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Brett Harris Anderson in Pro se (707-359-8235)
Michelle Harris Anderson in Pro Se (707-359-8235)
2010-A Harbison Dr. Vacaville, Ca. 95687

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ALAMEDA COUNTY
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By Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

Brett Harris Anderson in Pro se
Michelle Harris Anderson in Pro Se

PLAINTIFFS

VS

Kaiser Permanente Medical Center, Inc. (KPMC), Oakland
A Professional Corporation
Kaiser Foundation Hospitals (KFH)
The Permanente Medical Group, Inc. (TPMG)
Does 1-100 Inclusive

DEFENDANTS

Case No.: RG13693105

COMPLAINT FOR DAMAGES:

1. Negligence Per Se
2. Intentional Infliction of Emotional Distress
3. Battery
4. DEFAMATION, SLANDER AND LIBEL
5. The Bane ACT
6. Conspiracy
7. Professional Negligence
8. Hospital Negligence
9. Breach of fiduciary Duty
10. Attorney Fees

DEMAND FOR JURY TRIAL

10. Within Minutes the Defendants confirmed that Ms. Harris Anderson was in fact in labor, and administered Ms. Harris Anderson two tablets of medication to "help with the pain". While questioning Ms. Harris Anderson about prior births and Ms. Harris Anderson explained that she had 3 prior C-sections and that she had 4 vaginal deliveries.. Defendants then asked Ms. Harris Anderson if she would consider having a Tubal Ligation. Ms. Harris Anderson stated that she 'had thought about it," but had "decided against it due to her religious beliefs".

11. The Defendants then explained to Ms. Harris Anderson that she should "reconsider" having her "tubes tied because if you have any more babies, it'll kill you"!. Defendants stated that this opinion was based on the fact that Ms. Harris Anderson had "so many C-section's that future pregnancies would place too much pressure on your uterus and this would cause your uterus to burst and you and the baby could die from the complications".

12. Defendants eventually convinced Ms. Harris Anderson to sign a release of liability/Authorization for the Tubal Ligation, Ms. Harris Anderson signed the Consent Form literally minutes before being rolled into the delivery room. Defendants did all the above while having full knowledge that Ms. Harris Anderson was in the midst of labor and under the influence and control heavy medications and anesthetics administered by the Defendants.

13. Defendants knew or should have known that such medication would incapacitate Ms Harris Anderson, negating her will and rendering her to a state of consciousness entirely open and susceptible to suggestion and coercion.

14. Defendants knew or should have known that it was unethical and illegal to seek, let alone acquire Ms. Harris Anderson's authorization for this life changing operation while she was incapacitated and without providing Ms. Harris the benefit the statutory 30 day or 72 hour reflection period between providing authorization and performance of the operation.

15. On 08/24/11 Defendants sterilized Ms. Harris Anderson in violation her civil rights and in violation of the following California State statutes Cal. Code Regulations. title. 22, § 51305.3 (2011) (a) An individual has given informed consent only if (1) The person who obtained consent for the sterilization procedure: (A) Offered to answer any questions the individual to be sterilized may have concerning the procedure. (B) Provided the individual with a copy of the consent form and the booklet on sterilization published by the Department. (C) Provided orally all of the following to the individual to be sterilized: 1. Advice that the individual is free to withhold or withdraw consent to the procedure at any time before the sterilization without affecting the right to future care or treatment and without loss or withdrawal of any federally funded program benefits to which the individual might be otherwise entitled. 2. A full description of available alternative methods of family planning and birth control. 3. Advice that the sterilization procedure is

. COMPLAINT FOR DAMAGES

GENERAL ALLEGATIONS

1. This action also arises under the California Tort Claims Act (Cal. Gov. Code §§ 810 et seq), and CC § 52 et seq) The Bane Act, Unruh Act and The Ralph Act 51.7.

2. This action arises under the Civil Rights Act of 1871 (42 U.S.C. Sections 1983, 1985 and 1988. The Americans with Disabilities Act,, The Health Insurance Portability and accountability Act and the First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States. This Court has jurisdiction of the federal claims under 28 U.S.C. Section 1331, 1332, 1343(3), 1343(4), 2201, and 2202. This court has pendent jurisdiction over the state claims.

