

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COMP**  
PAUL SHPIRT, ESQ.  
Nevada Bar No. 10441  
MICHAEL L. SHIRTS, ESQ.  
Nevada Bar No. 10223  
**DIMOPOULOS INJURY LAW**  
6671 S. Las Vegas Blvd., Suite 275  
Las Vegas, NV 89119  
O: (702) 800-6000  
F: (702) 224-2114  
[ms@stevedimopoulos.com](mailto:ms@stevedimopoulos.com)  
*Attorney for Plaintiff TAYLOR SOMMER  
individually and as Special Administrator of  
THE ESTATE OF REINER SOMMER*

CASE NO: A-23-879579-C  
Department 21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

TAYLOR SOMMER individually and as  
Special Administrator of THE ESTATE OF  
REINER SOMMER,

CASE NO.:  
DEPT NO.:

Plaintiff,

**COMPLAINT**

vs.

AMERICAN MEDICAL RESPONSE, INC.,  
a Foreign Corporation; JENNIFER  
AGUILAR; ANDREW LOUIS; CLARK  
COUNTY FIRE DEPARTMENT, a  
Government Entity; CLARK COUNTY; a  
Political Subdivision of the State of  
Nevada; DOES I-X, and ROE  
CORPORATIONS I-X,  
inclusive,

Defendants.

Plaintiff, TAYLOR SOMMER individually and as Special Administrator of THE  
ESTATE OF REINER SOMMER, by and through her counsel, the DIMOPOULOS LAW  
FIRM, and for her Complaint against the Defendants, and alleges as follows:

**JURISDICTION**

1. Plaintiff Taylor Sommer, individually and as Special Administrator of the Estate  
of Reiner Sommer is and was at all times mentioned herein, a resident of the County of



1 Clark, State of Nevada.

2 2. Decedent Reiner Sommer (hereafter "Mr. Sommer") was at all times  
3 mentioned herein, a resident of County of Clark, State of Nevada.

4 3. Defendant American Medical Response, Inc. (hereafter "AMR") was at all  
5 times mentioned herein a corporation chartered under the laws of the State of Delaware and  
6 was duly authorized to conduct and actually conducting business in the State of Nevada.

7 4. Upon information and belief, Defendant Jennifer Aguilar, was at all times  
8 mentioned herein a resident of County of Clark, State of Nevada.

9 5. Upon information and belief, Defendant Andrew Louis, was at all times  
10 mentioned herein a resident of County of Clark, State of Nevada.

11 6. At all times mentioned herein Defendant Clark County Fire Department  
12 (hereafter "CCFD"), is a government entity located in and operating in the Clark of County,  
13 State of Nevada.

14 7. At all times mentioned herein Defendant CLARK COUNTY was a political  
15 subdivision of the State of Nevada and is authorized to do business in Clark County, Nevada.

16 8. This Court has jurisdiction over this matter pursuant to Nev. Const. art. VI, § 6,  
17 as this Court has original jurisdiction in all cases not assigned to the justice courts. This  
18 Court has subject matter jurisdiction over this matter pursuant to NRS 4.370(1), as the matter  
19 in controversy exceeds \$15,000.00, exclusive of attorney's fees, interest, and costs.

20 9. Venue is proper pursuant to NRS 13.040 because the events or omissions  
21 giving rise to this action occurred in this judicial district and defendants are otherwise subject  
22 to the Court's personal jurisdiction.

23 10. At all times mentioned herein, Plaintiff Taylor Sommer was the daughter of  
24 decedent Reiner Sommer. Taylor Sommer is the legal heir of decedent Reiner Sommer.

25 11. This action is instituted for damages, attorneys' fees, costs of suit, and pre-  
26 judgment interest pursuant to NRS 41.085 and 41.100.

27 12. Defendants Jennifer Aguilar and Andrew Louis were employed by AMR and  
28 acting within the course and scope of their employment. Does I-X include EMTs/paramedics



1 believed to be employed by Defendants CCFD and/or Clark County.

2 13. AMR, CCFD, and Clark County are vicariously liable for the actions and  
3 omissions of their employees/agents including but not limited to Defendants Jennifer Aguilar,  
4 Andrew Louis, and Does I-X pursuant to NRS 41.130, which states:

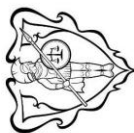
5 Except as otherwise provided in NRS 411.745, whenever any person shall suffer  
6 personal injury by wrongful act, neglect or default of another, the person causing the injury  
7 is liable to the person injured for damages; and where the person causing the injury is  
8 employed by another person or corporation responsible for his conduct, that person or  
9 corporation so responsible is liable to the person or corporation responsible for his conduct,  
10 that person or corporation so responsible is liable to the person injured for damages.

