

**EMEKA IGWE, ESQUIRE
THE IGWE FIRM
Identification No. 200334
1500 John F. Kennedy Boulevard
Suite 1900
Philadelphia, PA 19102
(215) 278-9898**

MAJOR JURY

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17 MAR 2025 03:51 pm
B. BALILONTIS



**ROBERTO SANTIAGO JR.,
ADMINISTRATOR OF THE ESTATE
OF ROBERTO SANTIAGO
2801 N. Fairhill Street
Philadelphia, PA 19133**

Plaintiff,

vs.

**CITY OF PHILADELPHIA
1515 Arch Street, 14th Floor
Philadelphia, PA 19102**

Defendant.

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
CIVIL DIVISION

MARCH TERM 2025
NO.

CIVIL ACTION COMPLAINT

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR
LAWYER AT ONCE. IF YOU DO NOT HAVE A
LAWYER. GO TO OR TELEPHONE THE OFFICE

SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH
INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT
AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO
PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT
MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A
REDUCED FEE OR NO FEE.

Philadelphia Bar Association Lawyer Referral and Information Service
1101 Market Street, 11th Floor Philadelphia, Pennsylvania 19107
(215) 238-6333

Case ID: 250302218

Le han demandado en corte. Si usted defender contra las demandas díspue tas en las pag in as siguientes, usted debe tomar la acción en el plazo de veinte (20) días después de esta queja y se sirve de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted compia con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE PAPEL
SU ABOGADO IMMEDIATAMENTE.
SI USTED NO HACE QUE UN
ABOGADO VAYA A LLAMAR POR
TELÉFONO LA OFICINA DISPUESTA
ABAJO. ESTA OFICINA PUEDE PROVEER
DE USTED LA INFORMACIÓN SOBRE
EMPLEAR A UN ABOGADO. SI USTED
NO PUEDE PERMITIRSE ALQUILAR A UN
ABOGADO, ESTA OFICINA PUEDE
PODER PROVEER DE USTED LA IN-
FORMACIÓN SOBRE LAS AGENCIAS QUE
LOS SERVICIOS JURÍDICOS DE LA
CIUDAD DE MAYO A LAS PERSONAS
ELEGIBLES EN UN TIPO NORMAL O
REDUCIDO O NINGUN HONORARIO.

Asociación de Licenciados
de Filadelfia Servicio de Referencia
Innovación Legal
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1. Plaintiff Decedent ,Roberto Santiago (“Decedent”), was an adult individual who resided at the above-captioned address in the City and County of Philadelphia, Commonwealth of Pennsylvania.
2. Plaintiff, Roberto Santiago, Jr. (“Plaintiff”), is the son of Decedent and the administrator of Decedent’s Estate.

3. Defendant, City of Philadelphia (“Defendant”), is a municipal entity operating under the laws of the Commonwealth of Pennsylvania which maintains its principal place of business at the above captioned address.
4. At all times material hereto, Defendant owned, possessed, operated, supervised, and funded the operation of the Philadelphia Emergency Medical Services (“EMS”).
5. On or about April 24, 2024, at approximately 2:30 am., Decedent was in medical distress while in his residence.
6. As a result of being in distress, Decedent activated a medical device (MedScope America), which sent a notification to EMS that Decedent required emergency medical services to respond to his residence.
7. Upon receiving the alert from Decedent, EMS responded to Decedent’s residence.
8. Upon arrival at Decedent’s home address, a female resident of the second floor advised EMS that Decedent was home and directed EMS to the door of Decedent’s residence.
9. EMS knocked on the door of Decedent’s residence to which there was no response because Decedent was incapacitated.
10. EMS left without any attempt or effort to forcibly enter Decedent’s residence.
11. As a result of the failure of EMS to gain access to the residence, Decedent ultimately died.
12. Decedent’s demise was caused solely by the negligence and carelessness of Defendant, and was in no manner whatsoever due to any act of negligence on the part of Decedent.