3. Plaintiff's Brett Harris Anderson and Michelle Harris Anderson, bring this action pursuant to federal jurisdiction, based on violations of the federal constitution with pendent state claims.

4. Plaintiffs are and were at all times mentioned herein citizens of the United States, and residents of The State of California and at least part of the time in the County of Alameda.

5. Defendants, Kaiser Permanente Medical Center, is a California corporation, and Kaiser Foundation Hospitals and The Permanente Medical Group are California corporations; Their physicians, nurses, staff members, employees and agents; DOES 1 through100, inclusive (hereinafter collectively referred to as the "Defendants"),

6.

7. STATEMENT OF FACTS

8. On 8/24/11 Ms. Harris Anderson went into labor approximately two weeks prior to her expected delivery date. Mr. and Ms. Harris Anderson were visiting relatives in Oakland, CA. at the time and Ms Harris Anderson was driven to Kaiser Medical Center (KPMC), 3801 Howe Ave. Oakland, CA by a family cousin.

9. Upon arrival KPMC, Ms. Harris Anderson advised the Defendants that she was having contractions and was sure she in labor. Ms. Harris Anderson also stated that she 14 days early from her scheduled C-Section which would have been preformed by her OBGYN at UC Davis Medical Center in Sacramento CA.

considered to be irreversible. 4. A thorough explanation of the specific sterilization procedure to be performed. 5. A full description of the discomforts and risks that may accompany or follow the performing of the procedure, including an explanation of the type and possible effects of any anesthetic to be used. 6. A full description of the benefits or advantages that may be expected as a result of the sterilization. 7. Approximate length of hospital stay. 8. Approximate length of time for recovery. 9. Financial cost to the patient. 10. Information that the procedure is established or new. 11. Advice that the sterilization will not be performed for at least 30 days, except under the circumstances specified in Section 51305.1. 12. The name of the physician performing the procedure.

16. If another physician is to be substituted, the patient shall be notified, prior to administering pre-anesthetic medication, of the physician's name and the reason for the change in physician. (2) Suitable arrangements were made to ensure that the information specified in (a)(1) was effectively communicated to any individual who is blind, deaf, or otherwise handicapped. (3) An interpreter was provided if the individual to be sterilized did not understand the language used on the consent form or the language used by the person obtaining consent. (4) The individual to be sterilized was permitted to have a witness of the individual's choice present when consent was obtained. (5) The sterilization operation was requested without fraud, duress, or undue influence. (6) The consent form requirements of Section 51305.4 were met. (b) Informed consent may not be obtained while the individual to be sterilized is: (1) In labor or within 24 hours postpartum or post-abortion. (2) Seeking to obtain or obtaining an abortion.

17. Defendants also violated Cal. Code Regulations. title. 22, § 51305.4 (2011) (a) The Consent Form, provided by the Department in English and Spanish, shall be the only approved form and shall be signed and dated by the: (1) Individual to be sterilized. (2) Interpreter, if one is provided. (3) Person who obtained the consent. (4) Physician who performed the sterilization procedure. (b) The person securing consent shall certify, by signing the Consent Form, to have personally: (1) Advised the individual to be sterilized, before the individual to be sterilized signed the Consent Form, that no federal benefits may be withdrawn because of the decision not to be sterilized. (2) Explained orally the requirements for informed consent to the individual to be sterilized as set forth on the Consent Form and in Section 51305.3. (3) Determined, to the best of his or her knowledge and belief, that the individual to be sterilized appeared mentally competent and knowingly and voluntarily consented to be sterilized. (c) The physician performing the sterilization shall certify, by signing the Consent Form, that: (1) The physician, shortly before the performance of the sterilization, advised the individual to be sterilized that federal benefits shall not be withheld or withdrawn because of a decision not to be sterilized. (2) The physician explained orally the requirements for informed consent as set forth on the Consent Form. (3) To the best of the physician's knowledge and belief, the individual to be sterilized appeared mentally competent and knowingly and voluntarily consented to be sterilized. (4) At least 30 days have passed between the date of the individual's signature on the Consent Form and the date upon which the sterilization was performed, except in the following instances: (A) Sterilization may be performed at the