11 14. The true names and capacities of the Defendants designated herein as Doe  
12 or Roe are presently unknown to Plaintiff at this time, who therefore sues said Defendants  
13 by such fictitious names. When the true names and capacities of these defendants are  
14 ascertained, Plaintiff will amend this Complaint accordingly. Plaintiff believes and alleges  
15 that each of the Defendants designated herein as a Doe and Roe were negligent, grossly  
16 negligent, and responsible in some manner for the events described herein and proximately  
17 caused Plaintiff's damages.

18 15. At all times mentioned herein, Defendants were agents, servants, employees,  
19 or joint venturers of every other Defendant herein, and at all times mentioned herein were  
20 acting within the scope and course of said agency, employment, or joint venture, with  
21 knowledge and permission and consent of all other named Defendants.

22 16. On October 18, 2021, Mr. Sommer was experiencing a medical and/or mental  
23 health crisis at 6485 S. Fort Apache Rd., Las Vegas Nevada 89148. Emergency personnel  
24 were contacted and Defendants responded to the scene.

25 17. On or about late August 2023 or early September 2023, Plaintiff received the  
26 body cam footage that had previously been withheld from her by Las Vegas Metropolitan  
27 Police Department. This body cam footage led to the discovery of a potential claim against  
28 Defendants EMTs/paramedics. Thereafter, Plaintiff quickly retained an expert witness to



1 determine if the potential claim was valid, a copy of which is attached hereto as **Exhibit No.**  
2 **1.**

3 18. Defendants were informed that Mr. Sommer was experiencing a medical  
4 and/or mental health crisis. Defendants verbalized their understanding that Mr. Sommer  
5 was, at a minimum, having a mental health crisis yet Defendant failed to treat Mr. Sommer  
6 accordingly, including but not limited to their delay and ultimate failure to treat, sedate, and  
7 transport Mr. Sommer which deviated from the standard of care and Defendants' own  
8 treatment protocols.

9 19. Mr. Sommer was exhibiting signs/red flags consistent with excited delirium.  
10 Defendants all failed to diagnose Mr. Sommer with excited delirium syndrome which  
11 deviated from the standard of care.

12 20. The failure to diagnose excited delirium resulted in a further failure to treat Mr.  
13 Sommer, including but not limited to a delay and ultimate failure to sedate and transport Mr.  
14 Sommer which deviated from the standard of care and Defendants' own treatment protocols.

15 21. Defendants' affirmative acts and omissions were the direct, proximate, and  
16 legal cause of Mr. Sommer's further injuries and death.

17 22. Defendants were at the scene of a known serious and dangerous  
18 medical/mental health crisis yet they failed to take any precautionary measures after being  
19 present for a substantial period of time.

20 23. Upon information and belief, Defendants stopped their evaluation, diagnosis,  
21 and treatment of Mr. Sommer upon discovering that he was having a mental health crisis  
22 and/or excited delirium. Upon information and belief, Defendants refused to treat and  
23 transport Mr. Sommer based in part upon their subjective prejudices toward Mr. Sommer  
24 including his medical/mental health history, history of drug use, and socioeconomic status  
25 as opposed to merely a misdiagnosis. In other words, Defendants deemed Mr. Sommer  
26 undesirable and unworthy of further care, attention, and treatment which constitutes a willful,  
27 intentional, and aggravated act and rises to the level of at least gross negligence.

28 24. Defendants' acts and omissions constitute an affirmative action that hindered



1 and delayed Mr. Sommer's evaluation, diagnosis, medical treatment, and transport.  
2 Defendants' acts and omissions caused a direct and affirmative harm to Mr. Sommer.  
3 Defendants' actions left Mr. Sommer in a worse condition than Defendants found him.

4 25. The aggravated conduct and gross negligence of Defendants is evidenced by,  
5 amongst other things, the extreme delay and ultimate failure to sedate and treat Mr.  
6 Sommer; the extreme delay in transporting Mr. Sommer; the extreme deviation from the  
7 standard of care; the extreme deviation from Defendants' written protocols; and by  
8 Defendants standing by and gawking as Ms. Sommer suffered and died a humiliating death  
9 on a bathroom floor. If the foregoing were not enough, Defendants also joked and laughed  
10 about Mr. Sommer's suffering. Defendants' conduct is disturbing, vile, and outside the  
11 bounds of acceptable behavior in civilized society. Instead of performing their paid job duties  
12 in a reasonable and professional manner, Defendants took sadistic pleasure in Mr.  
13 Sommer's suffering and death. Defendants conduct ensured further harm to Mr. Sommer  
14 including his death.

15 26. Upon information and belief, Defendants stopping their evaluation, diagnosis,  
16 and treatment of Mr. Sommer was willful, intentional, and done with reckless disregard for  
17 the probable consequences, including death.

