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11 ROBERT KOSSICK

12 **SUPERIOR COURT OF CALIFORNIA - COUNTY OF PLACER**
13 **UNLIMITED JURISDICTION**

14 DEBORAH KOSSICK and ROBERT
15 KOSSICK,

16 Plaintiffs,

17 v.

18 KAISER PERMANENTE ROSEVILLE
19 MEDICAL CENTER; KAISER
20 FOUNDATION HEALTH PLAN, INC.;
21 KAISER FOUNDATION HOSPITALS; THE
22 PERMANENTE MEDICAL GROUP, INC.;
23 STEVEN HATTON RYDER, M.D.; and
24 DOES 1 through 50, inclusive,

25 Defendants.

FILED
Superior Court of California
County of Placer

JUL 19 2013

Jake Charters
Executive Office & Clerk
By: T. Inman, Deputy

Case No. **SCV 0033354**

COMPLAINT FOR DAMAGES

**MEDICAL NEGLIGENCE; LOSS OF
CONSORTIUM**

JURY TRIAL DEMANDED

BY FAX

26 Plaintiffs DEBORAH and ROBERT KOSSICK complain and allege as against
27 Defendants as follows:

28 **PARTIES AND JURISDICTION**

1. Plaintiff DEBORAH KOSSICK ("Plaintiff") is, and at all relevant times hereto,
has been a resident of the State of California.

1 2. Plaintiff ROBERT KOSSICK ("Plaintiff") is, and at all relevant times hereto, has
2 been a resident of the State of California.

3
4 3. Plaintiff is informed and believes and thereby alleges that defendant KAISER
5 PERMANENTE ROSEVILLE MEDICAL CENTER, is a business form unknown whose
6 principal place of business is located in the County of Placer, State of California.

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8 4. Plaintiff is informed and believes and thereby alleges that defendant KAISER
9 FOUNDATION HEALTH PLAN, INC., is a corporation whose principal place of business is
10 located in the County of Alameda, State of California.

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12 5. Plaintiff is informed and believes and thereby alleges that defendant KAISER
13 FOUNDATION HOSPITALS, is a corporation whose principal place of business is located in the
14 County of Alameda, State of California.

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16 6. Plaintiffs are informed and believe and thereby allege that defendant THE
17 PERMANENTE MEDICAL GROUP, INC., is a corporation whose principal place of business is
18 located in the State of California.

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20 7. Defendants KAISER PERMANENTE ROSEVILLE MEDICAL CENTER,
21 KAISER FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION HOSPITALS, and
22 THE PERMANENTE MEDICAL GROUP are engaged in a joint venture, common enterprise,
23 and/or an unincorporated association commonly referred to as "Kaiser" or "Kaiser Permanente,"
24 are hereinafter collectively referred to in this complaint as "Kaiser."

25
26 8. Plaintiff is informed and believes and thereby alleges that defendant STEVEN
27 HATTON RYDER, M.D., was at all relevant times a medical doctor that was licensed to practice
28 medicine in the State of California, and provided medical treatment and care to Plaintiff.

1 9. DOES 1 through 50 are physicians, health care providers, and/or other persons that
2 attended to decedent. Plaintiffs are currently unaware of the names of these DOE defendants, but
3 will amend this complaint to allege these individuals as DOE defendants once plaintiffs identify
4 said defendants in the course of discovery. Plaintiffs are informed and believe that an agency
5 relationship exists between defendants and DOES 1 through 50.

6
7 10. Plaintiff has complied with the requirements of Code of Civil Procedure Section
8 364.

9
10 11. Plaintiffs are unaware of the true identity, nature and capacity of each of the
11 defendants designated herein as a DOE, whether individual, corporate, associate or otherwise,
12 who therefore sues such defendants by fictitious names pursuant to California Code of Civil
13 Procedure §474. Plaintiffs are informed and believe and thereby allege that each of the
14 defendants designated herein as a DOE is in some manner responsible for the damages and
15 injuries as are alleged in this Complaint. Upon learning the true identity, nature and capacity of
16 the DOE defendants, plaintiffs will amend this Complaint to allege their true names and
17 capacities.

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19 12. Plaintiffs are informed and believe, and thereby allege that each of the defendants
20 herein were at all times relevant hereto, the agents, representatives, servants and employees of the
21 remaining defendants, and were acting at least in part within the course and scope of such
22 relationship, and that the wrongful acts alleged herein were committed by such defendants, and
23 each of them. Moreover, plaintiffs are informed and believe that defendants and DOES 1 through
24 50 are engaged in a joint enterprise.

1 **FIRST CAUSE OF ACTION**

2 (Medical Negligence – Plaintiff Deborah Kossick v. All Defendants)

3 13. Plaintiff Deborah Kossick was a patient at Kaiser Permanente, in which she sought
4 treatment and care for a hand and wrist condition.

5
6 14. Plaintiff Robert Kossick is the husband of Plaintiff Deborah Kossick, who was
7 actively engaged in a loving and caring relationship with his spouse at the time of the negligent
8 surgery.

