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FRESNO COUNTY SUPERIOR COURT  
By  DEPUTY

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Attorneys for Plaintiff,  
DESIREE ABARCA, individually, and as successor  
in interest to the Estate of Jayla Sanchez

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF FRESNO**

DESIREE ABARCA, individually, and as  
successor in interest to decedent Jayla Sanchez,

Case No. **13 CE CG 03510**

Plaintiff,

**COMPLAINT FOR:**

vs.

1. Negligence
2. Medical Negligence

KAISER FOUNDATION HEALTH PLAN,  
INC., THE PERMANENTE MEDICAL  
GROUP, INC., KAISER FOUNDATION  
HOSPITALS, LINDA SUE FAIRBANKS, an  
individual, and DOES 1 through 100, inclusive,

**DEMAND FOR JURY TRIAL**

Defendants.

WCE183904  
\$435.00

COMES NOW Plaintiff DESIREE ABARCA, individually, and as successor in interest  
to decedent Jayla Sanchez, brings this Complaint, alleging against Defendants, KAISER

1 FOUNDATION HEALTH PLAN, INC., THE PERMANENTE MEDICAL GROUP, INC.,  
2 KAISER FOUNDATION HOSPITALS, LINDA SUE FAIRBANKS and DOES 1 through 100,  
3 inclusive as follows:

4 **GENERAL ALLEGATIONS**

5 1. Plaintiff DESIREE ABARCA (hereinafter "Plaintiff") is and was at all times  
6 pertinent an individual residing in the State of California, County of Fresno and was within the  
7 jurisdiction of the County of Fresno.

8 2. On November 3, 2012, Plaintiff was the biological and natural mother (a decedent,  
9 Jayla Sanchez, who passed away on November 3, 2012 ("SANCHEZ" or the "Decedent"). Plaintiff  
10 is a successor in interest to the Estate of SANCHEZ as provided in California *Code of Civil*  
11 *Procedure* section 377.60. Plaintiff makes this claim for on behalf of Decedent, who died in the  
12 County of Fresno.

13 3. Plaintiff is the surviving parent of, and successor in interest to, Decedent Jayla  
14 Sanchez. Plaintiff is entitled to bring the causes of action herein alleged as successor in interest to  
15 Decedent Jayla Sanchez pursuant to Section 377.30 of the California Code of Civil Procedure.  
16 (Attached herein as "Exhibit A" is a declaration designating Plaintiff as the successor in interest to  
17 Decedent Jayla Sanchez, and attached herein is a true and correct copy of the Death Certificate of  
18 Jayla Sanchez)

19 4. Defendants, KAISER FOUNDATION HEALTH PLAN, INC., THE  
20 PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS; and DOES  
21 1 through 90, were at all times herein mentioned duly organized California corporation, clinics or  
22 hospitals existing under and by virtue of the laws of the State of California; that said Defendant  
23 corporations, hospitals, or clinics and the remaining Defendants, and each of them, owned operated,  
24 managed and controlled a general hospital, facility or clinic within the County of Fresno, State of  
25 California, held out to the public at large and to the Plaintiffs herein, as properly equipped, fully  
26 accredited, competently staffed by qualified and prudent personnel and operating in compliance  
27 with the standard of due care maintained in other properly equipped, efficiently operated and  
28

1 administered, accredited hospitals in said community commonly. Each of the Defendants are the  
2 agents, ostensible agents, servants, and employees of the other Defendants.

3 5. Defendant, LINDA SUE FAIRBANKS is and was at all times pertinent an  
4 individual residing in the State of California, County of Fresno and was within the jurisdiction of  
5 the County of Fresno.

6 6. The true names and capacities of the Defendant, DOES 1 through 100, whether  
7 individual, corporate, associates or otherwise, are unknown to Plaintiff at the time of filing this  
8 Complaint and Plaintiff, therefore, sues said Defendants by such fictitious names and will ask leave  
9 of court to amend this Complaint to show their true names or capacities when the same have been  
10 ascertained. Plaintiff is informed and believes, and therefore alleges that each of the DOE  
11 Defendants is, in some manner, responsible for the events and happenings herein set forth and  
12 proximately caused injury and damages to the Plaintiff as herein alleged.