18 27. The acts and omissions of Defendants was of an aggravated character and  
19 more than a mere failure to exercise ordinary care. The acts and omissions of Defendants  
20 rises to at least gross negligence in their rendering medical care and assistance and/or  
21 failure to render medical care and assistance. Similarly, the acts and omissions of  
22 Defendants rises to at least gross negligence in failing to evaluate, diagnose, treat, sedate,  
23 and transport Mr. Sommer.

24 28. Defendants' negligence was exceedingly great and amounts to indifference to  
25 the legal duty owed to Mr. Sommer.

26 29. The negligence of the Defendants was the direct, proximate, and legal cause  
27 of Mr. Sommer's additional injuries and damages as well as his death.

28 30. Mr. Sommer's estate is entitled to special damages for medical care and



1 treatment and funeral and burial expenses in an amount in excess of fifteen thousand dollars  
2 (\$15,000.00), the exact amount to be determined at trial.

3 31. From the time of his injuries until his death, Mr. Sommer suffered intense  
4 physical and mental pain and suffering, emotional distress, shock, and agony, all to his  
5 damage and recoverable by his heir, in an amount in excess of fifteen thousand dollars  
6 (\$15,000.00), the exact amount to be determined at trial.

7 32. As a direct and proximate result of Mr. Sommer's death, Plaintiff has been  
8 deprived of Mr. Sommer's support and the value of the accumulations of his estate had he  
9 lived his normal life expectancy, all to Plaintiff's damage in an amount in excess of fifteen  
10 thousand dollars (\$15,000.00), the exact amount to be determined at trial.

11 33. Mr. Sommer was Plaintiff's father, and by reason of Defendants' acts and  
12 omissions and Mr. Sommer's untimely death, and pursuant to NRS 41.085, Plaintiff has  
13 suffered extreme grief and sorrow; loss of probable support; deprivation of Mr. Sommer's  
14 companionship, society, love, comfort, and consortium, in an amount in excess of fifteen  
15 thousand dollars (\$15,000.00), the exact amount to be determined at trial.

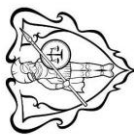
16 34. Defendants' acts and omissions were reckless, outrageous, unconscionable,  
17 oppressive, fraudulent, malicious, and done with implied malice and with a conscious  
18 disregard for the safety of Mr. Sommer.

19 35. Defendants' acts and omissions were committed with a culpable state of mind  
20 and conscious disregard. Defendants' acts and omissions were committed with the  
21 knowledge of the probable harmful consequences of their wrongful acts and a willful and  
22 deliberate failure to act to avoid those consequences.

23 36. Defendants' acts and omissions constitute despicable conduct that subjected  
24 Mr. Sommer to cruel and unjust hardship with conscious disregard for Mr. Sommer's rights.

25 37. Defendants' acts and omissions warrant an award of exemplary and punitive  
26 damages pursuant to NRS 42.005 in an amount to appropriately punish and make an  
27 example of Defendants and to deter similar conduct in the future.

28 38. Upon information and belief, AMR, CCFD, and Clark County are directly



1 subject to punitive damages pursuant to NRS 42.007 for their advance knowledge that their  
2 employee(s) was unfit for the purposes of the employment and employed him with a  
3 conscious disregard for the rights or safety of others; they expressly authorized or ratified  
4 the wrongful act of their employee(s); and/or they are personally guilty of oppression, fraud  
5 or malice, express or implied.

6 39. Upon information and belief, the authorization, ratification, or oppression,  
7 fraud, or malice was committed by an officer, director, or managing agent of AMR, CCFD,  
8 and Clark County.

9 40. Plaintiff has been compelled to retain counsel to prosecute this action and is  
10 therefore entitled to recoverable attorneys' fees and costs.

11 41. Plaintiff reserves the right to amend and supplement this Complaint as to  
12 claims and the true names, official capacities and/or degree of involvement of said  
13 Defendants.

14 **FIRST CAUSE OF ACTION**

15 **(Medical Malpractice/Professional Negligence)**

16 42. Plaintiff hereby incorporates all the foregoing paragraphs as if fully set forth  
17 herein.

18 43. This cause of action is asserted in the alterative as EMTs/paramedics are not  
19 providers of health care as defined by NRS 41A.017 and damages are not limited pursuant  
20 to NRS 41A.035. Out of abundance of caution, a medical expert affidavit has been attached  
21 pursuant to NRS 41A.071. See, Exhibit No. 1, attached hereto.

22 44. During the course of treatment provided to Mr. Sommer, Defendants had a  
23 duty to exercise that degree of care, diligence and skill ordinarily exercised by emergency  
24 medical care providers. During the course of treatment provided to Mr. Sommer, Defendants  
25 recklessly and carelessly failed to exercise that degree of care, diligence, and skill ordinarily  
26 exercised by emergency medical care providers.

