

1 ANNE MARIE MURPHY (SBN 202540)
2 amurphy@cpmlegal.com
3 DONALD J. MAGILLIGAN (SBN 257715)
4 dmagilligan@cpmlegal.com
5 OWAIS M. BARI (SBN 321954)
6 obari@cpmlegal.com
7 GAYATRI RAGHUNANDAN (SBN 345833)
8 graghunandan@cpmlegal.com
9 BLAIR KITTLE (SBN 336337)
10 bkittle@cpmlegal.com
11 **COTCHETT, PITRE & McCARTHY, LLP**
12 840 Malcolm Road
13 Burlingame, California 94010
14 Telephone: (650) 697-6000
15 Facsimile: (650) 692-3606

16 *Attorneys for Plaintiff and*
17 *Proposed Guardian ad litem*

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

19 **COUNTY OF SAN MATEO**

20 **JANE DOE, N.M.**, individually and through
21 proposed court-appointed *Guardian ad litem*;

22 Plaintiff,

23 v.

24 **AMERICAN MEDICAL RESPONSE**
25 **WEST**, a California Corporation; and,

26 **AMERICAN MEDICAL RESPONSE,**
27 **INC.**, a Delaware Corporation;

28 **DOES 1-25.**

Defendants.

CASE NO.

COMPLAINT FOR:

1. **VIOLATION OF THE ELDER AND
DEPENDENT ADULT CIVIL
PROTECTION ACT**
[Welf. & Instit. Code § 15600 *et seq.*]
2. **INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**

DEMAND FOR JURY TRIAL

TABLE OF CONTENTS

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

Page

I. INTRODUCTION1

II. JURISDICTION AND VENUE3

III. THE PARTIES3

 A. Plaintiff3

 B. Defendants4

 1. American Medical Response West.....4

 2. American Medical Response, Inc.4

 3. Doe Defendants5

 C. Alter Ego/Joint Venture6

IV. FACTUAL ALLEGATIONS7

 A. AMR Employee Ontiveros Sexually Assaulted Jane Doe When he Tried to Forcefully Orally Copulate her in an AMR Ambulance on May 21, 2022, While she was Injured and Immobile on an AMR Ambulance Stretcher7

 B. Felony Charges Against Ontiveros9

 C. AMR Representations to the Public.....10

 D. AMR Has a Culture of Sexual Harassment and a History of Employees Sexually Abusing Patients in Ambulances.....10

 E. AMR Knew or Should Have Known That Ontiveros Was Unfit For Service.....11

 F. AMR Kept Ontiveros in the Field After he Assaulted Jane Doe, Resulting in a December 2022 Assault of Another Elderly San Mateo Woman13

 G. AMR Put Profits Over Safety13

 H. Plaintiff Has Suffered Trauma As The Result Of Ontiveros’ Sexual Assault.....17

V. CAUSES OF ACTION.....18

 FIRST CAUSE OF ACTION
 Dependent Adult Physical Abuse
 (Pursuant to Welfare and Institutions Code § 15600 et seq.)
 (AGAINST ALL DEFENDANTS) 18

 SECOND CAUSE OF ACTION
 INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
 (AGAINST ALL DEFENDANTS) 20

1 **VI. PRAYER FOR RELIEF**21
2 **VII. DEMAND FOR JURY TRIAL**22
3 **VIII. EXHIBITS**
4 A. Exhibit 12
5 B. Exhibit 22
6 C. Exhibit 316

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **I. INTRODUCTION**

2 1. This case involves yet another horrific sexual assault of an elderly resident of San
3 Mateo County by AMR Emergency Medical Technician/Paramedic **Miguel Angel Nieblas**
4 **Ontiveros**, a/k/a Miguel Ontiveros (“Ontiveros”).¹ On May 21, 2022, Plaintiff **Jane Doe, N.M.**
5 (“Jane Doe”)² was subjected to sexual assault and elder abuse by Ontiveros while placed on a
6 stretcher in an ambulance.



16 (Image available through <https://www.amr.net>, showing three seatbelt system in AMR ambulance)

17 2. While being transported to the hospital, Plaintiff Jane Doe was assaulted. Ontiveros
18 attempted put his penis into Jane Doe’s mouth while she was strapped down in the back of the
19 AMR ambulance enroute to **Mills Peninsula hospital** after suffering a potential stroke at her home
20 in Pacifica on the evening of May 21, 2022.

21 3. As a result of this egregious incident, Plaintiff Jane Doe has suffered significant
22 emotional distress leading to a physical, emotional and mental downward spiral. She no longer
23 lives independently and instead relies on her children for care. She is also deeply fearful of
24 ambulances.

25
26 ¹ See, related civil case *Jane Doe v. American Medical Response*, Case No. 23-CIV-02303, San
27 Mateo Superior Court (May 19, 2023) and related felony case, *The People of the State of*
28 *California v. Miguel Nieblas Ontiveros*, Case 20-NF-014642-A, San Mateo Superior Court (April

28 21, 2023).
² A Confidential Information Form will be served with the Complaint, confidentially identifying the Plaintiff.

1 4. According to District Attorney Steve Wagstaffe:

2 *“I’ve been doing this for four and a half decades and I have never seen a case like this*
3 *before...If proven guilty, sexual assault and elder abuse, just the harm to two elderly*
4 *woman...being transported to undergo this, there is no civilized person that could be*
5 *capable of doing this.”*³

6 5. Plaintiff brings this action against Defendants **American Medical Response West**
7 **(“AMR West”)** and **American Medical Response, Inc. (“AMR Inc.”)** (collectively “AMR
8 Defendants”) for violations of state laws, including, but not limited to, the Elder Abuse and
9 Dependent Adult Civil Protection Act (Welfare and Institutions Code Section 15600 *et seq.*), and
10 intentional infliction of emotional distress.⁴ Jane Doe seeks damages and recovery of fees, and
11 costs. Plaintiff anticipates that discovery will uncover additional defendants and therefore lists
12 these defendants as Doe Defendants 1-25. Plaintiff will move to amend the complaint once their
13 identities are ascertained.

14 6. A copy of the criminal complaint against Ontiveros related to his sexual assault of
15 Plaintiff Jane Doe and another victim is attached as **Exhibit 1** (complaint in *The People of the*
16 *State of California v. Miguel Nieblas Ontiveros*, Case 23-SF-006516-A, San Mateo Superior
17 Court). As reflected in **Exhibit 1**, Ontiveros is charged not just with the May 2022 assault of
18 Plaintiff Jane Doe, but also with a similar assault of another elderly patient in December 2022.
19 Ontiveros faces life in prison for the heinous assault of elderly patients left in his care by his
20 employer.

21 7. Shockingly investigation shows that the AMR Defendants hired or retained
22 Ontiveros despite a pending felony grand theft case related to his prior job with the South San
23 Francisco Fire Department, which was filed in December 2020, and charged Ontiveros with felony
24 theft between November 1, 2019 and March 26, 2020. *See, Exhibit 2, The People of the State of*
25 *California v. Miguel Nieblas Ontiveros*, Case 20-NF-014642-A, San Mateo Superior Court.

