

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA**

**ENITZA DAMARIS GEORGE
BROWN AS THE PERSONAL
REPRESENTATIVE OF THE
ESTATE OF HER MINOR CHILD,
R.M.G.**

CASE NO.:

Plaintiff,

vs.

**CITY OF ORLANDO FIRE
DEPARTMENT d/b/a ORLANDO
FIRE DEPARTMENT**

Defendant.

/

COMPLAINT

COMES NOW, Plaintiff, ENITZA DAMARIS GEORGE BROWN as the Personal Representative of the Estate of her minor child, R.M.G. on behalf of all survivors, by and through the undersigned counsel, and hereby sues CITY OF ORLANDO FIRE DEPARTMENT d/b/a ORLANDO FIRE DEPARTMENT and allege as follows:

JURISDICTION, PARTIES, VENUE

1. This is a medical malpractice action for damages, brought pursuant to Florida Statutes §766.102, et seq., the Florida Administrative Code, and the Florida Rules of Civil Procedure, including Rule 1.650., that exceeds the sum of FIFTY THOUSAND DOLLARS (\$50,000.00), exclusive of costs, interest and attorneys' fees (the estimated value of Plaintiffs' claim is in excess of the minimum jurisdictional threshold required by this Court). Accordingly, Plaintiffs have entered "\$50,001" in the civil cover sheet for the "estimated amount of the claim" as required in the preamble to the civil cover sheet for *jurisdictional purposes only* (the Florida

Supreme Court has ordered that the estimated "amount of claim" be set forth in the civil cover sheet for data collection and clerical purposes only). A fair and just jury will determine the actual value of Plaintiffs' claim in accordance with Article 1, Section 21, Fla. Const.

2. At all times material to this action, Plaintiff, ENITZA DAMARIS GEORGE BROWN and R.M.G., were mother and son.

3. At all times material to this action, Plaintiff, ENITZA DAMARIS GEORGE BROWN was appointed as Personal Representative of her son's estate.

4. At all times material to this action, Defendant, CITY OF ORLANDO FIRE DEPARTMENT d/b/a ORLANDO FIRE DEPARTMENT ("ORLANDO FIRE DEPARTMENT") was and is a Municipal Organization with its principal place of business located at 78 West Central Boulevard in Orlando, Florida 32801.

5. At all times material to this action ORLANDO FIRE DEPARTMENT held itself out to the public as an entity with available employees, competent staff, trained personnel, and equipment to provide fire suppression, emergency medical services, and public safety to individuals such as R.M.G.

6. Venue is proper, as the alleged negligence occurred in Orange County, Florida, and the Defendant either resides and/or does business in Orange County, Florida.

STATUTORY COMPLIANCE

7. Pursuant to § 766.104, Fla. Stat., the undersigned counsel certifies that a reasonable investigation has been conducted as to the matters alleged herein. It has been determined that there are reasonable grounds for a good faith belief that there was negligence in the care and treatment of R.M.G. by the Defendant and that grounds exist for the filing of this action against the Defendant.

8. Plaintiffs made a good faith effort to comply with the conditions precedent to the filing of this action, including compliance with §§ 766.106 and 766.203, Fla. Stat. However, Plaintiffs' ability to comply has been hindered as a Notice of Intent to Initiate Litigation, along with the corroborating Affidavit of an appropriate health care expert, was served upon the Defendant prior to the filing of this Complaint. (Notice of Intent is attached hereto as **Exhibit A**).

9. To date, the Defendant has not provided a response.

10. This action has been brought within the applicable statute of limitations including all extensions and tolling provisions, as the treatment complained of occurred in December of 2023.

Employment

11. At all times material to this action, GABRIEL KAUFMAN, JASON GIEBENRAT, JOSE ORTALIZ, MARC GOODEARL, and MANUEL CINTRON were employees of ORLANDO FIRE DEPARTMENT and were acting within the scope of that employment.

FACTS GIVING RISE TO CAUSE OF ACTION

13. On or about December 22, 2023, R.M.G., who was 16 years old, came to Orlando, Florida with his mother and younger brother to spend Christmas with family. R.M.G. had autism and Down syndrome and had accompanying developmental and intellectual disabilities. R.M.G. was also mostly non-verbal and utilized a wheelchair frequently.