time of emergency abdominal surgery if the physician: 1. Certifies that the written informed consent to be sterilized was given at least 30 days before the individual intended to be sterilized. 2. Certifies that at least 72 hours have passed after written informed consent to be sterilized was given. 3. Describes the emergency on the Consent Form. (B) Sterilization may be performed at the time of premature delivery if the physician certifies that: 1. The written informed consent was given at least 30 days before the expected date of the delivery. The physician shall state the expected date of delivery on the Consent Form. 2. At least 72 hours have passed after written informed consent to be sterilized was given. (d) The interpreter, if one is provided, shall certify that the interpreter: (1) Transmitted the information and advice presented orally to the individual to be sterilized. (2) Read the Consent Form and explained its contents to the individual to be sterilized. (3) Determined, to the best of the interpreter's knowledge and belief, that the individual to be sterilized understood what the interpreter told the individual. (e) The person who obtains consent shall provide the individual to be sterilized with a copy of the booklet on sterilization, provided by the Department in English and Spanish, before obtaining consent. (f) For the purposes of this section, shortly before means a period within 72 hours prior to the time the patient receives any preoperative medication

18. Defendants were responsible for the Medical care and treatment of Ms. Harris Anderson and had a mandated duty to insure that Ms. Harris Anderson was fully informed and able to convey consent, the Defendants instead the Defendants conspired to violate the Plaintiffs civil rights.

19. The true names and capacities of Does 1-100 are unknown to the Plaintiff(s). Each of these fictitiously named parties has acted as an agent of or in concert with the named Defendants in the matters referred to herein and is responsible in some manner for the damages suffered by the Plaintiff(s) . Plaintiff(s) will amend this complaint to add the names and capacities of such Defendants when ascertained.

20. On 8/25/11 a KPMC Social Worker (Doe #1) entered Ms. Harris Anderson's maternity room and explained to Ms. Harris Anderson and Mr. Harris Anderson that she had been "notified" that Ms. Harris Anderson had provided a urine for analysis which "came back positive for THC" .

21. Ms. Harris Anderson stated that she (1) had not taken Marijuana for a matter of months; (2) that she "never gave permission for the hospital to analysis my urine" and (3) Ms. Harris Anderson also stated that both Ms. Harris Anderson and Mr. Harris Anderson were Medical Marijuana Patients and possessed Doctor's Recommendations (copies of which they provided the KPMC Social Worker).

22. The KPMC Social Worker then interviewed Ms. Harris Anderson, Mr. Harris Anderson, their three small children. As a result the KPMC Social worker was informed that Mr. Harris Anderson and Ms. Harris Anderson were engaged to be married; Mr. Harris Anderson and Ms. Harris Anderson had 3 small children (who were with them at the hospital) and that Harris Anderson household was stable and happy.

23. The KPMC Social Worker then stated that she had some "bad news", she stated that she "could tell that you are a great family, but California State Law and Hospital policy, mandate that she report to Child Protective Services all mothers who test positive for THC".

24. Mr. Harris Anderson asked the KPMC Social Worker if the baby tested positive for THC. The KPMC Social Worker then stated "the baby was negative for all substances", Ms. Harris Anderson asked the KPMC Social Worker if the KPMC Social Worker believed that Ms. Harris Anderson was a "drug addict?" The KPMC Social Worker answered "no, no nothing like that."

25. Ms. Harris Anderson asked the KPMC Social Worker if the KPMC Social Worker believed that Ms. Harris Anderson to was "suffering from any mental illness which would interfere with her ability to parent?" The KPMC Social Worker stated "hey if it were up to me, I would end it right here with our talk, but the law requires that we report all mothers who test positive for THC, regardless of whether its negative or not we have a mandated duty to report."

26. Mr. Harris Anderson explained to the KPMC Social Worker that he was very familiar with the child welfare laws and it was their belief that a "mothers negative drug test alone does not qualify as a situation mandated by California child abuse reporting laws". The KPMC Social Worker replied 'sadly it the law does require it, I know it's not fair but it's my job, I have to call Child Protective Services, I'm sorry."

