IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

RUBMARIE VALENTIN-LUGO, et al., **Plaintiffs,** **v.** **HOSPITAL MATILDE BRENES INC., D/B/A DOCTORS' CENTER HOSPITAL BAYAMON, et al.,** **Defendants.**	**CIVIL NO. 12-1757 (PAD)**

MEMORANDUM AND ORDER

This is an action under the Emergency Medical Treatment and Active Labor Act ("EMTALA"), 42 U.S.C. §§ 1395dd et seq., and Articles 1802 and 1803 of the Puerto Rico Civil Code, P.R. Laws Ann. tit. 31 §§ 5141, 5142. Before the Court is Doctors' Center Hospital Bayamon's "Motion for Summary Judgment and Memorandum of Law in Support Thereof," with a Report and Recommendation ("R&R") from Magistrate Judge Justo Arenas recommending that the motion be granted. For the reasons explained below, the Court ADOPTS the R&R, GRANTS the motion for summary judgment, and DISMISSES the complaint WITH PREJUDICE.

I. BACKGROUND

On March 3, 2014, Doctors' Center moved for summary judgment – Docket No. 61. Plaintiffs opposed at Docket No. 66, and Doctors' Center replied at Docket No. 80. In due course, the Court referred the matter to Magistrate Judge Justo Arenas for an R&R. See, 28 U.S.C. § 636(b)(1)(B); Fed.R.Civ.P. 72(b); Loc. Civ. Rule 72(b).

On November 7, 2014, the magistrate judge filed the R&R, finding that Doctors' Center complied with EMTALA while treating the patient since (1) tests were ordered and conducted to identify the source of her pain, and (2) she was transferred to a hospital in her hometown after being certified by a doctor as being stable enough to do so.

On November 21, 2014, plaintiffs filed their "Objection to Report & Recommendation," essentially claiming the Court should reject the R&R because (1) there was no appropriate medical screening on the patient, and (2) there are key issues of material facts related to the patient's transfer.

On December 16, 2014, Doctors' Center filed an "Opposition to Plaintiffs' Objection to Report & Recommendation (Docket Entry No. 88)," pointing out that apart from expressing the opinion of plaintiffs' medical expert that a Non-Stress Test should have lasted more than it did, plaintiffs failed to submit any evidence showing that (1) the patient was not appropriately screened; (2) the physician deemed her unstable at the time of her transfer; or (3) even if she was in fact unstable, that Doctors' Center failed to follow EMTALA requirements applicable to transfer of unstable patients.

II. DISCUSSION

The Court has made an independent, *de novo*, examination of the record, including (1) Doctors' Center's motion for summary judgment; (2) plaintiffs' opposition; (3) the reply to the opposition; (4) the R&R; (5) plaintiffs' objections to the R&R; and (6) Doctors' Center's response. Upon careful review, the Court finds that the magistrate judge's findings are well supported in the record and the law, and finds no reason to deviate from his recommendation.

III. CONCLUSION

In light of the foregoing, the Court ADOPTS the R&R in its entirety. Therefore, Doctors'

Center's motion for summary judgment is GRANTED, and the case is DISMISSED WITH PREJUDICE. Judgment shall be entered accordingly.

SO ORDERED.

In San Juan, Puerto Rico, this 18th day of December, 2014.

s/Pedro A. Delgado-Hernández
PEDRO A. DELGADO-HERNÁNDEZ
United States District Judge