14. On December 23, 2023, R.M.G. awoke from a nap crying, coughing, vomiting, and experiencing diarrhea.

15. Over time, the diarrhea became uncontrollable, and R.M.G. started to experience shortness of breath and a fast respiratory rate. ENITZA DAMARIS GEORGE BROWN ("DR.

BROWN") is a medical doctor and knew R.M.G. required immediate assistance. Given the circumstances along with being from out of town, she knew calling 911 would be the most efficient avenue for assistance.

16. DR. BROWN went down to the front desk of the hotel her family was staying at, and the front desk staff proceeded to call 911. The 911 caller notified the dispatch that there was a guest who was having trouble breathing.

CALLER: A guest is having trouble -- the lobby
of the hotel. A guest is having trouble breathing.

17. DR. BROWN made clear that she was a medical doctor and her son needed immediate assistance.

UNIDENTIFIED WOMAN: They're going to need to
get here right away.
CALLER: Okay. She said that she's a doctor
and that you can come right away.

18. **Nowhere in the call transcription is it ever mentioned that they are in need of directions.**

19. Upon the arrival of ORLANDO FIRE DEPARTMENT personnel, DR. BROWN was clear about R.M.G.'s underlying medical condition of end-stage renal disease and that she was concerned about his shortness of breath. Instead of assessing R.M.G., the paramedic told DR. BROWN that she could take R.M.G. to the emergency room 5 minutes around the corner herself.

20. Additionally, DR. BROWN insisted that the paramedics intervene and start vitals and IV hydration immediately. Not only was intervention refused, more disturbingly, the

paramedics refused to even escort them to the ER and stated all they could do was put the directions into her phone for her.

21. Determined to get her son medical attention, DR. BROWN got both of her sons into her rental car and attempted to get to HCA Florida Airport North Emergency as quickly as she could.

22. On the way, R.M.G. collapsed in the back seat and his younger brother attempted to save his life. Tragically, these attempts were unsuccessful.

23. In the ORLANDO FIRE DEPARTMENT Incident Report, the narrative states that DR. BROWN needed directions to the nearest hospital and declined any other services or help that could be provided.

Narrative

E8/R8 responded to a medical call at the given address for a 25 year old male. Info given via MCT that the patient was located outside with their mother. On arrival, a female with a male sitting in a wheelchair and another male behind the wheelchair were found. The female advised that she asked the front desk for directions to the nearest hospital because they were not familiar with the area, but the hotel staff could not assist them and shortly after 911 was called. Upon contact, the female advised that she needed directions to the nearest hospital, she was asked if there were any other services and/or help that could be provided; but she responded that she was going to take her son to the nearest hospital herself and did not request any other services from us. The female pulled her vehicle to entrance of the hotel, the female and other male assisted the male in the wheelchair into the vehicle and they left the scene.

24. This narrative directly conflicts with the 911 call transcript as the incident details clearly reflect that the call was entered as Priority 2 due to a complaint of breathing problems.

Incident Details	
Response Mode Description	Lights and Sirens
Shift	B Shift
Zone	District 5
Level of Service	
EMD Complaint	Breathing Problem
EMD Card Number	06D02
Dispatch Priority	Priority 2 (Emergent)

25. Despite there being five crew members, there was not a single vital taken or note entered reflecting R.M.G.'s condition and/or his trouble breathing.

Crew Members		
Personnel	Role	Certification Level
KAUFMAN, GABRIEL	Lead	EMT-Paramedic - PMD530276
Giebenrath, Jason	Driver	EMT-Paramedic - PMD 514075
Ortaliz, Jose	Other	EMT-Paramedic - PMD 523687
Goodearl, Marc	Other	EMT-Paramedic - PMD 13912
Chitron, Manuel	Other	EMT-Paramedic - PMD 200398

26. Concerningly, GABRIAL KAUFMAN, the lead paramedic, signed off on the report three days after contact was made.



COUNT I

NEGLIGENCE OF ORLANDO FIRE DEPARTMENT FOR THE NEGLIGENCE OF THEIR EMPLOYEES GABRIEL KAUFMAN, JASON GIEBENRAT, JOSE ORTALIZ, MARC GOODEARL, AND MANUEL CINTRON

27. Plaintiff, ENITZA DAMARIS GEORGE BROWN as the Personal Representative of the Estate of her minor child, R.M.G., on behalf of all survivors, realleges and reavers all of the allegations contained in paragraphs 1 through 26 and as though fully set forth herein.