27 45. Upon information and belief, Defendants were able to evaluate and begin  
28 treatment of Mr. Sommer including testing his blood glucose levels. As such, Defendants



1 were objectively able to diagnose and treat Mr. Sommer safely. As Defendants were able  
2 to test Mr. Sommer's blood glucose, they could have just as easily and safely administered  
3 a sedative.

4 46. After starting treatment, however, Defendants completely abandoned their  
5 patient and their job duties. Instead of performing their job as required in the course and  
6 scope of their employment, Defendants all chose to take a break and hang out in the hallway.  
7 While hanging out in the hallway, Defendants gawked, joked, and laughed about Mr.  
8 Sommer's medical/mental health crisis and his suffering and dying.

9 47. Upon information and belief, Defendants abandoned their care of Mr. Sommer  
10 and their job duties intentionally for their own sadistic amusement. Defendant Jennifer  
11 Aguilar was specifically recorded on video making jokes, laughing, and giggling about Mr.  
12 Sommer's suffering. Defendant Jennifer Aguilar was seemingly stalling and interfering with  
13 the treatment and care of Mr. Sommer.

14 48. Defendants delayed and ultimately failed to treatment Mr. Sommer for his  
15 medical/mental health crisis including but not limited to a failure to administer a sedative  
16 which deviated from the standard of care to a reasonable degree of medical certainty as  
17 verified by the Affidavit attached hereto.

18 49. Defendants failed to diagnose excited delirium which deviated from the  
19 standard of care. Defendants failed to treat excited delirium including but not limited to the  
20 failure to administer a sedative which deviated from the standard of care to a reasonable  
21 degree of medical certainty as verified by the Affidavit attached hereto.

22 50. Defendants' acts and omissions described herein also violated Defendants'  
23 own written protocols for the treatment of patients such as Mr. Sommer.

24 51. Defendants should have recognized the need to sedate Mr. Sommer almost  
25 immediately. Instead, there was a lengthy delay. By the time a sedative was obtained, it  
26 was too late. According to AMR's records, Ketamine was available but was never used and  
27 went to "waste." The Ketamine in Defendants' possession could have and should have been  
28 used immediately.







1           52.     Upon information and belief, Defendants made no effort to treat or sedate Mr.  
2 Sommer until mentioned by responding police officers. That the police officers recognized  
3 the need for sedation yet Defendants did not, further highlights the extreme level of  
4 negligence by Defendants. Defendants can and should have independently recognized the  
5 need for sedation based upon their own protocols, training, experience, and evaluation of  
6 Ms. Sommer.

7           53.     Mr. Sommer was exhibiting signs/red flags consistent with excited delirium.  
8 Defendants all failed to diagnose Mr. Sommer with excited delirium syndrome which  
9 deviated from the standard of care. The failure to diagnose resulted in a further failure to  
10 treat Mr. Sommer, including but not limited to a delay and ultimate failure to sedate Mr.  
11 Sommer. These acts and omissions deviated from the standard of care as well as  
12 Defendants' own treatment protocols to a reasonable degree of medical certainty as verified  
13 by the Affidavit attached hereto.

14           54.     The negligence of the Defendants was the direct, proximate, and legal cause  
15 of Plaintiffs' further and worsening injuries and damages as well as the ultimate death of Mr.  
16 Sommer.

17           55.     Mr. Sommer's estate is entitled to special damages for medical care and  
18 treatment and funeral and burial expenses in an amount in excess of fifteen thousand dollars  
19 (\$15,000.00), the exact amount to be determined at trial.

20           56.     From the time of his injuries until his death, Mr. Sommer suffered intense  
21 physical and mental pain and suffering, emotional distress, shock and agony, all to his  
22 damage and recoverable by his heir, in an amount in excess of fifteen thousand dollars  
23 (\$15,000.00), the exact amount to be determined at trial.

24           57.     As a direct and proximate result of Mr. Sommer's death, Plaintiff has been  
25 deprived of Mr. Sommer's support and the value of the accumulations of his estate had he  
26 lived his normal life expectancy, all to Plaintiff's damage in an amount in excess of fifteen  
27 thousand dollars (\$15,000), the exact amount to be determined at trial.

28           58.     Mr. Sommer was Plaintiff's father, and by reason of Defendants' acts and

1 omissions and Mr. Sommer's untimely death, and pursuant to NRS 41.085, Plaintiff has  
2 suffered extreme grief and sorrow; loss of probable support; deprivation of Mr. Sommer's  
3 companionship, society, love, comfort, and consortium, in an amount in excess of fifteen  
4 thousand dollars (\$15,000.00), the exact amount to be determined at trial.