13 7. At all times herein mentioned Defendant DOES 1 through 20, inclusive, and every  
14 DOE in between, were and now are physicians and surgeons, duly licensed to practice their  
15 profession in the State of California and engaged in the practice of their said profession in the  
16 County of Fresno, State of California.

17 8. At all times herein mentioned, Defendants and DOES 21 through 40, inclusive,  
18 were, and now are, registered nurses, licensed vocational nurses, practical nurses, certified nurse  
19 midwives, aids, technicians, attendants, students or other paramedical personnel, holding  
20 themselves out as duly able to practice their profession under and by virtue of the laws of the  
21 State of California and were, and now are, engaged in the practice of their profession in the State  
22 of California and acting as agents, ostensible agents, employees and servants of some or all of the  
23 other Defendants within the course and scope of said agency or employment.

24 9. At all times herein mentioned, Defendants and DOES 41 through 60, inclusive,  
25 were corporations, partnerships, joint ventures, or other entities organized and existing under the  
26 laws of the State of California, with their principal place of business situated in the State of  
27 California.

28 10. At all times herein mentioned Defendant DOES 71 through 80 were doing  
business as a district hospital or a medical facility, open to the public rendering medical, surgical,

1 hospital, diagnostic, nursing and other care to the general public for compensation. All of the acts  
2 complained of herein by Plaintiff against said Defendants were done and performed by said  
3 Defendants by and through their duly authorized agents, servants and employees, each of whom  
4 and all of whom were at all times mentioned herein acting within the course, purpose, and scope  
5 of their said agency, service and employment, and whose conduct was ratified by all Defendants,  
6 and each of them. Further, each Defendant ratified and affirmed the conduct of each other  
7 Defendant. Each of the Defendants are the agents, ostensible agents, servants, and employees of  
8 the other Defendants.

9 11. Defendants KAISER FOUNDATION HEALTH PLAN, INC., THE  
10 PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS; and DOES  
11 81 through 90, inclusive, at all times herein mentioned were institutions or controlled  
12 institutions, duly accredited by the Joint Commission on Hospital Accreditation, and assumed  
13 and held themselves out to the public as in compliance with the minimum standards required by  
14 said Joint Commission for such accreditation.

15 12. Plaintiff is informed and believes and upon such information and belief alleges  
16 that at all times herein mentioned, Defendants and other Defendants named fictitiously, were the  
17 agent, ostensible agent, servant, employee, joint-venturers, and copartners of their said co-  
18 Defendants and, as such, were acting within the course and scope of such agency, service,  
19 partnership, venture, and employment at all times herein mentioned; that each and every  
20 Defendant, as aforesaid, when acting as a principal, was negligent in the selection and hiring of  
21 each and every other Defendant, as its agent, servant, employee, joint-venturer and partner.  
22 Further, each and every Defendant ratified the conduct of the other Defendants.

23 13. All of the facts, acts, events and circumstances herein mentioned and described  
24 occurred in the County of Fresno, State of California, and all Defendants are residents of the  
25 County of Fresno, State of California, doing business in said County, State of California and  
26 therefore jurisdiction is proper.

27 14. Plaintiff is informed and believes that at the time of judgment they will be entitled  
28 to prejudgment interest because the Defendants will have rejected an offer pursuant to the terms  
of Code of Civil Procedure section 998 and will have failed to obtain a more favorable judgment.

**FACTUAL BACKGROUND**

15. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 14, inclusive, of this Complaint, as though fully set forth herein.

16. On or about November 3, 2012, LINDA SUE FAIRBANKS was a patient at KAISER FOUNDATION HEALTH PLAN, INC., THE PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS; and DOES 1 through 100, where Defendant LINDA SUE FAIRBANKS, was placed in and remained under the sole and exclusive care and control of Defendants, KAISER FOUNDATION HEALTH PLAN, INC., THE PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS, and DOES 1 through 90, and each of them, for the purpose of receiving medical, surgical, hospital, diagnostic, and nursing and other care.