27. Ms. Harris Anderson informed KPMC Social Worker that is believed that any action she would take would be in violation of California Welfare and Institutions code section 11362.5 (B) which ensures that Medical Marijuana Patients would be free from sanctions. KPMC Social Worker stated "I'm sorry you feel that way.",

28. Mr. Harris Anderson then informed KPMC Social Worker, that he and Ms. Harris Anderson had a Child Protective Services case dismissed in Sacramento County in February of that year (2011). Mr. Harris Anderson went on to inform KPMC Social

Worker that the Sacramento county case was Marijuana related and that it was the opinion of Sacramento County Child Protective Services that he and Ms. Harris Anderson were good parents who legally use marijuana and in fact, Sacramento Child Protective Services returned the children to Mr. and Ms. Harris Anderson and dismissed the case, all the while the parents were allowed the continued use of medical marijuana

29. Mr. Harris Anderson then provided the KPMC Social Worker the contact information to Sacramento County Social Worker Robin Jackson. The KPMC Social worker again apologized for bringing "such sad news on what should be a happy day."

30. The next day as the Harris Anderson family were making preparations to be discharged the KPMC Social Worker approached the family and stated "I want you to know that I spoke with Ms. Jackson and she said that the two of you were wonderful parents who have exceptional children". When asked by Ms. Harris Anderson if she had notified Alameda Child Protective Service the KPMC Social Worker further replied "I will consider my talk with Ms. Jackson as my having contacted CPS, so you guys are in the clear".

31. Defendants and DOES 1-100, inclusive, abused their power in violation of the Harris Anderson's civil rights, they also violated California Welfare and Institutions code section 11165.13 which states in part "a positive toxicology screen at the time of the delivery of an infant is not in and of itself a sufficient basis for reporting child abuse or neglect. However, any indication of maternal substance abuse shall lead to an assessment of the needs of the mother and child pursuant to Section 123605 of the Health and Safety Code. If other factors are present that indicate risk to a child, then a report shall be made. However, a report based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse shall be made only to a county welfare or probation department, and not to a law enforcement agency."

32. Defendants and DOES 1-100, inclusive, also abused the power and violated the civil rights of Mr. and Ms. Harris by recklessly discarding California State Law under the Compassionate Use Act, which states in sections 11362.5 (B) that "To ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction."

33. Defendants assert that being exposed to the threat of having their children forcibly removed from their custody and control merely because they are legal Medical Marijuana patients is a "sanction" they should have never faced, this

violation is even more callous when you consider that it took place on what should have been on of happiest days of their lives, the birth of their child. Instead the Plaintiffs spent the day of their child's birth worrying about CPS coming to take the children and a sterilization they never wanted.

34.

35. FIRST CAUSE OF ACTION
NEGLIGENCE
(ALL DEFENDANTS And DOES 1-100)

36. Plaintiff(s) s incorporate by Reference all of the aforementioned contentions. Due to events stated above, Defendants negligently preformed a non consensual tubal ligation resulting in Plaintiff(s) being denied their right to procreate. Defendants were negligent by denying Plaintiff Michelle Harris Anderson the right to be informed about female sterilization and its irreversible consequences. Punitive damages are also sought due to the gross negligence of the parties.

37. SECOND CAUSE OF ACTION
INTENTIONAL/NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(ALL DEFENDANTS And DOES 1-100)

38. Plaintiff(s) refers to and incorporates herein paragraphs 1 through 31 above. Defendants' conduct was not only outrageous it was intentional and malicious, or at the least grossly negligent, exhibiting a reckless disregard for Plaintiff(s) 's rights, causing Plaintiff(s) to suffer humiliation, mental anguish, stress and emotional and physical distress and Plaintiff(s) are injured in mind and body all to their damage in amounts according to proof.

39. As a further proximate result of the aforementioned acts of Defendants, Plaintiff(s) has been informed and believes and thereon alleges that he will incur additional medical expenses in the future, the exact amounts are of which are currently unknown.

40. By reason of the aforementioned abusive acts of Defendants, Plaintiff(s) was prevented from attending to his usual business and thereby lost earnings and revenues in amounts not yet ascertained.

41. The aforementioned acts of Defendants were willful wanton malicious and oppressive and justify the awarding of exemplary and punitive damages in amounts according to proof at trial.

42.
THIRD CAUSE OF ACTION
BATTERY

43. (ALL DEFENDANTS with the exclusion of KPMC Social Worker; Doe #1)

44. Plaintiff(s) refers to and incorporates herein paragraphs 1 through 36 above.

45. As herein alleged Plaintiff Michelle Harris Anderson was unlawfully Battered on her person by Defendants who preformed non consensual, touching of her person, and the severing of her fallopian tubes.