5 59. Plaintiff has been compelled to retain counsel to prosecute this action and is  
6 therefore entitled to recoverable attorneys' fees and costs.

7 60. Plaintiff reserves the right to amend and supplement this Complaint as to  
8 claims and the true names, official capacities and/or degree of involvement of said  
9 Defendants.

10 **SECOND CAUSE OF ACTION**

11 **(Gross Negligence)**

12 61. Plaintiff hereby incorporates all the foregoing paragraphs as if fully set forth  
13 herein.

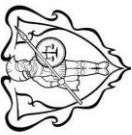
14 62. Defendants undertook a duty to provide medical services to Ms. Sommer. As  
15 such, Defendants owed a duty to provide medical services in a manner which was not  
16 grossly negligent or in bad faith.

17 63. Defendants breached the duty owed to Mr. Sommers as their evaluation,  
18 diagnosis, and treatment, or lack thereof, was grossly negligent and in bad faith.

19 64. It was foreseeable to Defendants that their failure to properly evaluate and  
20 examine Mr. Sommer; their failure to treat and sedate Mr. Sommer; and their failure to timely  
21 transport Mr. Sommer could result in further serious injury and/or death; which it did.

22 65. Upon information and belief, Defendants were able to evaluate and begin  
23 treatment for Mr. Sommer including testing blood glucose levels. As such, they were  
24 objectively able to diagnose and treat Mr. Sommer safely. As Defendants were able to test  
25 Mr. Sommer's blood glucose, they could have just as easily and safely administered a  
26 sedative.

27 66. Defendants had Ketamine or other sedatives in their possession at the time  
28 and could have administered the same with little effort.





1           67. Defendants should have recognized the need to sedate Mr. Sommer almost  
2 immediately. Instead, there was a lengthy delay. By the time a sedative was obtained, it  
3 was too late. According to AMR's records, Ketamine was available but was never used and  
4 went to "waste." The Ketamine in Defendants' possession could have and should have been  
5 used immediately.

6           68. Upon information and belief, Defendants made no effort to treat or sedate Mr.  
7 Sommer until mentioned by responding police officers. That the police officers recognized  
8 the need for sedation yet Defendants did not sedate Mr. Sommer further highlights the  
9 extreme level of negligence by Defendants. Defendants can and should have independently  
10 recognized the need for sedation based upon their own protocols, training, experience, and  
11 evaluation of Ms. Sommer.

12           69. Mr. Sommer was exhibiting signs/red flags consistent with excited delirium.  
13 Defendants all failed to diagnose Mr. Sommer with excited delirium syndrome which  
14 deviated from the standard of care. The failure to diagnose resulted in a further failure to  
15 treat Mr. Sommer, including but not limited to a delay and ultimate failure to sedate Mr.  
16 Sommer. These acts and omissions deviated from the standard of care as well as  
17 Defendants' own treatment protocols to a reasonable degree of medical certainty as verified  
18 by the Affidavit attached hereto.

19           70. Defendants were at the scene of a known dangerous medical/mental health  
20 crisis yet they failed to take any precautionary measures after being present for a substantial  
21 period of time. Defendants' acts and omissions affirmatively caused harm to Mr. Sommers  
22 and his ultimate death.

23           71. Upon information and belief, Defendants stopped their evaluation, diagnosis,  
24 and treatment of Mr. Sommer upon discovering that he was having a mental health crisis  
25 and/or excited delirium. Upon information and belief, Defendants refused to treat and  
26 transport Mr. Sommer based in part upon their subjective prejudices toward Mr. Sommer  
27 including his medical/mental health history, history of drug use, and socioeconomic status  
28 as opposed to merely a misdiagnosis. In other words, Defendants deemed Mr. Sommer

1 undesirable and unworthy of further care, attention, and treatment, which constitutes a  
2 willful, intentional, and aggravated act and rises to the level of at least gross negligence.

3 72. Defendants' acts and omissions constitute an affirmative action that hindered  
4 and delayed Mr. Sommer's evaluation, diagnosis, medical treatment, and transport.  
5 Defendants' acts and omissions caused a direct and affirmative harm to Mr. Sommer.  
6 Defendants' actions left Mr. Sommer in a worse condition than Defendants found him.

7 73. The aggravated conduct and gross negligence of Defendants is evidenced by,  
8 amongst other things, the extreme delay and ultimate failure to sedate and treat Mr.  
9 Sommer; the extreme delay in transporting Mr. Sommer; the extreme deviation from the  
10 standard of care; the extreme deviation from Defendants' written protocols; and by  
11 Defendants standing by and gawking as Ms. Sommer suffered and died a humiliating death  
12 on a bathroom floor. If the foregoing were not enough, Defendants also joked and laughed  
13 about Mr. Sommer's suffering. Defendants' conduct is disturbing, vile, and outside the  
14 bounds of acceptable behavior in civilized society. Instead of performing their paid job duties  
15 in a reasonable and professional manner, Defendants took sadistic pleasure in Mr.  
16 Sommer's suffering and death. Defendants conduct ensured further harm to Mr. Sommer  
17 including his death.