28. At all times material, there existed a provider-patient relationship between ORLANDO FIRE DEPARTMENT through its employees GABRIEL KAUFMAN, JASON GIEBENRAT, JOSE ORTALIZ, MARC GOODEARL, AND MANUEL CINTRON and R.M.G.

29. Defendant, ORLANDO FIRE DEPARTMENT had a duty to provide R.M.G., with emergency care and treatment consistent with the prevailing professional standard of care, which is that level of medical care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by a reasonably prudent similar health care provider. GABRIEL KAUFMAN, JASON GIEBENRAT, JOSE ORTALIZ, MARC GOODEARL, AND MANUEL CINTRON were negligent and breached the applicable standard of care.

30. Defendant, ORLANDO FIRE DEPARTMENT through its employees GABRIEL KAUFMAN, JASON GIEBENRAT, JOSE ORTALIZ, MARC GOODEARL, AND MANUEL CINTRON were negligent and breached the prevailing professional standard of care with regards to the care and treatment provided to R.M.G. in the following respects:

- a. Failure to identify R.M.G. as a high-risk patient, with a life threatening condition;
- b. Failure to evaluate the nature of R.M.G.'s illness during the Scene SizeUp;
- c. Failure to perform a thorough, comprehensive, and concise Primary Patient Assessment;
- d. Failure to provide life-saving interventions, care, and treatment for a patient with Respiratory Distress or Difficulty Breathing;
- e. Failure to perform a thorough, comprehensive, and concise Secondary Patient Assessment;
- f. Failure to obtain R.M.G.'s vital signs, including blood pressure; the rate, rhythm and quality of his pulse; the rate rhythm and quality of his respirations, his pulse oximetry (SPO2) reading his end-tidal carbon dioxide level (EtCO2); his skin signs; his level of consciousness; his capillary refill; and his cardiac rhythm using a cardiac monitor;
- g. Failure to provide airway support, supplemental oxygen, intravenous fluids, and medications to R.M.G. to treat, manage, mitigate, and care for his life threatening medical condition;
- h. Failure to identify R.M.G. as a priority patient requiring immediate and emergency treatment and transportation to the closest properly staffed and equipped emergency department to treat R.M.G.'s condition; and
- i. Failure to complete the requisite and applicable patient care documentation for the totality of the subject event, in accordance with the standard of care.

31. As a direct and proximate result of the acts and/or omissions of GABRIEL KAUFMAN, JASON GIEBENRAT, JOSE ORTALIZ, MARC GOODEARL, AND MANUEL CINTRON, R.M.G. suffered an untimely and wrongful death.

32. Plaintiff, ENITZA DAMARIS GEORGE BROWN as the Personal Representative of the Estate of her minor child, R.M.G., on behalf of all survivors, claims the following damages pursuant to the Florida Wrongful Death Act:

- a) Estate of R.M.G.: Loss of prospective net accumulations of the estate; any medical or funeral expenses charged to the estate and/or paid on behalf of the decedent;

b) ENITZA DAMARIS GEORGE BROWN, surviving PARENT: lost support and services from the date of the decedent's injury to his death, with interest, future loss of support and services from the date of death, medical and funeral expenses, loss of the decedent's companionship, and for mental pain and suffering both in the past and in the future.

WHEREFORE, Plaintiff, ENITZA DAMARIS GEORGE BROWN as the Personal Representative of the Estate of her minor child, R.M.G., on behalf of all survivors, demands judgment for all damages allowed by law, costs, interest (if and when applicable), against Defendant, ORLANDO FIRE DEPARTMENT and further demand trial by jury on all issues so triable.

CERTIFICATE OF GOOD FAITH INVESTIGATION

I, Rebecca L. Williamson, Esq., hereby certify that there has been a reasonable investigation conducted pursuant to Chapter 766, Florida Statutes, in order to determine if there are grounds for a good faith belief that there has been negligence in the care and treatment of R.M.G. by the Defendant.

/s/ *Rebecca L. Williamson*

Rebecca L. Williamson, Esq.
Samantha J. Spandau, Esq.

Attorneys for Plaintiff

Respectfully submitted and filed this 1st day of August 2025.

/s/ *Rebecca L. Williamson*

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