46. As a proximate result of the acts of the Defendants as alleged, Plaintiff(s) suffered physical and emotional injuries all of which have caused, and continue to cause, Plaintiff(s) great, mental physical and nervous pain and suffering. As a result of these injuries, Plaintiff(s) has suffered general damages in amounts not yet ascertained.

47. As a further proximate result of Defendants acts, Plaintiff Michelle Harris Anderson has been damaged in that she has been required to expend money and incur obligations for legal services, medical services, and other items reasonably required in the treatment and relief of the injuries herein alleged in amounts not yet ascertained.

48. As a further proximate result of the acts of Defendants, Plaintiff(s) incurred, and will continue to incur, legal, medical and related expenses. The full amount of these expenses is not known to Plaintiff(s) at this time.

49. As a further proximate result of the acts of defendant, Plaintiff(s) was prevented from attending to his usual occupation and thereby lost earnings in amounts not yet ascertained.

50. As a further proximate result of defendant's actions, Plaintiff(s)'s present and future earning capacity has been greatly impaired in amounts not yet ascertained.

51. FOURTH CAUSE OF ACTION
DEFAMATION, SLANDER AND LIBEL
(ALL DEFENDANTS And DOES 1-100)

52. Plaintiff(s) refers to and incorporates herein the allegations in paragraphs 1- 45 above.

53. Defendants actions outlined above exposed Plaintiff(s) s to hatred, contempt, ridicule, and disgrace which caused Plaintiff(s) s to be shunned, and avoided. This also injured their occupation.

54. The false Report made by Defendants concerning Plaintiff(s) s was made with the knowledge that it was false or with reckless regard of whether it was false or not.

55. Defendants made the false report concerning the Plaintiff(s) in the deliberate and successful attempt to destroy Plaintiff(s) present and future employment, reputation, and family relationships.

56. Defendant's conduct was not only outrageous, it was intentional and malicious, exhibiting a reckless disregard for Plaintiff(s)'s rights, causing Plaintiff(s) to suffer humiliation, mental anguish, stress and emotional and physical distress and Plaintiff(s) was injured financially, and injured in mind and body, all to their damage in amounts according to proof.

57. Defendant's conduct was also intentional and malicious, exhibiting reckless disregard for Plaintiff(s)'s rights, causing Plaintiff(s) to suffer Humiliation, Mental anguish, stress and emotional and Physical distress. Defendant was therefore guilty of malice, oppression amounting to despicable conduct so as to justify an award of exemplary or punitive damages.

58. FIFTH CAUSE OF ACTION
VIOLATION OF PLAINTIFF(S) 'S RIGHTS UNDER THE CALIFORNIA BANE and UNRUH CIVIL RIGHTS ACTS, CC § 51 et and CC § 52 et seq

59. (ALL DEFENDANTS And DOES 1-100)

60. Plaintiff(s) refers to and incorporates herein the allegations in Paragraphs 1 through 53 above.

61. By the Defendants acts described above, the Defendants have interfered, or attempted to interfere, by threats, intimidation, or coercion, with the Plaintiff(s) s exercise or enjoyment of his constitutional or statutory rights.

62. By the Defendants acts described above, the Defendants also interfered with the Plaintiff(s) s right to be free from violence or intimidation.

63. Defendants are therefore guilty of malice, oppression amounting to despicable conduct so as to justify for actual and exemplary damages and penalties.

64. SIXTH CAUSE OF ACTION
CONSPIRACY PURSUANT TO 42 U.S.C.§ 1983
ALL DEFENDANTS And DOES 1-100

65. Plaintiff(s) refers to and incorporates herein the allegations in paragraphs 1 through 59 above.

66. In combination of two or more persons, Defendants acted in concert to commit an individual act, or a lawful act by unlawful means, to inflict a wrong against or injury upon Plaintiff(s) . In committing the individual act or a lawful act by unlawful means, the Defendants made an agreement to inflict wrong against or injury upon Plaintiff(s) .