26 ³ [https://www.smdailyjournal.com/news/local/paramedic-charged-for-sex-assault-of-an-elderly-](https://www.smdailyjournal.com/news/local/paramedic-charged-for-sex-assault-of-an-elderly-woman-in-ambulance/article_462400bc-e63f-11ed-b86c-53809f5791ec.html)
27 [woman-in-ambulance/article_462400bc-e63f-11ed-b86c-53809f5791ec.html](https://www.smdailyjournal.com/news/local/paramedic-charged-for-sex-assault-of-an-elderly-woman-in-ambulance/article_462400bc-e63f-11ed-b86c-53809f5791ec.html) (last accessed May 6,
28 2023).

⁴ Plaintiff intends to amend this Complaint to include additional causes of action for Negligence
and Negligent Hiring and Supervision.

1 8. Plaintiff is informed and believes that the AMR Defendants were aware of the
2 accusations against Ontiveros as a result of the May 2022 assault, and were aware of other felony
3 charges against Ontiveros, and knew or should have known that he was a sexual predator but they
4 allowed him to remain in their employ and allowed Ontiveros to be alone in a back of an AMR
5 ambulance with Jane Doe, providing opportunity for Ontiveros to assault Jane Doe.

6 9. It has been reported that a boys club atmosphere exists at AMR in San Mateo
7 County with instances of drug and alcohol use by AMR employees, which has been described as
8 “like high school with lights and sirens.” While there are undoubtedly some good people at AMR,
9 the boys-gone-wild atmosphere permitted to thrive by management played a huge part in the
10 multiple sexual assaults.

11 **II. JURISDICTION AND VENUE**

12 10. This Court has jurisdiction over the subject matter of this action because the claims
13 asserted herein arise under state law.

14 11. Venue is proper in this County because Defendants are located and/or perform
15 business in San Mateo County, and a substantial part of the acts, events, omissions, and
16 transactions complained of herein occurred in San Mateo County.

17 12. Each Defendant has sufficient minimum contacts with California, or otherwise
18 purposefully avails itself of the benefits and protections of California or does business in
19 California so as to render the exercise of jurisdiction over it by the California courts consistent
20 with traditional notions of fair play and substantial justice. The AMR Defendants operate
21 ambulances in San Mateo County. AMR West is a California Company based in Burlingame,
22 California. The perpetrator of the assault, Ontiveros, is a California resident living in Redwood
23 City, California (San Mateo County). The sexual assault occurred in San Mateo County. The
24 amount in controversy exceeds the jurisdictional minimum of this court.

25 **III. THE PARTIES**

26 **A. Plaintiff**

27 13. At times relevant to this action, Plaintiff was a resident of Pacifica, California (San
28 Mateo County). Jane Doe was born in 1942 and is 81 years old and was 80 years old at the time of

1 the May 21, 2022 sexual assault. Jane Doe is an “elder adult” as defined in Welfare and
2 Institutions Code § 15610.27.

3 **B. Defendants**

4 1. **American Medical Response West**

5 14. Defendant American Medical Response West (AMR-West) provides ambulance
6 services in more than 15 Northern California counties, and employs dispatchers, call takers,
7 drivers, emergency medical technicians (EMT's), paramedics and nurses. AMR-West is a
8 California company. It has an office located at 1510 Rollins Rd, Burlingame, CA 94010 (“AMR
9 San Mateo”).

10 15. AMR-West contracts with the County of San Mateo to provide ambulance services
11 to county residents such as Jane Doe.⁵



19 (AMR San Mateo Headquarters at 1510 Rollins Road, Burlingame, California)⁶

20 2. **American Medical Response, Inc.**

21 16. Defendant American Medical Response, Inc. (“AMR Inc.”) is a medical
22 transportation company operating in San Mateo County for over 30 years. It also has offices
23 located at 1510 Rollins Rd, Burlingame, CA 94010.

24
25 ⁵ AMR provides service in San Mateo County pursuant to the terms of its Emergency Ambulance
26 Services with Advanced Life Support Ambulance Transport Agreement with San Mateo County,
dated July 1, 2019. (“SMC-AMR Contract”) The contract is available online:

27 [https://www.smchealth.org/sites/main/files/file-
28 attachments/20190514_agreement_911_ambulance_amr_executed.pdf](https://www.smchealth.org/sites/main/files/file-attachments/20190514_agreement_911_ambulance_amr_executed.pdf) (Last accessed May 12,
2023).

⁶ See, [https://www.loopnet.com/property/1510-rollins-rd-burlingame-ca-94010/06081-025273080/
29 \(last accessed May 5, 2023\)](https://www.loopnet.com/property/1510-rollins-rd-burlingame-ca-94010/06081-025273080/)

1 17. AMR Inc. provides and manages community-based medical transportation services,
2 including emergency medical services, non-emergency and managed transportation, rotary and
3 fixed-wing air ambulance services, and disaster response.

4 18. AMR Inc. operates in San Mateo County as “American Medical Response – San
5 Mateo County”:



6
7
8
9
10
11
12
13 **American Medical Response - San Mateo
14 County**

1.3K likes • 1.5K followers

15 [Message](#)

[Like](#)

[Search](#)

16 19. AMR Inc. maintains a Facebook page for “ American Medical Response – San
17 Mateo” (<https://www.facebook.com/AMRSanMateo/>) with a San Mateo specific e-mail address of
18 amr.san.mateo@amr.net.⁷ AMR at all times was governed by state and local laws and regulations
19 regarding Ambulance Licensing, and EMS/Paramedic licensing, pursuant to the Health & Safety
20 Code, including 1797 *et seq.* and Title 13 of the California Code of Regulations § 1107 and Title
21 22 of the California Code of Regulations.

22 **3. Doe Defendants**

23 20. Plaintiff is ignorant of the true names and identities of those Defendants sued herein
24 as Does 1 through 25, and for that reason has sued such Defendants by fictitious names. Plaintiff
25 will seek leave of Court to amend this Complaint to identify said defendants upon discovery of
26 their identities.

27
28
⁷ See, <https://www.facebook.com/AMRSanMateo/> (last accessed May 5, 2023).

1 21. Plaintiff is informed and believes, and therefore alleges, that each Defendant
2 designated as a Doe was responsible for the events and happenings herein referred to, which
3 proximately caused the injuries and damages to Plaintiff as alleged herein.

4 **C. Alter Ego/Joint Venture**

5 22. AMR Defendants actively participated in, authorized, and/or directed the operation
6 of AMR and the conduct of its agents and employees through employment, training, and
7 supervision of administrators, directors, and other employees at AMR – San Mateo.

8 23. The AMR Defendants are sufficiently united in their ownership and financial
9 interest, such that the acts of one must be imputed to the others. AMR Defendants are operated in
10 such a way as to make their individual identities indistinguishable, and they are therefore alter-
11 egos of one another.

12 24. AMR Defendants' corporate and business forms were established for the sole
13 purpose of insulating each other from liability, while simultaneously obscuring the corporate
14 identities of those responsible for the care and services being provided by AMR in San Mateo. By
15 creating these separate corporate bodies, the owners and/or beneficiaries of the management fees
16 may hide from the public the details of the ownership, management, and control of other such
17 facilities, to create the false appearance of each corporation being independent of one another.
18 However, at all relevant times to this action, AMR Defendants had a unity of interest and
19 ownership such that their separate identities did not meaningfully exist.

