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CLERK OF THE SUPERIOR COURT  
COUNTY OF STANISLAUS  
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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF STANISLAUS

KRISTIE STRANGE, an individual;

Plaintiff,

vs.

BRIAN BIGELOW d/b/a DR. BRIAN R.  
BIGELOW, M.D.; BRIAN R. BIGELOW,  
M.D., an individual; KAISER PERMANENTE,  
a Corporation; and DOES 1 through 30,  
Inclusive,

Defendants.

CASE NO. 2001176-

COMPLAINT FOR DAMAGES

1. Medical Malpractice

Plaintiff KRISTIE STRANGE ("Plaintiff") alleges as follows:

**PRELIMINARY ALLEGATIONS**

1. The true names and capacities, whether individual, corporate, associate or otherwise, of Defendants DOES 1 through 30, Inclusive, are unknown to Plaintiff who therefore sues said Defendants by such fictitious names and will ask leave of court to amend this Complaint to set forth their true names and/or capacities when the same are ascertained.

2. The aforesaid fictitious Defendants, together with the named Defendants, are responsible for the hereinafter alleged medical/professional negligence (medical/professional/health care provider malpractice) which was the actual and legal cause of the injuries and loss to the Plaintiff as hereinafter set forth, and otherwise, which entitles him to money damages as compensation therefore.

This case has been assigned to Judge [Signature] for all purposes including trial.  
JANUARY 2011

1           3.     Plaintiff is informed and believes and thereon alleges that at all times mentioned  
2 herein, the Defendants and each of them were the agents, servants, employees, assistants, and  
3 consultants of their co-Defendants, and of each other, and as such, were acting within the course  
4 of and within the scope of their employment, agency and authority for each other with the  
5 knowledge and consent of their co-Defendants; and when each Defendant was acting as a  
6 principal, was negligent in the selection and employment as well as the supervision, of each and  
7 every other Defendant as its agent, employee, assistant and/or consultant.

8           4.     Plaintiff, KRISTIE STRANGE is a resident of Modesto, California.

9           5.     At all times mentioned herein, Defendant KAISER PERMANENTE and DOES 1  
10 through 10 (hereinafter collectively referred to as "Defendant KAISER"), and each of them,  
11 were corporations, associations, private organizations, medical groups consisting of partners,  
12 partnerships, professional corporations, and other entities, licensed and or/authorized to conduct,  
13 manage, operate, and control a hospital known as Kaiser Permanente, located at Modesto,  
14 California, which is located within the County of Stanislaus, State of California.

15           6.     At all times mentioned herein, Defendant KAISER held itself out to the public to  
16 use that degree of care, skill, diligence and attention used by health care facilities generally in the  
17 community in the care and treatment of patients. Defendant KAISER has in its employ, among  
18 others, doctors, nurses, interns, residents, student nurses, nurses' aides and other hospital  
19 personnel over which it exercises exclusive control and supervision, with the right to employ and  
20 discharge such employees.

21           7.     At all times mentioned herein, Defendants BRIAN BIGELOW, an individual;  
22 DR. BRIAN R. BIGELOW, M.D.; and DOES 11 through 20, and each of them (hereinafter  
23 collectively the "Defendant Doctors"), were doctors and surgeons licensed by the State of  
24 California to practice medicine and surgery and/or professional corporations incorporated in the  
25 State of California, and each of them held themselves out to possess that degree of skill, learning,  
26 ability and expertise possessed by similar medical practitioners practicing in the County of  
27 Stanislaus, State of California.

8. The exact form of business, association or organization under which Defendant DOES 21 through 30, and each of them, exist and conduct themselves is unknown to Plaintiff at the time of filing this Complaint and he will ask leave of court to amend this Complaint to set forth this information when the same is ascertained.

9. Defendants BRIAN BIGELOW d/b/a DR. BRIAN R. BIGELOW, M.D.; BRIAN R. BIGELOW, M.D., an individual; KAISER PERMANENTE, a Corporation; and DOES 1 through 30, are collectively referred to herein as “Defendants.”

10. All of the acts and omissions complained of herein occurred within the County of Stanislaus, State of California.

11. Plaintiff gave notice to Defendants of intention to commence this action pursuant to Cal. Code Civil Procedure Section 364, on or about July 9, 2013.

## VENUE

12. At all times herein mentioned, the negligence on which this action is based occurred within the boundaries of the Superior Court of the State of California, County of Stanislaus.

### FIRST CAUSE OF ACTION

**(Professional Negligence/Medical Malpractice)**

13. Plaintiff realleges the allegations of the preceding paragraphs and incorporates them by this reference as though set forth here in their entirety.

14. Commencing on or about July 2012, and at all times relevant to this action, Defendants and each of them, were healthcare providers duly licensed in California, and each of them held themselves out as possessing that degree of skill, ability and learning common to said healthcare providers in the State of California.

