

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

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ATTORNEY FOR (Name): Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento

STREET ADDRESS: 720 Ninth Street

MAILING ADDRESS: Sacramento, CA 95814

CITY AND ZIP CODE:

BRANCH NAME:

FOR COURT USE ONLY

FILED

Superior Court Of California,  
Sacramento

08/16/2013

cleurgans

By \_\_\_\_\_, Deputy

Case Number:

34-2013-00149992

PLAINTIFF: Lisa L. Aguilar Jimenez

DEFENDANT: Kaiser Foundation Health Plan, Inc and

☒ DOES 1 TO 30

COMPLAINT -- Personal Injury, Property Damage, Wrongful Death

☐ AMENDED (Number):

Type (check all that apply):

☐ MOTOR VEHICLE ☒ OTHER (specify): Premises Liability Cause of Action  
☐ Property Damage ☐ Wrongful Death  
☒ Personal Injury ☐ Other Damages (specify):

Jurisdiction (check all that apply):

☐ ACTION IS A LIMITED CIVIL CASEAmount demanded ☐ does not exceed \$10,000☐ exceeds \$10,000, but does not exceed \$25,000☒ ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)☐ ACTION IS RECLASSIFIED by this amended complaint☐ from limited to unlimited☐ from unlimited to limited

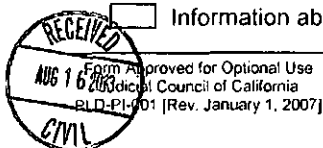
CASE NUMBER:

1. PLAINTIFF (name or names): Lisa L. Aguilar Jimenez

alleges causes of action against defendant (name or names): Kaiser Foundation Health Plan, Inc and DOES 1 to 30

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 Complaint - Attachment 3.

SHORT TITLE: **Jimenez v Kaiser Foundation Health Plan, Inc.**

CASE NUMBER:

4. ☐ Plaintiff (name):  
is doing business under the fictitious name (specify):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): **Kaiser Foundation Health Plan, Inc.**
- (1) ☐ a business organization, form unknown  
(2) ☒ a corporation  
(3) ☐ an unincorporated entity (describe):  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- c. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- b. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- d. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): **Does 1 to 30** were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): **Does 1 to 30** are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.  
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.  
d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ plaintiff has complied with applicable claims statutes, or  
b. ☐ is excused from complying because (specify):

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): **Costs, interest and attorneys fees as may be allowed by law.**

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
- b. 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):  
**Premises Liability Cause of Action**

Date: 8/15/13

Jonathan J. Zerín, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

**FIRST**

(number)

**CAUSE OF ACTION - Premises Liability**Page **4**ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): **Lisa L. Aguilar Jimenez**

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): **August 23, 2011**

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

On the above stated date, Plaintiff was a business invitee in Defendants' hospital facility located at 6600 Bruceville Road, Sacramento CA 95823 for the purpose of visiting her mother who was at that time a patient in said hospital. While walking out of Plaintiff's mother's hospital room, Plaintiff slipped and fell in water on the floor which water had been carelessly and negligently placed on the floor and allowed to remain on the floor by agents, servants and employee, and was known to said agents, servants and employees or had been there long enough that said agents, servants and employees should, in the exercise of reasonable care, have known that said water was present, and said agents, servants and employees did, or in the exercise of reasonable care should have foreseen that the presence of said water would pose an unreasonable risk of causing injury to persons walking on said floor, including plaintiff, and carelessly and negligently failed to remove said water and/or warn of its presence.

Prem.L-2. ☒ **Count One-Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names): **Kaiser Foundation Health Plan, Inc. and**

☒ Does 1 to 30

Prem.L-3 **Count Two - Willful Failure to Warn** [Civil Code section 846] The defendant who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

Does \_\_\_\_\_ to \_\_\_\_\_

Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. **Count Three-Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

Does \_\_\_\_\_ to \_\_\_\_\_

- a. The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.
- b. The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names): **Kaiser Foundation Health Plan, Inc. and**

☒ Does 1 to 30

- b. The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are described in attachment Prem.L-5.b as follows (names):