

FILED BY FAX-PI-001

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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Brygida Raczka, Luis Solis 1312 Norvell Street El Cerrito, CA 94530 TELEPHONE NO: (415) 860-4312 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs in pro per | | ALAMEDA COUNTY June 19, 2013 CLERK OF THE SUPERIOR COURT By Judith Sallee, Deputy CASE NUMBER: RG13684381 |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: | | |
| PLAINTIFF: Brygida Raczka DEFENDANT: Kaiser Foundation Hospital, Kaiser Foundation Health Plan, Kaiser Permanente, Stephanie M. Rodriguez <input checked="" type="checkbox"/> DOES 1 TO 100 | | |
| COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Medical Malpractice <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify): | | |
| Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited | | CASE NUMBER: |

1. Plaintiff (name or names): Brygida Raczka, Luis Solis
 alleges causes of action against defendant (name or names):
 Kaiser Foundation Hospital, Kaiser Foundation Health Plan, Kaiser Permanente, Stephanie M. Rodriguez
2. This pleading, including attachments and exhibits, consists of the following number of pages: 4
3. Each plaintiff named above is a competent adult
- a. ☐ except plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
- b. ☐ except plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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| SHORT TITLE: Raczka v. Kaiser Foundation Hospital | CASE NUMBER: |
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ATTACHMENT (Number): 1

(This Attachment may be used with any Judicial Council form.)

Attachment to Complaint

1. Plaintiffs Brygida Raczka and Luis Solis allege causes of action against Kaiser Foundation Hospital, Kaiser Foundation Health Plan, Kaiser Permanente, Stephanie M. Rodriguez, Does 1 to 100.
5. Each defendant is a natural person except Kaiser Foundation Hospital, Kaiser Foundation Health Plan, Kaiser Permanente.
6. The true names of defendants sued as Does are unknown to plaintiffs. Doe defendants 1 to 100 were the agents or employees of the other named defendants and acted within the scope of that agency or employment.
8. This court is the proper court because the principal place of business of a defendant corporation is in its jurisdictional area and injury to person occurred in its jurisdictional area.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)

PLD-PI-001

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| SHORT TITLE: | CASE NUMBER: |
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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

Plaintiff Luis Solis has suffered a loss of consortium

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: June 17, 2013

Brygida Raczka, Luis Solis

(TYPE OR PRINT NAME)

► Luis X Solis / Brygida Raczka

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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| SHORT TITLE: | CASE NUMBER: |
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ATTACHMENT (Number): 2

(This Attachment may be used with any Judicial Council form.)

First Cause of Action--General Negligence
Attachment to Complaint

On or about March 20, 2012 the named defendants and Does 1 to 100 were physicians, nurses, hospitals, and other health care professionals (hereinafter referred to as "medical care providers") licensed to practice medicine and nursing in California and were providing medical care to plaintiff Brygida Raczka. At all times mentioned herein, Brygida Raczka was a patient at Kaiser Foundation Hospital in Oakland, California.

At all times mentioned herein, Byrgida Raczka was in labor for the delivery of her child. At said time and place, the medical care providers were negligent in the examination, diagnosis, care, monitoring, supervision, and treatment of Brygida Raczka for her pregnancy.

At the said time and place(s) the Medical Care Providers engaged in, authorized, and tolerated procedures and practices below the standard of care for non-negligent medical care providers within this state and county, and further, negligently failed to properly train, monitor, control and supervise the Medical Care Providers' employees and agents in the provision of medical care and in providing for the safety and security of patients. As a result of all of the foregoing, plaintiff Brygida Raczka was injured, including but not limited to injuries that plaintiff sustained when she was negligently administered an epidural injection, was not properly supervised, was not properly diagnosed, was not properly treated, and thereby suffered severe physical injuries, including, but not limited to loss of continence, numbness involving thoracic, lumbar and sacral dermatomes, left lower extremity weakness, and loss of sexual enjoyment. Plaintiff Luis Solis suffered loss of consortium as a result of the foregoing. Plaintiffs are further informed and believe and thereon allege that the Medical Care Providers had notice that Brygida Raczka required proper monitoring, supervision, diagnosis and treatment, that the Medical Care Providers had such notice sufficiently in advance of the incident to avoid or limit plaintiff's injuries, but said Medical Care Providers failed to take reasonable or adequate steps to diagnose, monitor, eliminate, mitigate, treat, protect or warn of plaintiff's injuries or unreasonable risks of injury to plaintiff posed by the situation. All of said Medical Care Providers conduct has caused damages and injuries to the plaintiffs of the nature alleged herein. The Medical Care Providers acted negligently in all of the foregoing, and plaintiffs were injured as a direct result of said negligent acts and omissions. As a result of the foregoing negligence, plaintiff Brygida Raczka has sustained injuries, damages and losses, including but not limited to: Physical injuries to her body or health, disability, emotional distress, Medical and related expenses, lost wages and impairment of earning capacity, pain and suffering, impairment of enjoyment of life, continuing injury and other complications arising from the described wrongful conduct. As a further result of the conduct of defendants as described above, plaintiff Brygida Raczka has been required, and will in the future be required, to expend money and incur obligations for professional services reasonably required in the treatment of her injuries. The amount of such expenditures is unknown to plaintiff at this time and plaintiff prays leave to amend this complaint and insert the amount thereof when the same has been ascertained. Plaintiff Luis Solis has suffered and continues to incur loss of consortium, and loss of society, services, support, comfort and affection of Brygida Raczka who is his wife. Luis Solis has also suffered severe mental distress because of the foregoing, and has further incurred expense, burdens and distress, all of which are necessary to care for his wife and the injuries resulting from the negligence of the medical care providers.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)