15. Commencing on or about July 2012, and at all times relevant to this action, Plaintiff consulted with Defendants, and each of them, for the purpose of examination, diagnosis, care and treatment.

1           16. Defendants, and each of them, owed a duty to Plaintiff commensurate with the  
2 applicable standard(s) of care of a healthcare provider based upon their respective medical  
3 specialties.

4           17. On or about July 13, 2012, Plaintiff presented at Kaiser Permanente Medical  
5 Center, wherein she was treated by the employees, agents, and/or independent contractors of  
6 Defendant KAISER (hospital), the Defendant Doctors, and DOES 21-30.

7           18. During the course of her treatment, Defendants breached their duty of care by  
8 negligently performing a partial hysterectomy, negligently puncturing and lacerating Plaintiff's  
9 bladder, negligently repairing the punctures and lacerations to Plaintiff's bladder, negligently  
10 allowing Plaintiff's arm to hang in a blood pressure cuff from the table for the entire nine hour  
11 repair surgery, and/or negligently treating Plaintiff. In essence, Defendants carelessly and  
12 negligently examined, diagnosed, treated and cared for Plaintiff.

13           19. During the course of her treatment at Kaiser Permanente Medical Center, Plaintiff  
14 underwent a partial hysterectomy surgery that was scheduled to take 1-2 hours. During the  
15 surgery, Defendants lacerated and punctured Plaintiff's bladder. Attempting to repair the  
16 laceration and punctures, Defendants spent 8-9 hours in surgery but could not properly repair the  
17 harm done to Plaintiff. Plaintiff was forced to use a catheter for four (4) weeks following the  
18 surgery. Plaintiff underwent multiple surgical procedures in an attempt to repair the punctures  
19 and lacerations to her bladder. Furthermore, during the surgery, Defendants allowed Plaintiffs  
20 left arm, which was fitted and constricted with a blood pressure cuff during surgery, to dangle  
21 from the operating bed during the entire procedure. Following the surgery Plaintiff did not have  
22 feeling in her arm, it was extremely swollen, and when feeling returned, Plaintiff experienced  
23 great pain. Plaintiff lost feeling and movement in her fingers and continues to attend physical  
24 therapy in an attempt to regain feeling and movement in her arm. Plaintiff continues to feel pain  
25 in her left arm.

26           20. Defendants' failure to properly perform the surgery and to properly repair the  
27 harm caused during surgery was a breach of the community standard of care.  
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1           21. Defendants, and each of them, were negligent and careless in the care and  
2 treatment rendered to Plaintiff during the course of her hospital stay and/or visits during July  
3 2012. The above-described negligence of Defendants, and each of them, resulted in serious and  
4 permanent injury to Plaintiff's bladder, left arm, and otherwise.

5           22. As alleged above, as a direct and legal result of the above described negligence of  
6 Defendants, and each of them, Plaintiff was hurt and injured in her health, strength, and activity,  
7 sustaining injury to her nervous system and person, all of which injuries have caused, and  
8 continue to cause Plaintiff great mental, physical and nervous pain and suffering. Plaintiff is  
9 informed and believes and thereon alleges that such injuries will result in permanent disability.  
10 As a result of such injuries, Plaintiff has suffered general damages in an amount to be proven at  
11 trial.

12           23. The aforesaid negligence and carelessness of Defendants, and each of them, was  
13 the actual and legal cause in producing the aforesaid unnecessary, preventable pain and suffering  
14 of Plaintiff, and permanent and serious injury, together with its attendant additional pain and  
15 suffering, emotional distress, partial loss of enjoyment of life, loss of employment and  
16 employability, loss of insurability, and otherwise, whereby said Plaintiff seeks general damages  
17 in a sum to be determined by a jury verdict and judgment thereon, according to proof.

18           24. As a proximate result of the negligence of the Defendants, and each of them,  
19 Plaintiff has incurred and will continue to incur medical and related expenses, in an amount that  
20 is unknown at this time but will be proven at the time of trial.

21           25. As a proximate result of the negligence of the Defendants, and each of them,  
22 Plaintiff has sustained economic damages and loss of earnings, and will continue to incur  
23 economic damages and loss of earnings in an amount that is unknown at this time but will be  
24 proven at the time of trial.

25           26. As a further proximate result of the negligence of the Defendants, and each of  
26 them, Plaintiff has suffered and will continue to suffer, a loss of earning capacity in an amount  
27 presently unknown but will be proven at the time of trial.

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1. General damages to Plaintiff, according to proof;
2. Economic damages to Plaintiff, according to proof;
3. Medical and related expenses of Plaintiff, according to proof;
4. Loss of earnings of Plaintiff, according to proof;
5. Loss of earning capacity of Plaintiff, according to proof;
7. Costs of suit herein;
8. Prejudgment interest; and
9. Such other further relief as the Court deems just and proper.

CASTLETON LAW FIRM

By Aaron N. Castleton  
Aaron N. Castleton  
Attorneys for Plaintiff