

D-93 Samantha P. Lessner

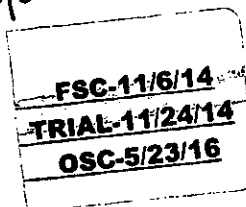
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Attorney for Plaintiff, RICHARD HUERTA

FILED
LOS ANGELES SUPERIOR COURT

MAY 23 2013

JOHN A. CLARKE, CLERK
BY MARY FLORES, DEPUTY



SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR
THE COUNTY OF LOS ANGELES – Central District

RICHARD HUERTA

Plaintiff,

Case No.
Assigned For All Purposes:
The Hon.

BC509887

vs.

COMPLAINT FOR DAMAGES FOR
NEGLIGENCE/MEDICAL MALPRACTICE

MEMORIALCARE MEDICAL
FOUNDATION DBA LONG BEACH
MEMORIAL MEDICAL CENTER;
MEMORIALCARE MEDICAL GROUP;
ALLYSON GRIFFITH, M.D.; GAIL
CARRUTHERS, M.D.; MARYAM
SADEGHI, M.D.; ABRAHAM LIN,
M.D.; KAISER FOUNDATION HEALTH
PLAN, INC.; KAISER FOUNDATION
HOSPITALS; SOUTHERN
CALIFORNIA PERMANENTE
MEDICAL GROUP AND DOES 1
THROUGH 200, INCLUSIVE,

Defendants.

For a complaint against Defendants MEMORIALCARE MEDICAL FOUNDATION DBA
LONG BEACH MEMORIAL MEDICAL CENTER, MEMORIALCARE MEDICAL GROUP,
ALLYSON GRIFFITH, M.D., GAIL CARRUTHERS, M.D., MARYAM SADEGHI, M.D., ABRAHAM
LIN, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER FOUNDATION HOSPITALS,

CIT/CASE: BC509887
LER/DEF#:
RECEIVED #: COM 806093
DATE FILED: 05/23/13 03:06 PM
PAYMENT: \$435.00
RECEIVED: 310
CHIEF: \$435.00
CLERK: \$0.00
CASS: \$0.00
CARE: \$0.00

1 SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP AND DOES 1-200, inclusive, and
2 each of them, Plaintiff alleges:

3
4 **GENERAL ALLEGATIONS**

5 1. Plaintiff, RICHARD HUERTA, at all times herein mentioned was and is a male adult residing in
6 the City and County of Los Angeles, State of California, and all acts complained of herein took place
7 within the Central District of the County of Los Angeles, State of California.

8 2. Plaintiff, based upon information and belief, allege that Defendants MEMORIALCARE
9 MEDICAL FOUNDATION DBA LONG BEACH MEMORIAL MEDICAL CENTER; MEMORIAL
10 CARE MEDICAL GROUP; KAISER FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION
11 HOSPITALS AND THE PERMANENTE MEDICAL GROUPS and DOES 1 through 200, inclusive,
12 Were corporations and/or business entities, the exact business form(s) of which are currently unknown by
13 Plaintiff as of the date of the filing of this pleading.

14 3. Defendant, MEMORIALCARE MEDICAL FOUNDATION DBA LONG BEACH MEMORIAL
15 MEDICAL CENTER; MEMORIALCARE MEDICAL GROUP, and Does 1-200 (hereinafter "LBMMC")
16 are licensed by the State of California as acute medical facilities within the meaning of Health & Safety
17 Code, §1250, the Business & Professions Codes, and Code of Civil Procedure §425.13 conducting
18 business at 2801 Atlantic Avenue, Long Beach, CA 90806.

19 4. Defendant, ALLYSON GRIFFITH, M.D., is a practicing physician licensed by the State of
20 California practicing medicine at Long Beach Memorial Medical Center.

21 5. Defendant, GAIL CARRUTHERS, M.D., is a practicing physician licensed by the State of
22 California practicing medicine at Long Beach Memorial Medical Center.

23 6. Defendant, MARYAM SADEGHI, M.D., is a practicing physician licensed by the State of
24 California practicing medicine at Long Beach Memorial Medical Center.
25

1 7. Defendant, ABRAHAM LIN, M.D., is a practicing physician licensed by the State of California
2 practicing medicine at Long Beach Memorial Medical Center.

3 8. Defendant, KAISER FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION
4 HOSPITALS AND THE SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP (hereinafter
5 collectively referred to as "KAISER") are licensed by the State of California as acute medical facilities
6 with employee physicians that provided acute medical care to the Plaintiff within the meaning of Health &
7 Safety Code, §1250, the Business & Professions Codes and Code of Civil Procedure §425.13.