17. While Defendant LINDA SUE FAIRBANKS was a patient at KAISER FOUNDATION HEALTH PLAN, INC., THE PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS; and DOES 1 through 100, Defendant LINDA SUE FAIRBANKS was administered two powerful and significantly mind-altering drugs known as Oxycontin and Dilaudid, known to render a person heavily intoxicated and unable to make sound decisions or responsibly conduct themselves, including but not limited to, the ability to safely control and navigate an automobile.

18. Plaintiff is informed and believes and therefore alleges that Defendants KAISER FOUNDATION HEALTH PLAN, INC., THE PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS administered the aforementioned narcotics to Defendant LINDA SUE FAIRBANKS during her surgical procedure.

19. After administering the narcotics described herein, Defendants KAISER FOUNDATION HEALTH PLAN, INC., THE PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS discharged Defendant LINDA SUE FAIRBANKS.

20. At or about the same time on November 3, 2012, Decedent's father Jorge Perez Jr. was lawfully, properly and in a manner that was reasonably foreseeable driving his 2003

1 Honda Accord vehicle northbound on State Route 43 in the City and County of Fresno, State of  
2 California.

3 21. As a result of the acts and omissions of Defendants KAISER FOUNDATION  
4 HEALTH PLAN, INC., THE PERMANENTE MEDICAL GROUP, INC., KAISER  
5 FOUNDATION HOSPITALS, Defendant LINDA SUE FAIRBANKS, while under the influence  
6 of two powerful narcotics, drove her vehicle southbound on State Route 43, in the City and  
7 County of Fresno, State of California.

8 22. As a result of the level of intoxication, Defendant LINDA SUE FAIRBANKS  
9 traveled across the solid double yellow lines and entered the northbound lane of State Route 43,  
10 thereby colliding head on with the vehicle that Decedent Jayla Sanchez was a passenger in,  
11 resulting in fatal injuries to Decedent Jayla Sanchez, thereby legally causing the injuries and  
12 damages to Plaintiff described herein. Decedent Jayla Sanchez initially survived the collision,  
13 with severe and catasrophic injuries, but subsequently succumbed to her injuries and died at the  
14 age of 4.

15 23. As a result of the death of Jayla Sanchez, Plaintiff has suffered damages in excess  
16 of the jurisdictional minimum of this Court, including funeral and burial expenses, loss of love,  
17 companionship, care, affection, solace, society, and moral support of decedent Jayla Sanchez,  
18 and has suffered general damages therefrom in an amount to be determined at trial.

19  
20 **FIRST CAUSE OF ACTION**

21 **NEGLIGENCE AGAINST DEFENDANTS KAISER FOUNDATION HEALTH PLAN,**  
22 **INC., THE PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION**  
23 **HOSPITALS, LINDA SUE FAIRBANKS AND DOES 1 THROUGH 100**

24 24. Plaintiff re-alleges and incorporates by reference paragraphs 15 through 23,  
25 inclusive, of this Complaint, as though fully set forth herein.

26 25. Plaintiff is informed and believes and therefore alleges that Defendant LINDA  
27 SUE FAIRBANKS was either administered two powerful and significantly mind-altering drugs  
28 known as Oxycontin and Dilaudid, known to render a person heavily intoxicated and unable to

1 make sound decisions or responsibly conduct themselves, including but not limited to, the ability  
2 to safely control and navigate an automobile or was already under the influence of one of the  
3 powerful drugs, Oxycontin, and this was known or should have been known to Defendants  
4 KAISER FOUNDATION HEALTH PLAN, INC., THE PERMANENTE MEDICAL GROUP,  
5 INC., KAISER FOUNDATION HOSPITALS; and DOES 1 through 100, when their employees,  
6 agents, doctors and/or nurses administered the second powerful and significantly mind-altering  
7 drug Dilaudid.

