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October 20, 1988

Mr. Ronald B. Brin
Brin & Brin, P.C.
1202 Third Street
Corpus Christi, TX 78404

RE: Pequeno v. Garcia

Dear Mr. Brin:

My name is Dr. Hector P. Garcia. I graduated from the University of Texas Medical School in Galveston in 1940. I have been in the practice of family medicine for over 40 years.

I served in World War II as an Army surgeon. In the past, I have performed such surgeries as appendectomies, cholecystectomies, hysterectomies, fractures, salpingectomy, oophorectomy, etc.

I have studied and reviewed the case of Dr. Xico Garcia, a family physician, in relation to the case of Victoria Pequeno.

After reviewing, studying and analyzing the office records of Dr. Garcia, the emergency room records and the hospital records including the operations by Dr. Octavio Garcia, I wish to state the following:

It is my professional opinion that Dr. Xico Garcia was not negligent in the care and treatment of Victoria Pequeno.

My reasoning is as follows:

The emergency room visit on Saturday, November 13, 1987, on Mrs. Pequeno was handled properly. Dr. Xico Garcia received the call from the emergency room on the complaints of fever, generalized pains and aches, slight cough and pain to the right lower quadrants.

Dr. Xico Garcia ordered crystacillin 300,000 units im. and left instructions with the nurse that the patient should come to his office the next day (Sunday). I know personally that Dr. Xico Garcia works on Sunday morning and is in his office very early in the morning. In view of improper communications from the hospital to the patient, this was not relayed.

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Dr. Xico Garcia also gave the patient Tylenol for fever. Reference is made to the fact that the emergency room doctor did not see the patient, although Dr. Xico Garcia's testimony shows that he had asked that an emergency room doctor see Victoria Pequeno. I do not feel this was necessary since the primary doctor, Dr. Xico Garcia, had ordered adequate treatment.

The question of the specific diagnosis of appendicitis would be very hard to make on a patient as obese as this woman and also because of the previous history of no reliability on the patient's statement due to a history of paranoid schizophrenia and mental instability.

The exact diagnosis of this type of patient cannot always be exact. This is the reason why an exploratory operation had to be done instead of a direct approach.

Dr. Xico Garcia sent the patient to the emergency room on Monday as soon as he knew that the patient had an acute abdomen and passed the case to the surgeon, which was professionally proper.


There is no question in my mind that adequate antibiotics and treatment were administered by the doctors to Victoria Pequeno.

The fact that other consultants were called in in this case shows the continuous medical and surgical care for this patient.

Certainly, it is regrettable that the patient expired but the death was not a question of negligence but rather the inability of the patient's system to overcome the infection.

Again, it is my professional opinion that Dr. Xico Garcia, as a family physician, was not negligent or performed any act of malpractice in this case.

Thank you.


Dr. Hector P. Garcia, M.D.
Family Physician

HPG/sam