67. SEVENTH CAUSE OF ACTION

PROFESSIONAL NEGLIGENCE
(ALL DEFENDANTS And DOES 1-100)

68. Plaintiff(s) refers to and incorporates herein paragraphs 1 through 62 above.

69. As herein alleged Defendants undertook the managed health and care, Plaintiff Michelle Harris Anderson. Defendants had a duty through their professions to hold themselves to the highest standards and to apply those standards to the maintained health and care of Ms. Harris Anderson, instead Defendants negligently abandoned their training and the law by causing intentional harm to Ms. Harris Anderson.

70. As a proximate result of the acts of the Defendants as alleged, Plaintiff(s) suffered physical and emotional injuries all of which have caused, and continue to cause, Plaintiff(s) great, mental physical and nervous pain and suffering. As a result of these injuries, Plaintiff(s) has suffered general damages in amounts not yet ascertained.

71. As a further proximate result of Defendants acts, Plaintiff Michelle Harris Anderson has been damaged in that she has been required to expend money and incur obligations for legal services, medical services, and other items reasonably required in the treatment and relief of the injuries herein alleged in amounts not yet ascertained.

72. As a further proximate result of the acts of Defendants, Plaintiff(s) incurred, and will continue to incur, legal, medical and related expenses. The full amount of these expenses is not known to Plaintiff(s) at this time.

73. As a further proximate result of the acts of defendant, Plaintiff(s) was prevented from attending to his usual occupation and thereby lost earnings in amounts not yet ascertained.

74. As a further proximate result of defendant's actions, Plaintiff(s)'s present and future earning capacity has been greatly impaired in amounts not yet ascertained.

75. EIGTH CAUSE OF ACTION
HOSPITAL NEGLIGENCE
(ALL DEFENDANTS And DOES 1-100)

76. Plaintiff(s) refers to and incorporates herein paragraphs 1 through 70 above.

77. As herein alleged DEFENDANTS undertook the managed health and care, Plaintiff Michelle Harris Anderson. Defendants had a duty through their professions to hold themselves to the highest standards and to apply those standards to the maintained health and care of Ms. Harris Anderson, instead Defendants negligently abandoned their training and the law by causing intentional harm to Ms. Harris Anderson.

78. Defendants and DOES 1 through 100, inclusive, undertook the management, care, and treatment and all other things necessary to preserve the health and well-being of Ms. Harris Anderson.

79. Defendants and DOES 1 through 100, inclusive duties included, but were not limited to, the diagnosis, care, treatment and discharge of Maternity patients such as Ms. Harris Anderson. Specifically, Defendants and DOES 1 through 100, inclusive, had and have a common law duty to use reasonable diligence in safeguarding a patient committed to their charge; fulfillment of that duty in this case measured by a patient's capacity to give truly informed consent. Here the Defendants and DOES 1 through 100, inclusive, breach of duties includes, but is not limited to, the fact that they ignored the fact that Ms. Harris Anderson was deep into her labor; Defendants and DOES 1 through 100, inclusive, ignored the fact that Ms. Harris Anderson was under the influence of the medications administered by Defendants and Defendants and DOES 1 through 100, inclusive and never made a reasonable effort to assess Plaintiff Michelle Harris Anderson's ability to provide informed consent.

80. As a proximate result of the acts of the Defendants as alleged, Plaintiff(s) suffered physical and emotional injuries all of which have caused, and continue to cause, Plaintiff(s) great, mental physical and nervous pain and suffering. As a result of these injuries, Plaintiff(s) has suffered general damages in amounts not yet ascertained.

81. As a further proximate result of Defendants acts, Plaintiff Michelle Harris Anderson has been damaged in that she has been required to expend money and incur obligations for legal services, medical services, and other items reasonably required in the treatment and relief of the injuries herein alleged in amounts not yet ascertained.

82. As a further proximate result of the acts of Defendants, Plaintiff(s) incurred, and will continue to incur, legal, medical and related expenses. The full amount of these expenses is not known to Plaintiff(s) at this time.

83. As a further proximate result of the acts of defendant, Plaintiff(s) was prevented from attending to her usual occupation and thereby lost earnings in amounts not yet ascertained.

84. As a further proximate result of defendant's actions, Plaintiff(s)'s present and future earning capacity has been greatly impaired in amounts not yet ascertained.