18 74. Upon information and belief, Defendants stopping their evaluation, diagnosis,  
19 and treatment of Mr. Sommer was willful, intentional, and done with reckless disregard for  
20 the probable consequences, including death.

21 75. The acts and omissions of Defendants was of an aggravated character and  
22 more than a mere failure to exercise ordinary care. The acts and omissions of Defendants  
23 rises to at least gross negligence in their rendering medical care and assistance and/or  
24 failure to render medical care and assistance. Similarly, the acts and omissions of  
25 Defendants rise to at least gross negligence in failing to evaluate, diagnose, treat, sedate,  
26 and transport Mr. Sommer.

27 76. Defendants' negligence was exceedingly great and amounts to indifference to  
28 the legal duty owed to Mr. Sommer.



1           77.     The negligence of the Defendants was the direct, proximate, and legal cause  
2 of Plaintiffs' further and worsening injuries and damages as well as the ultimate death of Mr.  
3 Sommer.

4           78.     Mr. Sommer's estate is entitled to special damages for medical care and  
5 treatment and funeral and burial expenses in an amount in excess of fifteen thousand dollars  
6 (\$15,000.00), the exact amount to be determined at trial.

7           79.     From the time of his injuries until his death, Mr. Sommer suffered intense  
8 physical and mental pain and suffering, emotional distress, shock and agony, all to his  
9 damage and recoverable by his heir, in an amount in excess of fifteen thousand dollars  
10 (\$15,000.00), the exact amount to be determined at trial.

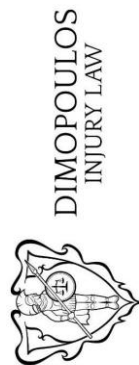
11           80.     As a direct and proximate result of Mr. Sommer's death, Plaintiff has been  
12 deprived of Mr. Sommer's support and the value of the accumulations of his estate had he  
13 lived his normal life expectancy, all to Plaintiff's damage in an amount in excess of fifteen  
14 thousand dollars (\$15,000.00), the exact amount to be determined at trial.

15           81.     Mr. Sommer was Plaintiff's father, and by reason of Defendants' acts and  
16 omissions and Mr. Sommer's untimely death, and pursuant to NRS 41.085, Plaintiff has  
17 suffered extreme grief and sorrow; loss of probable support; deprivation of Mr. Sommer's  
18 companionship, society, love, comfort, and consortium, in an amount in excess of fifteen  
19 thousand dollars (\$15,000.00), the exact amount to be determined at trial.

20           82.     Defendants' acts and omissions were reckless, outrageous, unconscionable,  
21 oppressive, fraudulent, malicious, and done with implied malice and with a conscious  
22 disregard for the safety of Mr. Sommer.

23           83.     Defendants' acts and omissions were committed with a culpable state of mind  
24 and conscious disregard. Defendants' acts and omissions were committed with the  
25 knowledge of the probable harmful consequences of their wrongful acts and a willful and  
26 deliberate failure to act to avoid those consequences.

27           84.     Defendants' acts and omissions constitute despicable conduct that subjected  
28 Mr. Sommer to cruel and unjust hardship with conscious disregard for Mr. Sommer's rights.



1 85. Defendants' acts and omissions warrant an award of exemplary and punitive  
2 damages pursuant to NRS 42.005 in an amount to appropriately punish and make an  
3 example of Defendants and to deter similar conduct in the future.

4 86. Upon information and belief, AMR, CCFD, and Clark County are directly  
5 subject to punitive damages pursuant to NRS 42.007 for their advance knowledge that their  
6 employee(s) was unfit for the purposes of the employment and employed him with a  
7 conscious disregard for the rights or safety of others; they expressly authorized or ratified  
8 the wrongful act of their employee(s); and/or they are personally guilty of oppression, fraud,  
9 or malice, express or implied.

10 87. Upon information and belief, the authorization, ratification, oppression, fraud,  
11 or malice was committed by an officer, director, or managing agent of AMR, CCFD, and  
12 Clark County.

13 88. Plaintiff has been compelled to retain counsel to prosecute this action and is  
14 therefore entitled to recoverable attorneys' fees and costs.

15 89. Plaintiff reserves the right to amend and supplement this Complaint as to  
16 claims and the true names, official capacities and/or degree of involvement of said  
17 Defendants.

18 **THIRD CAUSE OF ACTION**

19 **(Negligent Hiring, Training, Supervision, and Retention)**

20 90. Plaintiff hereby incorporates all the foregoing paragraphs as if fully set forth  
21 herein.

