 7 years of age with retardation. My intentions are not to accuse the hospital for what they did, the employees. What I want