85. NINTH CAUSE OF ACTION
BREACH OF FIDUCIARY DUTY
(ALL DEFENDANTS And DOES 1-100)

86. Plaintiff(s) refers to and incorporates herein paragraphs 1 through 70 above.

87. As herein alleged DEFENDANTS undertook the managed health and care, Plaintiff Michelle Harris Anderson. Defendants had a duty through their professions to hold themselves to the highest standards and to apply those standards to the maintained health and care of Ms. Harris Anderson, instead Defendants negligently abandoned their training and the law by causing intentional harm to Ms. Harris Anderson.

88. Defendants and DOES 1 through 100, inclusive, undertook the management, care, and treatment and all other things necessary to preserve the health and well-being of Ms. Harris Anderson.

89. Defendants and DOES 1 through 100, inclusive, duties included, but were not limited to, the diagnosis, care, treatment and discharge of Maternity patients such as Ms. Harris Anderson. Specifically, Defendants and DOES 1 through 100, inclusive, had and have a common law duty to use reasonable diligence in safeguarding a patient committed to their charge; fulfillment of that duty in this case measured by a patient's capacity to give truly informed consent. Here the Defendants and DOES 1 through 100, inclusive,

breach of duties includes, but is not limited to, the fact that they ignored the fact that Ms. Harris Anderson was deep into her labor; Defendants and DOES 1 through 100, inclusive, ignored the fact that Ms. Harris Anderson was under the influence of the medications administered by Defendants and Defendants and DOES 1 through 100, inclusive and never made a reasonable effort to assess Plaintiff Michelle Harris Anderson's ability to provide informed consent.

90. Defendants and DOES 1 through 100, inclusive, at all relevant times, held themselves out to the general public and to Mr. and Ms. Harris Anderson as health care providers duly qualified and licensed to practice medicine and/or nursing or related health care services in the City of Oakland, County of Alameda, and throughout the state of California. Defendants and DOES 1 through 100, inclusive, further held themselves out as possessing that degree of skill, ability and learning of medical and/or nursing or related health care practitioners in the relevant medical community to members of the general public, including Mr. and Ms. Harris Anderson.

91. Once Ms. Harris Anderson was admitted to KPMC, diagnosed as being in labor and administered incapacitating medications, Defendants and DOES 1 through 100, inclusive, became her care custodians and each and all of them owed a fiduciary duty to Ms. Harris Anderson with all of the rights, duties and obligations attendant thereto.

92. As described above, Defendants and DOES 1 through 100, inclusive, breached their fiduciary duties.

93. As a proximate result of the acts of the Defendants as alleged, Plaintiff(s) suffered physical and emotional injuries all of which have caused, and continue to cause, Plaintiff(s) great, mental physical and nervous pain and suffering. As a result of these injuries, Plaintiff(s) has suffered general damages in amounts not yet ascertained.

94. As a further proximate result of Defendants acts, Plaintiff Michelle Harris Anderson has been damaged in that she has been required to expend money and incur obligations for legal services, medical services, and other items reasonably required in the treatment and relief of the injuries herein alleged in amounts not yet ascertained.

95. As a further proximate result of the acts of Defendants, Plaintiff(s) incurred, and will continue to incur, legal, medical and related expenses. The full amount of these expenses is not known to Plaintiff(s) at this time.

96. As a further proximate result of the acts of defendant, Plaintiff(s) was prevented from attending to her usual occupation and thereby lost earnings in amounts not yet ascertained.

97. As a further proximate result of defendant's actions, Plaintiff(s)'s present and future earning capacity has been greatly impaired in amounts not yet ascertained.

98. Attorney Fees.

99. Plaintiff's respectfully request the awarding or attorneys fees.

100. Leave to Amend

101. Plaintiffs respectfully request leave to amend once all the name of the actors described above as Defendants and DOES 1-100 once their true names are discovered

102. DEMAND FOR JURY TRIAL

103. 65. Plaintiff(s) hereby demands a trial by jury on all of the above causes of action.

104. Wherefore, Plaintiff(s) prays for the following relief as to all causes of action:
A judgment awarding Plaintiff(s) general, special and punitive damages in amounts according to proof;

Date: 8/23/13

Michelle Harris Anderson, in Pro Per

Brett Harris Anderson