22 91. In providing care to Mr. Sommer, Defendants Jennifer Aguilar, Andrew Louis,  
23 and Does I-X were acting as employees of Defendants AMR, CCFD, and Clark County.

24 92. Defendants had a duty to use reasonable care in the hiring, training,  
25 supervising, and retention of their employees. Upon information and belief Defendants were  
26 negligent in their hiring, training, supervising, and retention of Jennifer Aguilar, Andrew  
27 Louis, and Does I-X.

28 93. Defendants owed Plaintiff a duty to utilize reasonable application, screening,

1 and hiring processes for all its employees to ensure they were fit for the job.

2 94. Upon information and belief, Defendants breached their duty by failing to utilize  
3 reasonable application, screening, and hiring processes for its employees and to conduct a  
4 reasonable background check. Defendants negligently failed to conduct a reasonable  
5 evaluation of the history, background, and qualifications of their employees Jennifer Aguilar,  
6 Andrew Louis, and Does I-X. Defendants failed to conduct a reasonable background check.

7 95. Jennifer Aguilar, Andrew Louis, and Does I-X were incompetent, unqualified,  
8 and unfit for their positions. Jennifer Aguilar, Andrew Louis, and Does I-X pose an  
9 unreasonable danger to Mr. Sommer and the public.

10 96. Defendants knew or should have and known their employees were  
11 incompetent, unqualified, unfit, and/or posed an unreasonable danger to Mr. Sommer and  
12 the public.

13 97. Defendants breached their duty to reasonably train their employees to perform  
14 the necessary job functions and comply with their own internal written protocols. Defendants  
15 negligently failed to train their employees to properly respond to, evaluate, diagnose, and  
16 treat patients in a medical/mental health crisis and/or demonstrating signs of excited  
17 delirium.

18 98. Upon information and belief, Defendants breached their duty to reasonably  
19 supervise their employees. Defendants negligently failed to supervise their employees to  
20 ensure they were complying with the standard of care; their education and training; and  
21 Defendants' internal written protocols.

22 99. Upon information and belief, Defendants negligently retained their employees  
23 who were not complying with the standard of care; their education and training; and  
24 Defendants' internal written protocols.

25 100. Defendants owed duty to discharge or terminate their employee(s) who  
26 Defendants knew or reasonably should have known, was/were unfit to perform the  
27 necessary job functions.

28 101. Defendants breached their duty to discharge or terminate their employee(s),



1 who Defendants knew or reasonably should have known, was/were unfit to perform the  
2 necessary job functions.

3 102. Defendants negligent hiring, training, supervising, and retention of their  
4 employees was the direct, proximate, and legal cause of Plaintiff's damages as described  
5 herein including the death of Mr. Sommer.

6 103. Mr. Sommer's estate is entitled to special damages for medical care and  
7 treatment and funeral and burial expenses in an amount in excess of fifteen thousand dollars  
8 (\$15,000.00), the exact amount to be determined at trial.

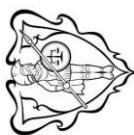
9 104. From the time of his injuries until his death, Mr. Sommer suffered intense  
10 physical and mental pain and suffering, emotional distress, shock and agony, all to his  
11 damage and recoverable by his heir, in an amount in excess of fifteen thousand dollars  
12 (\$15,000.00), the exact amount to be determined at trial.

13 105. As a direct and proximate result of Mr. Sommer's death, Plaintiff has been  
14 deprived of Mr. Sommer's support and the value of the accumulations of his estate had he  
15 lived his normal life expectancy, all to Plaintiff's damage in an amount in excess of fifteen  
16 thousand dollars (\$15,000.00), the exact amount to be determined at trial.

17 106. Mr. Sommer was Plaintiff's father, and by reason of Defendants' acts and  
18 omissions and Mr. Sommer's untimely death, and pursuant to NRS 41.085, Plaintiff has  
19 suffered extreme grief and sorrow; loss of probable support; deprivation of Mr. Sommer's  
20 companionship, society, love, comfort and consortium, in an amount in excess of fifteen  
21 thousand dollars (\$15,000.00), the exact amount to be determined at trial.

22 107. Defendants' acts and omissions were reckless, outrageous, unconscionable,  
23 oppressive, fraudulent, malicious, and done with implied malice and with a conscious  
24 disregard for the safety of Mr. Sommer.

25 108. Defendants' acts and omissions were committed with a culpable state of mind  
26 and conscious disregard. Defendants' acts and omissions were committed with the  
27 knowledge of the probable harmful consequences of their wrongful acts and a willful and  
28 deliberate failure to act to avoid those consequences.