8 9. Plaintiff is ignorant of the names of those defendants sued herein as DOES 1-200, and for that
9 reason has sued such defendants by said fictitious names. Plaintiff will seek leave of the court to amend
10 this complaint to reflect said names when the same have been ascertained.
11

12 10. In doing the things hereinafter alleged, Defendants, and each of them, acted as the agents, servants
13 and employees of their co-defendants and were, in fact, acting within the course and scope of said agency
14 and employment, and with the knowledge, consent and approval of their co-defendants; their conduct was
15 ratified by their co-defendants.

16 11. At all times herein, Plaintiff was delayed in his discovery of his damages resulting from Defendants
17 breach in the standards of care due to the failure to timely diagnose and treat the presenting Compartment
18 Syndrome injury as described herein, including the permanency of the neurologic injury that had remained
19 undetermined until or about November, 2012.

20 12. The acts and events alleged in this complaint involve breaches in the standard of care occurring at
21 LBMMC located at 2801 Atlantic Avenue, Long Beach, CA 90806 including consultations, examination
22 and care provided by various Defendant Kaiser employees at the various Kaiser medical facilities owned
23 and operated by Defendant Kaiser, including Kaiser Downey Medical Center located at 9333 Imperial
24
25

1 Highway, Downey, CA 90242 and the Kaiser Gardena Medical Offices located at 9353 Imperial Highway,
2 Downey, CA 90242.

3 **FIRST CAUSE OF ACTION FOR MEDICAL MALPRACTICE**
4 **[Against All Defendants]**

5 13. Plaintiff re-alleges as though fully set forth, and incorporates herein by reference, all of the
6 allegations and statements contained in Paragraphs 1 through 12, inclusive.

7 14. Because Plaintiff, RICHARD HUERTA, was a patient of Defendants LLUMC, ALLYSON
8 GRIFFITH, M.D., GAIL CARRUTHERS, M.D., MARYAM SADEGHI, M.D., ABRAHAM LIN, M.D.,
9 KAISER FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION HOSPITALA, THE
10 SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUPS AND DOES 1 THROUGH 200,
11 INCLUSIVE, and each of them, Defendants had a duty to provide appropriate medical care according to
12 standards for acute medical hospitals, physicians and health care providers in the County of Los Angeles
13 area, and in the State of California.

14 15. At all times herein, Defendants, and each of them, including DOES 1-200, were acute medical
15 facilities, physicians, surgeons, and health care providers licensed in the State of California with a duty to
16 comply with the standards of care for the County of Los Angeles area, including providing timely medical
17 care, diagnosis and treatment so patients such as Plaintiff, RICHARD HUERTA, would not suffer injury.

18 16. On May 27, 2012, Plaintiff, RICHARD HUERTA, suffered a fall while walking down a stairway
19 with resulting injury to his left lower leg.

20 17. On May 28, 2012, Plaintiff sought medical treatment from the Long Beach Memorial Medical
21 Center emergency room with complaints of left knee pain, swelling and numbness. During the emergency
22 room presentation, Defendant, MARYAM SADEGHI, M.D., initially advised Plaintiff that he did not have
23 a left leg fracture while ruling out a ligamentous tear, fracture or sprain. Prior to discharge, Dr. SADEGHI
24 again reviewed the x-rays when Plaintiff was advised that he indeed suffered a left tibial fracture. Plaintiff
25

1 was also provided a next-day appointment at the Kaiser Downey Orthopedic Clinic for follow-up care and
2 examination. The examination of Defendant SADEGHI, however, did not include any lower leg vascular
3 study, MRI or pressure test to rule out a Compartment Syndrome injury. Prior to discharge, Plaintiff was
4 provided a morphine shot for pain, crutches, knee immobilizer and instructions to ice to the injury site and
5 take Ibuprofen for pain.

6 18. On May 29, 2012, Plaintiff presented to the Kaiser Downey Orthopedic Clinic when examined by
7 Kaiser Physician Assistant, John Carlin, P.A. During the May 29, 2012, examination, Plaintiff was noted
8 with lower left leg swelling from the knee to foot, lower leg redness with numbness to the foot with limited
9 ability to move his toes. The area of the knee was also hot to the touch.

10 19. During the May 29, 2012 examination, Kaiser Physician Assistant John Carlin, P.A., obtained x-
11 rays that indicated a "lateral tibial plateau fracture with slight inferior depression". The Plaintiff was also
12 provided a CT study indicating a "depressed lateral tibial plateau fracture", "moderate joint effusion" and
13 "mild subcutaneous edema". However, the Kaiser radiologist further indicated that an MRI would be more
14 suitable for "assessment of the soft tissue structures".