COUNT I
NEGLIGENCE

13. Plaintiff hereby incorporates all the preceding paragraphs as if the same were set forth at length herein.

14. The aforesaid accident was caused by the negligence and carelessness of Defendant, whose negligence and/or carelessness consisted, *inter alia*, the following:

- a. failure to gain forcible entry into the residence to assist Decedent;
- b. failing to gain access to Decedent's residence during a health crisis;
- c. otherwise acting in a manner that was negligent and careless at law in fact all of which a reasonable person would have known, which caused an unreasonable risk of harm to the public and more particularly to Decedent;
- d. failing to protect the safety of individuals lawfully present, such as Decedent as it relates to the above-referenced acts of negligence;
- e. such other acts of negligence and carelessness as may be adduced through discovery or at trial.

15. As the direct and proximate result of Defendant's negligence, Decedent ultimately died.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, including punitive damages, costs and such other further relief the court shall deem appropriate.

COUNT II
WRONGFUL DEATH

16. Plaintiff reavers and incorporates the preceding paragraphs as though set forth herein at length.

17. Plaintiff brings this action pursuant to the Wrongful Death Act 42 Pa. C.S.A. Section 8301 and claims all damages recoverable under the Pennsylvania Wrongful Death Act.
18. The names and last known addresses of all persons who may be entitled by law to recover damages, as well as their relationship to Decedent are as follows:
- a. Roberto Santiago Jr.
 - b. Jonathan Santiago
19. As a direct and proximate result of the foregoing, Decedent's Wrongful Death beneficiaries have been, continue to be, and will in the future be deprived of his counsel, services, companionship and society.
20. As a direct and proximate result of the Defendant's negligent, careless and/or reckless conduct as set forth above, which is incorporated herein, Decedent's beneficiaries suffered, are suffering, and will, for an indefinite period of time in the future, suffer damages, injuries and losses including but not limited to, a loss of financial support, and the beneficiaries have been wrongfully deprived of the contributions they would have received from him, including monies which he would have provided for items such as clothing, food, shelter, medical care, education and entertainment, recreation and gifts.
21. As a direct and proximate result of Defendant's negligent, careless and/or reckless conduct as set forth above, which is incorporated herein, Decedent's beneficiaries have been caused to incur and pay various expenses for medical treatment, hospital care, custodial care, nursing care and medications, and funeral and other expenses related to his death.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, including punitive damages, costs and such other further relief the court shall deem appropriate.

COUNT III
SURVIVAL ACTION

22. Plaintiff reavers and incorporates the preceding paragraphs as though set forth herein at length.

23. Plaintiff brings this action on behalf of Decedent by virtue of the Survival Act, 42 Pa.C.S.A. § 8302, and claims all benefits of the Survival Act on behalf of Decedent's Estate and other persons entitled to recover under law.

24. As a direct and proximate result of Defendant's negligent, careless and/or reckless conduct as set forth above, which is incorporated herein, Plaintiff claims on behalf of Decedent's Estate, all damages suffered by the Estate by reason of the Decedent, including without limit the generality of the following: the severe injuries to Decedent, which resulted in her death; the anxiety, horror, fear of impending death, mental disturbance, pain, suffering and other intangible losses which Decedent suffered prior to her death; the loss of past, present and future earning capacity suffered by Decedent, from the date of her death until the time in the future she would have lived had she not died as a result of the injuries she sustained; expenses for medical care; the loss and total limitation and deprivation of her normal activities until the time of her death.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount in excess of Fifty Thousand (\$50,000.00) Dollars in compensatory damages, including punitive damages, costs and such other further relief the court shall deem appropriate.

Respectfully submitted,

/s/ Emeka Igwe, Esq.
Emeka Igwe, Esquire
Attorney for Plaintiff
1500 JFK Boulevard
Suite 1900
Philadelphia, PA 19102
Phone: 215-278-9898
Email: emeka@igwefirm.com

Dated: March 17, 2025