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10 15. In or about December 2011, Plaintiff met with Defendant Ryder to discuss
11 potential treatment options pertaining to Plaintiff's hand and wrist condition, which Defendants
12 had diagnosed as carpal tunnel syndrome. During this consultation, Defendant Ryder
13 recommended that Plaintiff undergo surgery for her wrist and hand condition, but Defendant
14 Ryder failed to explain or disclose any complications associated with the surgery. Defendant
15 Ryder did not inform Plaintiff or her husband that risks associated with the surgery would include
16 a chronic discoloration, or blackening of the hand and extremity, or constant and unbearable pain
17 or swelling.

18
19 16. On or about April 26, 2012, Plaintiff Deborah Kossick attended surgery with
20 Defendant Ryder at the Kaiser facility in Roseville, California. During the surgery, Plaintiff
21 woke up from complications associated with the surgery, and she observed blood pouring
22 uncontrollably out of her hand and extremity, while there was chaos amongst the staff conducting
23 the surgery, one of which kept yelling, "we can't give her any more medication."

24
25 17. Several days after the surgery, Plaintiff was in unbearable and uncontrollable pain
26 in her right hand. Plaintiff's hand starting becoming discolored and blackened, and it was
27 swelling.

1 18. On or about April 30, 2012, Plaintiff advised Defendants that the pain was
2 unbearable, and she believed that something went wrong during the surgery, as there was too
3 much blood. Defendants advised Plaintiffs that she had nothing to worry about because
4 "redheads bleed more" than other patients.

5
6 19. On or about May 29, 2012, Plaintiff attended a follow-up appointment with
7 Defendant Ryder, in which she again disclosed that her right hand was in constant and unbearable
8 pain, and was discolored and swollen. Defendant showed no sympathy or concern whatsoever,
9 and, instead, told her that there was nothing more that he could do for her.

10
11 20. As a result, Plaintiff sought treatment and care from another qualified licensed
12 physician, who diagnosed Plaintiff with Complex Regional Pain Syndrome ("CRPS"), which was
13 caused by the negligent surgery and treatment and care.

14
15 21. To this date, Plaintiff Deborah Kossick continues to be in an extreme amount of
16 pain in her right hand, which is now permanent. The hand is also swollen and blackened, which
17 will impact her ability to work and care for herself for the remainder of her life.

18
19 22. In acting above, Defendants owed Plaintiffs a duty to exercise reasonable and
20 professional care in the medical treatment of Plaintiff Deborah Kossick.

21
22 23. Defendants' treatment and care of Plaintiff was below the standard of care and
23 constituted negligence. Defendants failed to exercise reasonable treatment and care in the surgery
24 of Plaintiff, including the failure to warn Plaintiff of the associated risks of surgery, so as to
25 obtain her informed consent. Defendants' negligent, reckless, and careless conduct caused
26 Plaintiff significant damages.

1 24. As a direct and proximate result of this reckless, negligent, and careless conduct of
2 the Defendants, Plaintiff has sustained severe damages in an amount to be proven at trial.

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4 25. With respect to this cause of action, Plaintiffs will amend the complaint to assert a
5 claim for punitive damages pursuant to Code of Civil Procedure Section 425.13.

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7 **SECOND CAUSE OF ACTION**

8 (LOSS OF CONSORTIUM – Plaintiff Robert Kossick v. All Defendants)

9 26. Plaintiffs reallege and incorporates by reference Paragraphs 1 through 25 of this
10 Complaint as though fully set forth herein.

11
12 27. Defendants owed Plaintiffs a duty to exercise reasonable and professional care in
13 the medical treatment and surgery of Plaintiff.

14
15 28. Plaintiff Robert Kossick is, and at all relevant times hereto, has been the husband
16 to Plaintiff Deborah Kossick, who was engaged in a loving and caring relationship. In acting
17 above, Defendants caused Plaintiff Robert Kossick to lose the affection, care, and loving
18 relationship he had with his spouse, which amounts to a loss of consortium.

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20 29. As a direct and proximate result of Defendants' conduct, Plaintiff Robert Kossick
21 suffered substantial damages in an amount to be proven at trial.

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23 30. With respect to this cause of action, Plaintiffs will amend the complaint to assert a
24 claim for punitive damages pursuant to Code of Civil Procedure Section 425.13.

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26 **PRAYER FOR RELIEF**

27 Wherefore, Plaintiffs pray for judgment against Defendants, and each of them as follows:

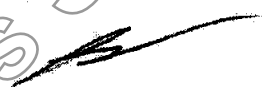
28 1. For general damages in an amount according to proof;

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- 2. For special damages in an amount according to proof;
- 3. For prejudgment interest in an amount according to proof;
- 4. For punitive and/or exemplary damages, Plaintiffs reserve in accordance with
Code of Civil Procedure Section 425.13;
- 5. For attorneys' fees and costs;
- 6. For costs of suit therein;
- 7. For such other and further relief as the court may deem proper.
- 8. Plaintiff demands a trial by jury.

Dated: July 18, 2013

BROWN | POORE LLP

By: 
David M. Poore
Attorneys for Plaintiff