15 20. Despite the severity, location and leg swelling and pain during the May 29, 2012, presentation at
16 Kaiser, Plaintiff was not provided a lower leg vascular study, pressure test or MRI study to rule out a
17 Compartment Syndrome injury. Instead, Plaintiff was discharged with instructions to apply ice at the
18 injury site, knee immobilizer and to return to the clinic in 10 days.

19 21. On May 31, 2012, Kaiser Orthopedist, Paul Woodworth, M.D., reviewed the Plaintiff's medical
20 record, including the CT study, noting that the patient would benefit from surgery to be scheduled for the
21 Kaiser Bellflower Urgent Operation Center.

22 22. On June 1, 2012, John Carlin, P.A. contacted Plaintiff to inform him that it was decided that due to
23 the severity of the injury, Plaintiff required surgery scheduled for June 9, 2012. During the conversation,
24
25

1 Plaintiff again advised John Carlin, P.A. that his left leg remained swollen with numbness to his foot and
2 limited ability to move his toes. Inexplicably, there was no further discussion or comment as to any
3 potential Compartment Syndrome injury.

4 23. On June 9, 2012, Plaintiff arrived at about 10:00 a.m. for the surgical preparation. However, upon
5 examination the procedure was delayed due to left leg redness and swelling. The examining physician then
6 ordered Plaintiff admitted to the hospital for 24-hour antibiotic therapy for a presumed cellulites infection.

7 24. On June 10, 2012, Plaintiff was discharged home following the antibiotic therapy with a significant
8 reduction in the swelling and redness. At discharge, Plaintiff was unable to move his foot.

9 25. On June 11, 2012, Plaintiff was seen by orthopedist Andre Zimmerman, M.D. and consulting
10 physician Buchanan to discuss surgical alternatives for the leg fracture, including the confirmation of a
11 "foot drop" due to the Compartment Syndrome injury. During the examination, Plaintiff was advised that
12 his inability to move his foot was due to a condition known as "foot drop" most likely due to Compartment
13 Syndrome. Plaintiff was also advised that the Compartment Syndrome, if not timely diagnosed and treated,
14 could cause nerve damage with resulting "foot drop" which could be permanent. Plaintiff was also advised
15 that the damaged nerve may regenerate in which a final determination of the condition would not be known
16 for several months.

17 26. During the next several months, Plaintiff received multiple orthopedic examinations at Kaiser with
18 diagnostic studies indicating his "foot drop" injury. To date, Plaintiff's condition has not improved with
19 functional limitations with his foot causing him to drag his foot while walking which impairs his gait, often
20 with a limp, and unable to walk long distances. Plaintiff also suffers from bilateral knee and hip pain due
21 to the gait imbalance with ongoing requirements for pain medications.

22 27. Defendants, and each of them, breached their aforesaid duties to Plaintiff by failing to exercise a
23 high index or degree of suspicion to rule out a Compartment Syndrome as required by the Standard of Care
24
25

1 in the community, to the permanent damage to Plaintiff. Defendants, and each of them, engaged in grossly
2 substandard conduct by failing to perform the requisite lower leg vascular studies, MRI diagnostic Studies
3 and pressure tests required to rule out a Compartment Syndrome injury. The lapses in the standard of care
4 also involved the failure to provide a timely diagnosis and care for Plaintiff's Compartment Syndrome
5 despite the clear evidence of swelling, redness, foot numbness and bleeding at the injury site resulting in
6 permanent nerve injury to his foot. Moreover, upon a diagnosis of a tibial fracture, the prevailing standards
7 require treating physicians to exercise a heightened degree of care, including a proper differential diagnosis
8 to rule out the possibility of a Compartment Syndrome given the severity of the neurologic injury to the
9 tissue and limb with resulting "foot drop" by failing to timely diagnose this known complication.
10

11 28. Due to Defendants' grossly substandard and negligent care, Plaintiff suffered pain and injuries,
12 which are permanent in nature as described herein.

13 29. Defendants, DOES 1-200, and each of them, negligently, recklessly, carelessly and unskillfully
14 treated, diagnosed and cared for Plaintiff, and also negligently, recklessly, and carelessly failed to conform
15 to the standards of medicine for the community in the care and treatment of Plaintiff by failing to perform
16 vascular, diagnostic and pressure testing to rule out Compartment Syndrome resulting in permanent injury
17 to Plaintiff as heretofore described.

18 30. Defendants, and each of them, failed to exercise that degree of care and skill ordinarily exercised by
19 other physicians and acute medical care providers in the same fields of medicine for the County of Los
20 Angeles and surrounding areas.