20 25. Therefore, the individual identities of the AMR Defendants are substantially
21 identical, and have identical ties to, identical interests in, and identical control over AMR in San
22 Mateo County. Moreover, AMR Defendants shared a common pool of management. Additionally,
23 AMR Defendants operate pursuant to a common scheme and plan of operation which renders them
24 a joint venture. Thus, AMR Defendants operated in a manner which could not meaningfully exist
25 without the other – as a joint venture sharing in profits and losses. This joint venture was operated
26 in furtherance of the maximization of profits from the operation of AMR– San Mateo by
27 underfunding and understaffing the facility, at the expense of its residents, while shielding assets
28 from liability.

1 26. Plaintiff is informed and believes, and therefore alleges, that each Defendant
2 designated as a Doe was responsible for the events and happenings herein referred to, which
3 proximately caused the injuries and damages to Plaintiff as alleged herein.

4 27. Plaintiff is informed and believes, and on that basis alleges, that at all times
5 mentioned herein, in doing the things hereinafter alleged, Defendants and each of them, were
6 acting within the course and scope of said alternative personality, capacity, identity, agency,
7 representation and/or employment and were within the scope of their authority, whether actual or
8 apparent.

9 **IV. FACTUAL ALLEGATIONS**

10 **A. AMR Employee Ontiveros Sexually Assaulted Jane Doe When he Tried to**
11 **Forcefully Orally Copulate her in an AMR Ambulance on May 21, 2022, While**
12 **she was Injured and Immobile on an AMR Ambulance Stretcher**

13 28. Jane Doe is 81 years old and currently lives under the care of her daughter. Prior to
14 the assault, she resided in her home in Pacifica with her significant other of over 40 years. She is
15 the matriarch of a loving family. Her two children are close to their mother and tend to her needs.
16 Although physically frail, Jane Doe loved spending time with friends and family. She enjoyed a
17 peaceful and happy life before the May 2022 assault, which set her into a downward spiral, both
18 mentally and figuratively.

19 29. On the evening of May 21, 2022, Jane Doe suffered a potential stroke at her home
20 in Pacifica. Her significant other, whom she had been with for over 40 years, was himself elderly
21 and after consulting Jane Doe's doctor called an ambulance. The AMR ambulance took Jane Doe
22 to Mills Peninsula.

23 30. Defendant Ontiveros and one or two other individuals whom Plaintiff Jane Doe
24 believes to be an EMT and an ambulance driver were in the responding ambulance unit that day.

25 31. In the ambulance, Plaintiff recalls that her legs were left bare while she was
26 immobile on the stretcher, and she was not fully covered with bedding, which left her freezing
27 cold.

28

1 32. Ontiveros rode in the back of the vehicle while the EMT(s) drove the ambulance
2 towards Mills Peninsula Hospital.

3 33. While they were enroute to the hospital, Ontiveros leaned his body towards Plaintiff
4 Jane Doe despite there being ample space in the ambulance. According to statements made by Jane
5 Doe upon arrival at Mills Peninsula, the paramedic (now identified as Miguel Ontiveros) tried to
6 put his penis in Plaintiff’s mouth and she had to fight him off.⁸

7 34. During this violent act, Jane Doe was strapped down and Ontiveros had his body
8 pressed against her face.

9 35. Forced oral copulation is a heinous crime, but under the additional circumstances of
10 the victim being elderly and restrained, and in distress, it was nothing short of a sadistic act.

11 36. Plaintiff Jane Doe felt like the harrowing experience would never end and was
12 severely traumatized by the sexual aggression expressed by Ontiveros within the AMR ambulance.

13 37. Despite her frailty and advanced age, Plaintiff Jane Doe made sure she put up a
14 tough fight against Ontiveros.

15 38. When Jane Doe’s daughter visited her in the hospital, the latter noticed that Jane
16 Doe was visibly shaken, under shock, and in severe distress. Jane Doe kept repeating the words “I
17 want him in jail!” Jane Doe never wavered from her claim that she was assaulted and that she
18 wanted “that ambulance guy arrested.”

19 39. Unfortunately, at the time of the incident, Jane Doe’s claims were not taken
20 seriously, as they should have been, and no action was taken by AMR. Apparently, no action was
21 taken by authorities because (unlike the December 2022 assault of the second victim) there was no
22 DNA evidence. It was only when Ontiveros’ semen was collected from the later victim that there
23 was DNA proof against Ontiveros to hold him responsible for both assaults.

24 40. Following the May 21, 2022 assault, Jane Doe’s physical and mental health has
25 markedly declined. As an example, she had shared a bed for 40 years with her significant other.
26 But after the sexual assault, she moved to a separate bedroom. Family remembers that Jane Doe
27

28 ⁸ Jane Doe did not know the name of the paramedic who assaulted her until the felony charges (for forced oral copulation) were filed against Ontiveros.

1 stopped washing and combing her hair and had to eventually cut her hair short to prevent
2 infections. She stopped bathing. She is now unable to enjoy life as she had prior to the assault. She
3 no longer lives with her former significant other and is reliant on her family for care.

4 41. Despite the fact that its paramedic sexually assaulted Jane Doe, AMR still billed for
5 the “service” – although it did give a hefty discount:



21 **B. Felony Charges Against Ontiveros**

22 42. On April 21, 2023, Ontiveros was charged with felony counts of forcible oral
23 copulation of elderly women for his assault of Jane Doe in May 2022 and of another elderly San
24 Mateo resident in December 2022. *See, **Exhibit 1***. As to the May 21, 2022 assault of Jane Doe, the
25 District Attorney alleges:

26 On or about May 21, 2022, in the County of San Mateo, State of California, the crime of
27 Forcible Oral Copulation in violation of PC287(c)(2)(A), a Felony, was committed in that
28 MIGUEL NIEBLAS ONTIVEROS did unlawfully participate in an act of oral copulation
with JANE DOE #1 and did accomplish said act against said victim’s will by force,

1 violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim
2 and to another...

3 43. The felony complaint charges related to Jane Doe include three enhancements:

- 4 • Enhancement 1: multiple victims and victim tied and bound;
- 5 • Enhancement 2: multiple victims and victim tied and bound;
- 6 • Enhancement 3: the victim was particularly vulnerable.

7 44. Ontiveros' actions are not an isolated instance of an AMR employee sexually
8 assaulting a patient using their services. AMR Defendants have enabled predators like Ontiveros to
9 prey on patients using their emergency services.

10 **C. AMR Representations to the Public**

11 45. AMR has been the contract holder with San Mateo County since 1990, operating
12 under the names of Baystar Medtrans/Laidlaw, AMR and AMR West. AMR entities have provided
13 emergency ambulance services since January 1990 in San Mateo County. As previously noted, the
14 current contract between AMR West (d/b/a American Medical Response) is dated July 1, 2019.
15 AMR West's contract with the County requires AMR West to provide "efficient, effective and
16 compassionate prehospital care" (*See, SMC/AMR West Contract, Section 1.4(A)(5)*). The contract
17 also requires that employees be "competent" and that background checks be done.

18 46. AMR is required to have approximately 25 ambulances in its fleet and have up to
19 19 ambulances available on duty on any given day operating in San Mateo County.