8 26. Plaintiff is informed and believes and therefore alleges that whether or not  
9 Defendant KAISER FOUNDATION HEALTH PLAN, INC., THE PERMANENTE MEDICAL  
10 GROUP, INC., KAISER FOUNDATION HOSPITALS; AND DOES 1 through 100, were aware  
11 of the fact that Defendant LINDA SUE FAIRBANKS was on two such powerful and  
12 significantly mind-altering drugs or just one, in any event they had knowledge of the effects of  
13 such medically administered drug or drugs on a person and thus had a duty to ensure that  
14 Defendant LINDA SUE FAIRBANKS was not allowed to leave the property on her own and find  
15 her motor vehicle and drive it off of their property.

16 27. Plaintiff is informed and believes and therefore alleges that these Defendants and  
17 each of them had a duty to ensure that Defendant LINDA SUE FAIRBANKS was safely  
18 monitored at their facility and was either kept until she could safely leave or to ensure that she  
19 had person or persons who would be able to ensure her safe exit from the hospital under the  
20 influence of such drug(s) so that she would not be a danger to herself or others, such as Decedent  
21 Jayla Sanchez, who could foreseeably be endangered by Defendant LINDA SUE FAIRBANKS if  
22 she was in fact allowed to leave the hospital in such a seriously intoxicated condition and attempt  
23 to drive her motor vehicle.

24 28. Plaintiff is informed and believes and therefore alleges that on or about November  
25 3, 2012, Defendant LINDA SUE FAIRBANKS and DOES 91 through 100, inclusive, had a duty  
26 to exercise reasonable and ordinary care in the ownership, supervision and/or operation of her  
27 2006 Isuzu SUV vehicle so as not to create an unreasonable risk of harm to other motorists and  
28

1 pedestrians on the roadway. Defendant LINDA SUE FAIRBANKS owed a duty to all  
2 foreseeable persons to drive in a reasonably safe manner on the public roadway.

3 29. Notwithstanding these duties, Defendant LINDA SUE FAIRBANKS and DOES  
4 91 through 100, so negligently managed, maintained, operated, drove, controlled and supervised  
5 the operation of the subject 2006 Isuzu SUV vehicle so as to directly and proximately cause said  
6 vehicle to collide into Jorge Perez Jr.'s vehicle, thereby proximately causing the severe injuries  
7 and damages to Plaintiff as hereinafter alleged.

8 30. As a direct and proximate result of the negligence, carelessness, and recklessness of  
9 the Defendants, KAISER FOUNDATION HEALTH PLAN, INC., THE PERMANENTE  
10 MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS, LINDA SUE FAIRBANKS  
11 and DOES 1 through 100, and each of them, and the resulting death, as aforesaid, Plaintiff has  
12 sustained severe and serious injury to her person, all to Plaintiff's damage in a sum within the  
13 jurisdiction of this Court and to be shown according to proof.

14 31. As a proximate and legal result of the conduct of Defendants, KAISER  
15 FOUNDATION HEALTH PLAN, INC., THE PERMANENTE MEDICAL GROUP, INC.,  
16 KAISER FOUNDATION HOSPITALS, LINDA SUE FAIRBANKS and DOES 1 through 100,  
17 Plaintiff has been injured in an amount not presently ascertained. Such damages include loss of  
18 comfort and companionship, loss of services, loss of affection, economic damages, future costs and  
19 expenses incurred, physical pain and injury, emotional pain, distress and suffering, and other costs,  
20 expenses, and general damages not presently ascertained. At such time as Plaintiff is able to  
21 ascertain the damages, they will amend the complaint to include the damages.

22 32. As a proximate result of each and all of the aforesaid acts and omissions of these  
23 Defendants, Plaintiff was emotionally injured. As a result of said injuries, Plaintiff has had, and in  
24 the future will have, mental and emotional pain, suffering, worry and anxiety. By reason of said  
25 injuries and consequences, Plaintiff has sustained general damages in an amount to be proven at  
26 trial. By reason of said injuries, Plaintiff has incurred, and will probably continue to incur damages  
27 in the future, including but not limited to psychological services.



1 33. As discussed herein, Plaintiff is entitled under Sections 377 of the California Code  
2 of Civil Procedure to bring action on behalf of Decedent for the injuries and damages Decedent  
3 sustained prior to her death as a result of the above described acts or omissions of Defendants.