21 31. As a result of the above-described negligence, malicious, oppressive, intentional, and reckless
22 conduct of defendants, and each of them, Plaintiff, RICHARD HUERTA, was hurt and injured in his
23 physical and mental health, strength and activities all of which have caused and continued to cause Plaintiff
24
25

1 great mental, physical and nervous pain and suffering. As a result of such injuries, plaintiff has suffered
2 and continues to suffer general and permanent damages in an amount according to proof.

3 32. As a further proximate result of the conduct of the defendants and each of them, Plaintiff was
4 forced to incur expenses for medical care and attention and is informed and believes and thereon alleges
5 that he will in the future be forced to incur additional expenses of the same nature, all in an amount
6 presently unknown and not ascertained. Plaintiff will pray leave to the court to show the reasonable value
7 and total of such medical expenses when the same have been ascertained.

8 33. As a further proximate result of the conduct of the defendants and each of them, Plaintiff was
9 gainfully employed at the time of the injury and as a result hereto was forced to incur a loss of wages and is
10 informed and believes and thereon alleges that he will incur a loss of future income and earning capacity,
11 in an amount presently unknown and not ascertained. Plaintiff will pray leave to the court to show the
12 reasonable value and total of such loss of past and future wages and earning capacity when the same has
13 been ascertained
14

15 WHEREFORE, Plaintiff prays for judgment as follows:

16 **FOR THE FIRST CAUSE OF ACTION FOR MEDICAL MALPRACTICE:**

17 [Against All Defendants]:

- 18 1. For special damages according to proof at trial;
19 2. For general damages according to proof at trial;
20 3. For costs of suit incurred herein;
21 4. For such other and further relief as the Court may deem just and proper;

22
23 DATED: May 23, 2013


24 Nicholas Heiman, Esq.
25 Attorney for Plaintiff, RICHARD HUERTA

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Nicholas Heiman, Esq.
4727 Wilshire Blvd., Suite 605
Los Angeles, CA 90010

CSB#126717

TELEPHONE NO.: (323) 933-8760

FAX NO.: (323) 930-2716

ATTORNEY FOR (Name): Plaintiff, Richard Huerta

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 North Hill Street

MAILING ADDRESS: -

CITY AND ZIP CODE: Los Angeles 90012

BRANCH NAME: Central

CASE NAME: Richard Huerta v. Memorialcare Medical Foundation, et al

FOR COURT USE ONLY

FILED
LOS ANGELES SUPERIOR COURT

MAY 23 2013

JOHN A. CLARKE, CLERK
BY MARY FLORES, DEPUTY

CIVIL CASE COVER SHEET

☒ **Unlimited** ☐ **Limited**
(Amount (Amount
demanded demanded is
exceeds \$25,000) \$25,000 or less)

Complex Case Designation

☐ **Counter** ☐ **Joinder**
Filed with first appearance by defendant
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:

JUDGE:

DEPT:

BC509887

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)

Other PIPD/W (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☒ Medical malpractice (45)
☐ Other PIPD/W (23)

Non-PIP/W (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PIP/W tort (35)

Employment

☐ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): medical malpractice

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related cases. (You may use form CM-015.)

Date: 5/22/13

Nicholas Heiman, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.

File this cover sheet in addition to any cover sheet required by local court rule.

If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (not asbestos or toxic/environmental) (24)
Medical/Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (not medical or legal)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (not provisionally complex) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (non-domestic relations)
Sister State Judgment
Administrative Agency Award (not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (not specified above) (42)
Declaratory Relief Only
Injunctive Relief Only (non-harassment)
Mechanics Lien
Other Commercial Complaint Case (non-tort/non-complex)
Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (not specified above) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

SHORT TITLE:

Richard Huerta v. Memorialcare Medical, et al

CASE NUMBER

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input checked="" type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE:

Richard Huerta v. Memorialcare Medical, et al

CASE NUMBER

Non-Personal Injury/ Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE:

Richard Huerta v. Memorialcare Medical, et al

CASE NUMBER

Judicial Review

Provisionally Complex Litigation

Enforcement
of JudgmentMiscellaneous
Civil ComplaintsMiscellaneous
Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6038 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE:

Richard Huerta v. Memorialcare Medical, et al

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

☐1. ☐2. ☐3. ☒4. ☐5. ☐6. ☐7. ☐8. ☐9. ☐10.

ADDRESS:

2801 Atlantic Avenue

CITY:

Long Beach

STATE:

CA

ZIP CODE:

90806

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the L.A.S.C. courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: 5/22/13

(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

05/23/2013