20 47. AMR represents to the public that:

21 *The team at AMR has a single mission: making a difference by caring for people in need.*
22 *We are caregivers, first and foremost. Our promise to you is that we will treat our patients,*
23 *customers and teams with respect.*

24 **D. AMR Has a Culture of Sexual Harassment and a History of Employees Sexually**
25 **Abusing Patients in Ambulances**

26 48. Despite its promises to provide the best services, AMR has faced numerous lawsuits
27 establishing a history of sexual predation during ambulance transport as well sexual abuse at
28 workplaces throughout its offices in the United States.

1 49. At various points in 2009 and 2010, six women filed actions for damages against
2 defendant American Medical Response Northwest, Inc. Each woman alleged that defendant had
3 permitted Lannie Haszard, a paramedic in its employ, to sexually abuse each of them while they
4 were vulnerable. *See Whalen v. Am. Med. Response Nw., Inc.*, 256 Or. App. 278; *Herring v. Am.*
5 *Med. Response Northwest, Inc.*; *Wyers v. American Medical Response Northwest, Inc.*, 268
6 Or.App. 232 (2014). In total, thirty-five women came forward with allegations of sexual abuse
7 against the EMT involved in these cases.

8 50. In 2020, several AMR New Haven employees filed a suit against the company for
9 claims of sexual harassment in federal district court. The suit claims that there is a “culture” of
10 enabling sexual harassment within the company. In response to the statement AMR posted a
11 response that their “company completes background checks on every new hire to join our
12 organization and we offer pathways for not only investigating complaints but reporting them.....
13 Employees are educated about our Compliance Hotline upon hire in our New Employee Training
14 program as well as with our subsequent mandatory annual training. We apply the appropriate level
15 of discipline and will terminate employees if substantiated through our investigative processes...”

16 51. On or about March 2022, an AMR paramedic allegedly molested and assaulted a
17 14-year-old girl in an ambulance in Riverside County, California. The paramedic is on bail and is
18 currently facing criminal charges in Riverside County, California.⁹

19 **E. AMR Knew or Should Have Known That Ontiveros Was Unfit For Service**

20 52. According to reports, AMR San Mateo has a “boys’ club” atmosphere that is “like
21 high school with lights and sirens.” It is quite possible that there are many more victims of
22 Ontiveros that have yet to come forward. The type of premeditated assaults reflected in the felony
23 complaint (**Exhibit 1**) do not just happen in isolation. It is apparent that there is a pattern of
24 negligent hiring, supervision and lack of oversight in operations at AMR.

25 53. Ontiveros was previously employed with the South San Francisco Fire Department
26 until on or about July 16, 2020. He was dismissed from service because he had submitted

27
28 ⁹ <https://www.latimes.com/california/story/2022-03-29/riverside-ambulance-worker-arrested-on-suspicion-of-sexually-assaulting-teenage-patient> (last accessed May 6, 2023).

1 fraudulent timecards and got paid \$15,000 for hours that he didn't work during a four-month
2 period. AMR hired him despite his record. The felony charges for grand theft against Ontiveros are
3 readily available through the San Mateo Superior Court's website. Further there was local news
4 coverage of the charges against Ontiveros:



12
13
14
15
16
17
18 1:26 PM · Jan 25, 2021

19
20 54. AMR knew or should have known that Ontiveros was charged with felony grand
21 theft from his time as an employee of South San Francisco Fire Department. He was terminated in
22 or about 2020. A simple google search revealed this fact, and any reasonable background check
23 would have revealed this fact. Upon information and belief, AMR did not conduct a background
24 check of Ontiveros when it hired him after he was terminated from the South San Francisco Fire
25 Department. If it did in fact do a background check, the background check was deficient. It has
26 been reported that AMR has a practice of employing EMTs/paramedics despite knowing that they
27 have committed crimes, sometimes terminating them temporarily and the re-hiring them.

1 **F. AMR Kept Ontiveros in the Field After he Assaulted Jane Doe, Resulting in a**
2 **December 2022 Assault of Another Elderly San Mateo Woman**

3 55. The gruesome attack against Plaintiff Jane Doe is not an isolated incident. Rather,
4 as reflected in the felony complaint, Ontiveros sexually assaulted another 80-year-old woman
5 during a hospital transport in December 2022.¹⁰

6 56. AMR Defendants were aware of the accusations against Ontiveros as a result of
7 Jane Doe’s assault—but they chose to do nothing.

8 57. Through their acts and omissions, AMR Defendants allowed a sexual predator to
9 roam free and prey on the elderly. AMR Defendants knew or should have known that Ontiveros
10 was unfit to serve as a paramedic.

11 58. AMR Defendants failed to take reasonable steps to remove Ontiveros from active
12 duty until it was too late.

13 **G. AMR Put Profits Over Safety**

14 59. AMR hired and kept Ontiveros on payroll despite numerous red flags because AMR
15 has had well documented issues hiring and retaining EMTs and paramedics. It also has a history of
16 putting profits over safety. One third of EMTs quit in 2021 and a 2022 study by the American
17 Ambulance Association found that 39% of part-time EMT and 55% of part-time paramedic
18 positions went unfilled because of a lack of qualified candidates.¹¹ AMR even announced that it
19 was ending non-emergency transport in Los Angeles County. *Id.*

20 60. AMR’s decision to keep Ontiveros in service, and riding in the back of ambulances
21 as a paramedic was the result of corporate greed. AMR just wanted warm bodies to staff its
22 ambulances and did not care whether it was employing a sexual predator like Ontiveros.

23 61. According to a recent job listing, AMR is looking for a paramedic in San Mateo
24 (Burlingame):¹²

25 _____
26 ¹⁰ See 23-CIV-02303, *Jane Doe, C.C. vs. American Medical Response West, a California*
27 *Corporation, et al*; 23-SF-006516-A, *The People of the State of California vs. Miguel Nieblas*
Ontiveros.

28 ¹¹ See, <https://www.cbsnews.com/news/emt-shortage-quit-ambulance/>.

¹² <https://www.indeed.com/q-AMR-l-San-Mateo,-CA-jobs.html?vjk=52c2b3032212af2b&advn=6893225867368132> (last accessed May 12, 2023). See



Paramedic (Burlingame) - Located in Burlingame, CA

AMR (part of Global Medical Response) ★★☆☆☆ 1,837 reviews

Burlingame, CA 94010

\$31.09 - \$46.72 an hour - Full-time

Training options
Based on surveys from Indeed users

Apply now

Job details

No matching job preferences

Salary
\$31.09 - \$46.72 an hour

Job Type
Full-time

Shift and Schedule
12 hour shift

Located in Burlingame, CA

62. According to the same website, AMR is also actively looking for EMTs in San Mateo (Burlingame) and offering a salary of \$19.50-\$21.11 per hour.

63. AMR is offering less pay to its local EMTs than is offered by the local In-N-Out franchises:

also, AMR's career's website, also listing paramedic jobs in Burlingame at \$31.09-46.72/hour for an average work week of 42 hours and 12 hour shifts, and Paramedic Basic in Burlingame for even less, at "\$27.21(Min) - \$33.17(Mid) - \$40.88(Max) per hour."