1 109. Defendants' acts and omissions constitute despicable conduct that subjected  
2 Mr. Sommer to cruel and unjust hardship with conscious disregard for Mr. Sommer's rights.

3 110. Defendants' acts and omissions warrant an award of exemplary and punitive  
4 damages pursuant to NRS 42.005 in an amount to appropriately punish and make an  
5 example of Defendants and to deter similar conduct in the future.

6 111. Upon information and belief, AMR, CCFD, and Clark County are directly  
7 subject to punitive damages pursuant to NRS 42.007 for their advance knowledge that their  
8 employee(s) was unfit for the purposes of the employment and employed him with a  
9 conscious disregard for the rights or safety of others; they expressly authorized or ratified  
10 the wrongful act of their employee(s); and/or they are personally guilty of oppression, fraud,  
11 or malice, express or implied.

12 112. Upon information and belief, the authorization, ratification, oppression, fraud,  
13 or malice was committed by an officer, director, or managing agent of AMR, CCFD, and  
14 Clark County.

15 113. Plaintiff has been compelled to retain counsel to prosecute this action and is  
16 therefore entitled to recoverable attorneys' fees and costs.

17 114. Plaintiff reserves the right to amend and supplement this Complaint as to  
18 claims and the true names, official capacities and/or degree of involvement of said  
19 Defendants.

20 **FOURTH CAUSE OF ACTION**

21 **(Negligence)**

22 115. Plaintiff hereby incorporates all the foregoing paragraphs as if fully set forth  
23 herein.

24 116. Defendants, and each of them through their employees, had a duty to exercise  
25 that degree of care, diligence and skill ordinarily exercised by emergency medical care  
26 providers. During the course of treatment provided to Mr. Sommer, Defendants recklessly  
27 and carelessly failed to exercise that degree of care, diligence, and skill ordinarily exercised  
28 by emergency medical care providers.

1 116. Defendants' negligence was the direct, proximate, and legal cause of Plaintiff's  
2 damages as described herein including the death of Mr. Sommer.

3 117. Mr. Sommer's estate is entitled to special damages for medical care and  
4 treatment and funeral and burial expenses in an amount in excess of fifteen thousand dollars  
5 (\$15,000.00), the exact amount to be determined at trial.

6 118. From the time of his injuries until his death, Mr. Sommer suffered intense  
7 physical and mental pain and suffering, emotional distress, shock and agony, all to his  
8 damage and recoverable by his heir, in an amount in excess of fifteen thousand dollars  
9 (\$15,000.00), the exact amount to be determined at trial.

10 119. As a direct and proximate result of Mr. Sommer's death, Plaintiff has been  
11 deprived of Mr. Sommer's support and the value of the accumulations of his estate had he  
12 lived his normal life expectancy, all to Plaintiff's damage in an amount in excess of fifteen  
13 thousand dollars (\$15,000.00), the exact amount to be determined at trial.

14 **PRAYER FOR JUDGMENT**

15 WHEREFORE, Plaintiff, expressly reserving rights to amend this Complaint prior to  
16 or at the time of trial of this action to insert those items of damage not yet fully ascertainable,  
17 prays judgment against the Defendants, and each of them, as follows:

- 18 1. Special damages including but not limited to medical, funeral, and burial  
19 expenses in an amount in excess of fifteen thousand dollars (\$15,000.00);
- 20 3. Compensatory damages in an amount in excess of fifteen thousand dollars  
21 (\$15,000.00);
- 22 4. Punitive and exemplary damages, pursuant to but not limited to those  
23 described in NRS 42.005, NRS 42.007 and NRS 42.021, in an amount in  
24 excess of fifteen thousand dollars (\$15,000.00);
- 25 5. Loss of probable support, love, affection, companionship, guidance,  
26 instruction, loss of consortium and society in an amount in excess of fifteen  
27 thousand dollars (\$15,000.00);
- 28 6. General damages including but not limited to pain and suffering, grief, mental



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

anguish, and emotional distress in excess of fifteen thousand dollars (\$15,000.00);

- 7. Mr. Sommer’s conscious pain and suffering, mental anguish, and emotional distress from the time of the injury to the time of death in an amount in excess of fifteen thousand dollars (\$15,000.00);
- 8. Costs of this suit;
- 9. Attorney’s fees;
- 10. Interest; and
- 11. For such other and further relief as to the Court may seem just and proper in the premises.

Dated: 13<sup>th</sup> day of October, 2023.

**DIMOPOULOS INJURY LAW**

/s/ Michael Shirts  
PAUL SHPIRT, ESQ.  
Nevada Bar No. 10441  
MICHAEL L. SHIRTS, ESQ.  
Nevada Bar No. 10223  
6671 S. Las Vegas Blvd.  
Suite 275  
Las Vegas, NV 89119  
*Attorneys for Plaintiff*