<https://careers.gmr.net/amr/jobs/31356?lang=en-us> and <https://careers.gmr.net/amr/jobs/25625?lang=en-us> (last accessed May 12, 2023)



LOCAT



Search by Address or Zip



1

APPLY NOW

APLIQUE AHORA

3.43 MILES

372 Gellert Blvd.

Daly City, CA 94015



Starting wage: \$21.00/hour
Earn Up to \$24.50/hour



2

APPLY NOW

APLIQUE AHORA

3.93 MILES

11 Rollins Rd.

Millbrae, CA 94030



Starting wage: \$21.00/hour
Earn Up to \$24.50/hour

64. This is a travesty. According to the SMC-AMR Contract, AMR's per mile fee charged to patients is \$60.68/mile, grossly out of proportion with the \$46.72/hour high end of paramedic pay. Of course, the per mile fee is a small fraction of what AMR is entitled to charge patients such as Jane Doe, with ambulance trips regularly costing thousands of dollars. The SMC-AMR Contract contains and Exhibit 3 that details what AMR is permitted to charge in San Mateo County:

///

///

///

///

1 **Reply-To:** ConcernedFirstResponder

2 <ConcernedFirstResponder@protonmail.com

3 >

4 **Date:** Tuesday, September 21, 2021 at 12:47

5 **AM**

6 **Subject:** American Medical Response is
7 failing San Mateo County

8 I have been living in San Mateo County for
9 almost four decades now, and have been
10 working in and around the Emergency
11 Medical System for almost as long. As a
12 citizen of the county and as someone who
13 has a rare insight into the inner workings of
14 such a vital service from many different
15 perspectives, I feel I wouldn't be giving this
16 community what it deserves if I sat idly by
17 while the life and safety of its people was
18 threatened for monetary gain. The citizens of
19 this county are in danger, specifically due to

20 66. As reflected in **Exhibit 3** "AMR management continually and willfully ignores the
21 terms [of its agreement with San Mateo County], and is providing a substandard level of care to
22 every citizen under their umbrella at the expense of the health and safety of their extremely hard
23 working and severely underpaid employees." Tragically the e-mail states that on September 21,
24 2021 a patient was lost during a Cardiac Arrest as an ambulance was stuck in traffic – at a time
25 when three AMR ambulances were diverted to for profit Inter-Facility Transports (IFT) transports.
26 *Id.* The email also chronicles how AMR pads the numbers to give the County the impression that
27 AMR is complying with its contract.

28 **H. Plaintiff Has Suffered Trauma As The Result Of Ontiveros' Sexual Assault**

67. The course of Jane Doe's life was entirely altered by the assault, Jane Doe was
subjected to sexual assault (forced oral copulation) while immobile on a hospital stretcher. Jane

1 Doe is elderly and frail. She was enroute to a hospital after suffering a potential stroke at home.
2 Ontiveros is a large man weighing approximately 250 pounds and standing approximately six feet
3 tall. Because of the AMR Defendants' negligence, Jane Doe was left alone, locked in the back of
4 the ambulance, for a prolonged period of time, with a sexual predator.

5 68. He stood towering over Jane Doe and attempted to put his penis into Jane Doe's
6 mouth. Jane Doe fought hard against the assault.

7 69. Upon arrival at the hospital, Jane Doe was in a state of utter shock and repeatedly
8 attempted to communicate that she had been sexually assaulted. She was isolated and terrified,
9 having just been brutally assaulted.

10 70. Plaintiff has suffered trauma that will in all likelihood last the rest of her life due to
11 the AMR Defendants' negligence and elder abuse. She no longer lives independently and no
12 longer lives with her significant other of 40 years, as her health has markedly deteriorated. She
13 now must be cared for by her children. In addition, Plaintiff is afraid to be in an ambulance.

14 71. She was once a lively, cheerful individual with a zeal for life. She now is fearful
15 and suffers from emotional distress.

16 **V. CAUSES OF ACTION**

17 **FIRST CAUSE OF ACTION**

18 **Dependent Adult Physical Abuse**

19 **(Pursuant to Welfare and Institutions Code § 15600 et seq.)**

20 **(AGAINST ALL DEFENDANTS)**

21 72. Plaintiffs hereby re-allege and incorporate by reference each and every allegation
22 set forth above, as if fully set forth herein.

23 73. At all relevant times, Jane Doe was an elder as defined by Welfare & Institutions
24 Code § 15610.27. She was eighty-one years old at the time of the incident and Defendants'
25 conduct.

26 74. The actions described above constitute abuse of an elder as defined by the Welfare
27 and Institutions Code.

28

1 75. The above-mentioned acts of Ontiveros constituted ‘Physical Abuse’ and/or
2 conduct likely to harm a senior within the meaning of Welfare and Institutions Code § 15610.63.
3 Jane Doe did not give consent to Ontiveros to sexually touch her at any time while she was in the
4 ambulance.

5 a. Ontiveros committed sexual battery as defined in Section 243.4 of the Penal Code.
6 He engaged in forcible oral copulation with Plaintiff without her consent, knowing
7 she was elderly, incapacitated, and could not give her consent.

8 b. Ontiveros committed oral copulation as defined in Section 287 of the Penal Code.

9 76. Defendants' conduct was a substantial factor in causing Plaintiff to suffer physical,
10 emotional, and economic harm, as well as other damages in an amount to be determined according
11 to proof. As a legal result of the alleged acts and omissions, Plaintiff incurred damages for pain
12 and suffering.

13 77. Each defendant ratified the conduct of the other defendants and of Ontiveros. The
14 specific facts set forth herein show Ontiveros knowingly and maliciously sexually assaulted and
15 physically abused Jane Doe.

16 78. Ontiveros’ actions arose out of the course and scope of his employment with AMR
17 Defendants. AMR Defendants, including their officers, directors and managing agents, had
18 advanced knowledge of the unfitness of Ontiveros and employed Ontiveros with a knowing
19 disregard of the rights and safety of others, including Plaintiff and other members of the public.
20 Defendants retained Ontiveros as an employee despite knowing: (1) he was unfit for the job; (2) he
21 had pending felony grand theft charges from his prior job; and (3) he engaged in various practices
22 that should have served as red flags that he was creating an environment to allow sexual assault;
23 and, (4) that he had a propensity to assault patients in his care. AMR Defendants’ failure to fire
24 Ontiveros after Jane Doe’s assault is ratification.

25 79. The conduct, acts, and omissions of Ontiveros, and AMR Defendants as alleged
26 herein, are sufficient to show they are guilty of recklessness, oppression, fraud, and/or malice.

27 80. Plaintiff is entitled to compensatory damages, including general and special
28 damages, in an amount to be determined according to proof at trial. As a legal result of

1 Defendants' recklessness, malice, oppression and fraud, Plaintiff is entitled, in addition to
2 compensatory damages, to an award of reasonable attorney fees and costs under Welfare and
3 Institutions Code § 15657, to punitive damages under Civil Code § 3294 and to treble punitive
4 damages under Civil Code § 3345.

5 **SECOND CAUSE OF ACTION**

6 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

7 **(AGAINST ALL DEFENDANTS)**

8 81. Plaintiff re-alleges and incorporates by reference herein each and every allegation
9 contained herein above as though fully set forth and brought in this cause of action.

10 82. The conduct of the AMR Defendants and each Doe Defendant towards Plaintiff, as
11 described herein, was outrageous and extreme.

12 83. A reasonable person would not expect or tolerate the sexual harassment,
13 molestation, and abuse of Plaintiff and other similarly situated victims by Ontiveros, and
14 Defendants' knowledge and reckless disregard of the probability that Ontiveros would commit
15 sexual harassment and molestation of patients.

16 84. Defendants' conduct toward Plaintiff, as described herein, was outrageous and
17 extreme.

18 85. A reasonable person would not expect or tolerate Defendants putting Ontiveros in a
19 position of care of Plaintiff, which enabled Ontiveros to have access to elderly patients like the
20 Plaintiff so that he could commit wrongful sexual acts, including the conduct described herein.

21 86. A reasonable person would expect Defendants to be capable of supervising their
22 employees and stopping their employees, including Ontiveros, from committing wrongful sexual
23 acts with customers. Defendants' conduct described herein was intentional and malicious and done
24 for the purpose of causing or with the substantial certainty that Plaintiff would suffer humiliation,
25 mental anguish, and emotional and physical distress.

26 87. Defendants' conduct was a substantial factor in causing Plaintiff to suffer severe
27 emotional distress, as well as other damages in an amount to be determined according to proof.

28

1 88. As a result of the above-described conduct, Plaintiff has suffered and continues to
2 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
3 distress including embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment
4 of life; has suffered and continues to suffer and was prevented and will continue to be prevented
5 from performing daily activities and obtaining the full enjoyment of life, and/or has incurred and
6 will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

7 89. In subjecting Plaintiff to the wrongful treatment herein described, the Defendants,
8 each of them willfully and maliciously with the intent to harm Plaintiff, and in conscious disregard
9 of Plaintiff's rights, so as to constitute malice and/or oppression under California Civil Code
10 section 3294. Plaintiff is informed, and on that basis alleges, that these willful, malicious, and/or
11 oppressive acts, as alleged herein above, were ratified by the officers, directors, and/or managing
12 agents of the Defendants. Plaintiff is entitled to compensatory damages, including general and
13 special damages, in an amount to be determined according to proof at trial. As a legal result of
14 Defendants' malice, oppression and fraud, Plaintiff is entitled, in addition to compensatory
15 damages, to punitive damages under Civil Code § 3294 and to treble punitive damages under Civil
16 Code § 3345.

17 **VI. PRAYER FOR RELIEF**

- 18 1. For past, present and future non-economic damages in an amount to be determined
19 at trial;
- 20 2. For past, present and future special damages, including but not limited to economic
21 damages, in an amount to be determined at trial;
- 22 3. Any appropriate statutory damages;
- 23 4. For costs of suit;
- 24 5. Punitive damages, according to proof;
- 25 6. For treble damages under Civil Code § 3345;
- 26 7. For interest based on damages, as well as pre-judgment and post-judgment interest
27 as allowed by law;
- 28

1 8. For attorney's fees and costs pursuant to Welfare and Institution Code sections
2 15600 *et seq.* or as otherwise allowable by law;

3 9. For such other and further relief as the Court may deem proper.

4 Dated: June 22, 2023

COTCHETT, PITRE & McCARTHY, LLP

5
6 By: 

ANNE MARIE MURPHY
DONALD J. MAGILLIGAN
OWAIS M. BARI
GAYATRI RAGHUNANDAN
BLAIR KITTLE

*Attorneys for Plaintiff and
Proposed Guardian ad litem*

7
8
9
10
11
12 **VII. DEMAND FOR JURY TRIAL**

13 Please take notice that Plaintiff demands a trial by jury in this action.

14 Dated: June 22, 2023

COTCHETT, PITRE & McCARTHY, LLP

15
16 By: 

ANNE MARIE MURPHY
DONALD J. MAGILLIGAN
OWAIS M. BARI
GAYATRI RAGHUNANDAN
BLAIR KITTLE

*Attorneys for Plaintiff and
Proposed Guardian ad litem*

Exhibit 1

1 STEPHEN M. WAGSTAFFE, DISTRICT ATTORNEY
2 County of San Mateo, State of California
3 State Bar No. 78470
4 400 County Center, Third Floor
5 Redwood City, CA 94063
6 By: Alpana D. Samant, Deputy District Attorney
7 Telephone: (650) 363-4636
8 Attorney for Plaintiff

FILED
SAN MATEO COUNTY

APR 21 2023

Clerk of the Superior Court

By

CS
DEPUTY CLERK

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 IN AND FOR THE COUNTY OF SAN MATEO

11 THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

12 vs.

13 MIGUEL NIEBLAS ONTIVEROS
14 258 SAN CARLOS AV
15 REDWOOD CITY, CA 94601

16 Defendant.

REPORT NO. HP20221655
DA CASE NO. 0883625

23 SF 006516A
FELONY COMPLAINT

17
18 I, the undersigned, say, on information and belief, that in the County of San Mateo, State of
19 California:

20 **COUNT 1: PC287(c)(2)(A) (Felony)**

21 On or about May 21, 2022, in the County of San Mateo, State of California, the crime of Forcible
22 Oral Copulation in violation of PC287(c)(2)(A), a Felony, was committed in that MIGUEL
23 NIEBLAS ONTIVEROS did unlawfully participate in an act of oral copulation with JANE DOE #1
24 and did accomplish said act against said victim's will by force, violence, duress, menace, and fear of

1 immediate and unlawful bodily injury to said victim and to another. NOTICE: Conviction of this
2 offense will require the court to order you to submit to a blood test for evidence of antibodies to the
3 probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code Section
4 1202.1. NOTICE: Conviction of this offense will require you to register pursuant to Penal Code
5 section 290. Willful failure to register is a crime. NOTICE: Adjudication as a ward of the court for
6 this offense and a disposition to the California Youth Authority will require you to provide specimens
7 and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
8 samples is a crime. NOTICE: The above offense is a serious felony within the meaning of Penal
9 Code Section 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

10
11 **ENHANCEMENT 1**

12 PC667.61(b)/(E): Special Allegation-Sex Crimes - Aggravated Circumstances

13 It is further alleged, within the meaning of Penal Code section 667.61(b)and (e), as to defendant,
14 MIGUEL NIEBLAS ONTIVEROS, as to Count 1 that the following circumstances apply: multiple
15 victims and victim tied and bound.

16 **ENHANCEMENT 2**

17 PC667.61(b)/(E): Special Allegation-Sex Crimes - Aggravated Circumstances

18 It is further alleged, within the meaning of Penal Code section 667.61(b)and (e), as to defendant,
19 MIGUEL NIEBLAS ONTIVEROS, as to Count 1 that the following circumstances apply: multiple
20 victims and victim tied and bound.

21 **ENHANCEMENT 3**

22 PC1170(b)(2): Special Allegation - Felony with Circumstances in Aggravation

23 It is further alleged, as to Count 1 within the meaning of Penal Code section 1170(b)(2), that the
24 following circumstance(s) apply, the victim was particularly vulnerable.

1 It is further alleged, within the meaning of Penal Code section 667.61(b)and (e), as to defendant,
2 MIGUEL NIEBLAS ONTIVEROS, as to Count 2 that the following circumstances apply: multiple
3 victims and victim tied and bound.

4 **ENHANCEMENT 3**

5 PC1170(b)(2): Special Allegation - Felony with Circumstances in Aggravation

6 It is further alleged, as to Count 2 within the meaning of Penal Code section 1170(b)(2), that the
7 following circumstance(s) apply, the victim was particularly vulnerable.

8 NOTICE: Conviction of any of the above felony counts requires relinquishment of firearms,
9 ammunition and ammunition feeding devices.

10
11 Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that
12 defendant(s) and his or her attorney provide to the People the discovery required by Penal Code
13 Section 1054.3. This is a continuing request pursuant to the provisions of Penal Code Section 1054.7.

14 I declare under penalty of perjury that the foregoing is true and correct except for those things
15 stated on information and belief and those I believe to be true.

16 Executed on April 21, 2023, at San Mateo County, California.

17
18 
19 _____
COMPLAINANT


20 ADS/ads

Exhibit 2

STEPHEN M. WAGSTAFFE, DISTRICT ATTORNEY
County of San Mateo, State of California
State Bar No. 78470
1050 Mission Road
South San Francisco, CA 94080
By: Joseph L. Cannon, Deputy District Attorney
Telephone: (650) 877-5454
Attorney for Plaintiff

FILED
SAN MATEO COUNTY

DEC 30 2020

Clerk of the Superior Court
By  DEPUTY CLERK

RECEIVED

DEC 30 2020

CLERK OF THE SUPERIOR COURT
SAN MATEO COUNTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

MIGUEL NIEBLAS ONTIVEROS
258 SAN CARLOS AV
REDWOOD CITY, CA 94601

Defendant.

REPORT NO. 20-0616-01

DA CASE NO. 0833101

20NF014642

FELONY COMPLAINT

I, the undersigned, say, on information and belief, that in the County of San Mateo, State of California:

COUNT 1: PC487(b)(3) (Felony)

On or between November 1, 2019 and November 30, 2019, in the County of San Mateo, State of California, the crime of Grand Theft by Servant, Agent or Employee \$950 or more in violation of PC487(b)(3), a Felony, was committed in that MIGUEL NIEBLAS ONTIVEROS did willfully, and

1 unlawfully take, steal and carry away certain personal property belonging to his/her employer to-wit:
2 South San Francisco Fire Department having an aggregate value exceeding the \$950.

3 COUNT 2: PC487(b)(3) (Felony)

4 On or between December 1, 2019 and December 31, 2019, in the County of San Mateo, State of
5 California, the crime of Grand Theft by Servant, Agent or Employee \$950 or more in violation of
6 PC487(b)(3), a Felony, was committed in that MIGUEL NIEBLAS ONTIVEROS did willfully, and
7 unlawfully take, steal and carry away certain personal property belonging to his/her employer to-wit:
8 South San Francisco Fire Department having an aggregate value exceeding the \$950.

9 COUNT 3: PC487(b)(3) (Felony)

10 On or between January 1, 2020 and January 31, 2020, in the County of San Mateo, State of
11 California, the crime of Grand Theft by Servant, Agent or Employee \$950 or more in violation of
12 PC487(b)(3), a Felony, was committed in that MIGUEL NIEBLAS ONTIVEROS did willfully, and
13 unlawfully take, steal and carry away certain personal property belonging to his/her employer to-wit:
14 South San Francisco Fire Department having an aggregate value exceeding the \$950.

15 COUNT 4: PC487(b)(3) (Felony)

16 On or between February 1, 2020 and February 29, 2020, in the County of San Mateo, State of
17 California, the crime of Grand Theft by Servant, Agent or Employee \$950 or more in violation of
18 PC487(b)(3), a Felony, was committed in that MIGUEL NIEBLAS ONTIVEROS did willfully, and
19 unlawfully take, steal and carry away certain personal property belonging to his/her employer to-wit:
20 South San Francisco Fire Department having an aggregate value exceeding the \$950.

21 COUNT 5: PC487(b)(3) (Felony)

22 On or between March 1, 2020 and March 26, 2020, in the County of San Mateo, State of California,
23 the crime of Grand Theft by Servant, Agent or Employee \$950 or more in violation of PC487(b)(3), a
24 Felony, was committed in that MIGUEL NIEBLAS ONTIVEROS did willfully, and unlawfully take,

1 steal and carry away certain personal property belonging to his/her employer to-wit: South San
2 Francisco Fire Department having an aggregate value exceeding the \$950.

3 NOTICE: Conviction of any of the above felony counts requires relinquishment of firearms,
4 ammunition and ammunition feeding devices.

5
6 Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that
7 defendant(s) and his or her attorney provide to the People the discovery required by Penal Code
8 Section 1054.3. This is a continuing request pursuant to the provisions of Penal Code Section 1054.7.

9 I declare under penalty of perjury that the foregoing is true and correct except for those things
10 stated on information and belief and those I believe to be true.

11 Executed on December 23, 2020, at San Mateo County, California.

12
13 

14 _____
COMPLAINANT

15 JLC/jlc

1 COUNT 2: PC487(b)(3) (Felony)

2
3 On or between December 1, 2019 and December 31, 2019, in the County of San Mateo, State of
4 California, the crime of Grand Theft by Servant, Agent or Employee \$950 or more in violation of
5 PC487(b)(3), a Felony, was committed in that MIGUEL NIEBLAS ONTIVEROS did willfully, and
6 unlawfully take, steal and carry away certain personal property belonging to his/her employer to-wit:
7 South San Francisco Fire Department having an aggregate value exceeding the \$950.

8 COUNT 3: PC487(b)(3) (Felony)

9
10 On or between January 1, 2020 and January 31, 2020, in the County of San Mateo, State of
11 California, the crime of Grand Theft by Servant, Agent or Employee \$950 or more in violation of
12 PC487(b)(3), a Felony, was committed in that MIGUEL NIEBLAS ONTIVEROS did willfully, and
13 unlawfully take, steal and carry away certain personal property belonging to his/her employer to-wit:
14 South San Francisco Fire Department having an aggregate value exceeding the \$950.

15 COUNT 4: PC487(b)(3) (Felony)

16
17 On or between February 1, 2020 and February 29, 2020, in the County of San Mateo, State of
18 California, the crime of Grand Theft by Servant, Agent or Employee \$950 or more in violation of
19 PC487(b)(3), a Felony, was committed in that MIGUEL NIEBLAS ONTIVEROS did willfully, and
20 unlawfully take, steal and carry away certain personal property belonging to his/her employer to-wit:
21 South San Francisco Fire Department having an aggregate value exceeding the \$950.

22 COUNT 5: PC487(b)(3) (Felony)

23
24 On or between March 1, 2020 and March 26, 2020, in the County of San Mateo, State of California,
25

1 the crime of Grand Theft by Servant, Agent or Employee \$950 or more in violation of PC487(b)(3), a
2 Felony, was committed in that MIGUEL NIEBLAS ONTIVEROS did willfully, and unlawfully take,
3 steal and carry away certain personal property belonging to his/her employer to-wit: South San
4 Francisco Fire Department having an aggregate value exceeding the \$950.

5 NOTICE: Conviction of any of the above felony counts requires relinquishment of firearms,
6 ammunition and ammunition feeding devices.

7 Dated: December 20, 2021

8
9 STEPHEN M. WAGSTAFFE, DISTRICT ATTORNEY

10
11 By  _____

12 Joshua T. Martin
13 Deputy District Attorney

14 JTM/jtm
15
16
17
18
19
20
21
22
23
24
25

Exhibit 3



AT&T 5GE

3:21 PM

33%



Reply-To: ConcernedFirstResponder
<ConcernedFirstResponder@protonmail.com>

>
Date: Tuesday, September 21, 2021 at 12:47 AM

Subject: American Medical Response is failing San Mateo County

I have been living in San Mateo County for almost four decades now, and have been working in and around the Emergency Medical System for almost as long. As a citizen of the county and as someone who has a rare insight into the inner workings of such a vital service from many different perspectives, I feel I wouldn't be giving this community what it deserves if I sat idly by while the life and safety of its people was threatened for monetary gain. The citizens of this county are in danger, specifically due to

Reply to All



Mail



Search



Calendar



10:49

5G E

AA

icloud.com



iCloud Photos



Sign In



Wednesday

3:21 PM

AT&T 5G E

3:21 PM

33%



this county are in danger, specifically due to the actions of the very organization that has been charged with their protection. American Medical Response is purposefully and willfully cutting corners, potentially misappropriating taxpayer funds, exploiting their workers, and weakening an already fragile health care system. Management is negligent in their responsibilities and it could eventually cost lives.

American Medical Response is the sole 911 Advanced Life Support (ALS) ambulance provider in San Mateo County, excluding the cities of South San Francisco, which provides its own service, and Woodside, which provides the personnel but is supplied and managed by AMR. AMR is a private, for profit corporation responsible for all emergency medical transportation from Brisbane to

Reply to All



Mail



Search



Calendar



Download





Wednesday

3:21 PM

AT&T 5G E

3:21 PM

31%



medical transportation from Brisbane to Menlo Park and Pescadero. AMR enters into contract with the County of San Mateo on a multi-year agreement to follow the terms of a Request For Proposal (RFP), that outlines the county's requirements and expectations.

AMR management continually and willfully ignores the terms of this agreement, and is providing a substandard level of care to every citizen under their umbrella at the expense of the health and safety of their extremely hard working and severely underpaid employees.

AMR is required by the terms of the RFP to have a fully equipped, staffed, and capable ambulance respond to the scene of a call within a set timeframe dependent on the code of response (lights and sirens or

Reply to All



Mail

Search

Calendar



Download



10:49

5G E

AA

icloud.com



iCloud Photos



Sign In



Wednesday

3:21 PM

AT&T 5G E

3:21 PM

31%



code of response (lights and sirens or otherwise) with a 90% compliance rate. On an almost daily basis this requirement is not met. The citizens of Atherton, Hillsborough, Brisbane, etc. would most likely be shocked to learn that at multiple times daily the closest available 911 ambulance is responding from Half Moon Bay (a roughly 30 minute response, not accounting for traffic). AMR will forgo compliance until the end of each month, where they will upstaff the number of ambulances in the 911 system in order to pad their numbers to make it appear they are meeting the RFP standards. AMR management will state that they utilize real-time day-to-day analysis to provide the adequate amount of resources to meet the system's needs. This is their justification for pulling ambulances out of the 911 system to perform Inter-Facility Transports (IFT) purely

Reply to All



Mail



Search



Calendar



Download





Wednesday
3:22 PM



perform Inter-Facility Transports (IFT) purely for company profit, which can be seen as a misappropriation of funds and resources, at the expense of citizens' lives. Just today, at the time of this writing, an ambulance was stuck in traffic for 17 minutes while firefighters cared for a patient in Cardiac Arrest. The ambulance did not make it to the address before the Firefighters ended their resuscitation efforts. During that time three ambulances were assigned to for-profit IFT transports. The county standard compliance time is less than 13 minutes.

AMR employees are frequently being force-mandated to work for 24 to 36 hours nonstop without a rest period between shifts. Studies have shown that cognitive function drops to levels comparable to that of an intoxicated person after 17 hours without sleep. This

Reply to All



Mail



Search



Calendar



Download



10:49

5G E

AA

icloud.com



iCloud Photos



Sign In



Wednesday

3:22 PM

AT&T 5G E

3:22 PM

29%



person after 17 hours without sleep. This unsafe practice is compounded by the fact that management intentionally runs the 911 system as thin as possible, attempting to utilize every minute of a crew's shift as a billable hour for patient care by "browning out" ambulances, or removing them from the schedule entirely. Management will state that the Unit Hours Utilized (UHU) are low, and that crews get plenty of rest between calls, not counting the hundreds of miles driven each day to/from calls and throughout the county for readiness. The system levels are regularly completely depleted with no ambulances available whatsoever, to the extent that one EMS supervisor in the county has a license plate that reads "LVLZRO," as if it were a point of pride, and not the abject failure of the company to care for the citizens it is responsible for. It is only a matter of time

Reply to All



Mail



Search



Calendar



Download



10:50

5G

AA

icloud.com



iCloud Photos



Sign In



Wednesday

3:22 PM

AT&T 5G

3:22 PM

29%



it is responsible for. It is only a matter of time until EMS personnel make an error causing the injury or death of a patient, if it hasn't happened already. Supervisors who disagree with management's exploitation, and encourage fair wages, hours, and working conditions, are all but forced out of the job, decimating morale.

First responders suffer the effects of PTSD 50% more than the general public due to job stress, repeat exposure to trauma, extreme fatigue and an abysmal Critical Incident Stress Management (CISM) response, it is a miracle that San Mateo County has not mirrored its neighboring counties with first responder suicide, which Fire and EMS workers are 10 times as likely to contemplate than the general public. Management views employees as expendable. Rather than

Reply to All



Mail



Search



Calendar



Download



10:50

5G

AA

icloud.com



iCloud Photos



Sign In



Wednesday

3:22 PM

AT&T 5G

3:22 PM

27%



employees as expendable. Rather than attempting to increase morale, which they have both a moral obligation to do as well as an explicit obligation per the RFP, they choose to force mandate workers into dangerous hours, give last-and-final written notices to part time workers including local nurses and firefighters attempting to give back to the community for extremely reduced wages than they make otherwise, and harass experienced workers. AMR literally had the law changed last year in order to be allowed to exploit their workers even more, with the added benefit of decreasing the amount of mental health services they were required to provide. Newly installed operations manager Rick Ornelas, who has been heard openly bragging about being known as a "Uniform Nazi," which in this climate doesn't seem like a wise choice, has at the time of this writing

Reply to All



Mail



Search



Calendar

Download



10:50

5G E

AA

icloud.com



iCloud Photos



Sign In



Wednesday

3:22 PM

AT&T 5G E

3:22 PM

27%



a wise choice, has at the time of this writing not introduced himself to employees after months in his position. Instead, his first act in regards to the workforce, in a direct response to an employee being hospitalized during an unprecedented time in the medical field, was to say that all employees must work all required shifts, regardless of illness and doctor recommendations.

These are only a handful of the dozens of ways AMR violates the terms of their agreement with San Mateo County daily and endangers the lives of the people who live and work here. Almost daily, one can hear multiple employees separately state a variation of "if the public knew any of this, they would be livid." The citizens of San Mateo County deserve to know just how close they are to danger, thanks to the

Reply to All



Mail



Search



Calendar



Download