4 34. Plaintiff is also entitled to recover reasonable and customary medical bills for  
5 services rendered in an effort to save Decedent's life as well as reasonable and customary bills for  
6 Decedent's funeral and burial.

7 35. Plaintiff is informed and believe that the aforesaid acts directed towards the  
8 Plaintiff were carried out with a conscious disregard of Plaintiff's right to be free from such  
9 tortious behavior, such as to constitute oppression, malice or despicable conduct pursuant to  
10 California Civil Code Section 3294, entitling Plaintiff to punitive damages in an amount  
11 appropriate to punish and set an example of said Defendants, KAISER FOUNDATION  
12 HEALTH PLAN, INC., THE PERMANENTE MEDICAL GROUP, INC., KAISER  
13 FOUNDATION HOSPITALS, LINDA SUE FAIRBANKS and DOES 1 through 100.

14  
15 **SECOND CAUSE OF ACTION**

16 **MEDICAL NEGLIGENCE AGAINST DEFENDANTS KAISER FOUNDATION**  
17 **HEALTH PLAN, INC., KAISER FOUNDATION HOSPITALS, THE PERMANENTE**  
18 **MEDICAL GROUP, INC. AND DOES 1 THROUGH 100**

19 36. Plaintiff re-alleges and incorporates by reference paragraphs 24 through 35,  
20 inclusive, of this Complaint, as though fully set forth herein.

21 37. On or about November 3, 2012, and at all times mentioned herein, Defendant  
22 LINDA SUE FAIRBANKS was placed in and remained under the sole and exclusive care and  
23 control of Defendants, KAISER FOUNDATION HEALTH PLAN, INC., THE PERMANENTE  
24 MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS, AND DOES 1 through 90,  
25 and each of them, for the purpose of receiving medical, surgical, hospital, diagnostic, and nursing  
26 and other care.

27 38. Plaintiff is informed and believes and therefore alleges that Defendant LINDA  
28 SUE FAIRBANKS was a patient at KAISER FOUNDATION HEALTH PLAN, INC., THE

1 PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS; and DOES  
2 1 through 100, where Defendants and each of them, among other things, undertook the guidance,  
3 supervision, counseling and rehabilitation of Defendant LINDA SUE FAIRBANKS.

4 39. Plaintiff is informed and believes and therefore alleges that Defendants routinely  
5 failed to exercise appropriate and necessary supervision and control over their patients, including  
6 Defendant LINDA SUE FAIRBANKS.

7 40. While Defendant LINDA SUE FAIRBANKS was under the sole and exclusive  
8 care and control of Defendants, KAISER FOUNDATION HEALTH PLAN, INC., THE  
9 PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS, and each  
10 of them, as aforesaid, negligently, carelessly, and unskillfully examined, diagnosed, treated,  
11 operated upon, cared for, administered to, and otherwise handled and controlled Defendant  
12 LINDA SUE FAIRBANKS and negligently failed to possess and exercise that degree of skill and  
13 knowledge ordinarily possessed and exercised by other physicians and surgeons, hospitals,  
14 nurses, technicians, attendants and the like engaged in said professions in the same locality as  
15 Defendants, and each of them.

16 41. As a direct and proximate result of the aforesaid negligence and carelessness of  
17 Defendants, KAISER FOUNDATION HEALTH PLAN, INC., THE PERMANENTE  
18 MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS, and each of them,  
19 Defendant LINDA SUE FAIRBANKS, was either administered two powerful and significantly  
20 mind-altering drugs known as Oxycontin and Dilaudid, commonly known to render a person  
21 heavily intoxicated and unable to make sound decisions or responsibly conduct themselves,  
22 including but not limited to, the ability to safely control and navigate an automobile or was  
23 already under the influence of one of the powerful drugs, Oxycontin, and this was known or  
24 should have been known to Defendants KAISER FOUNDATION HEALTH PLAN, INC., THE  
25 PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS; and DOES  
26 1 through 100, when their employees, agents, doctors and/or nurses administered the second  
27 powerful and significantly mind-altering drug Dilaudid.

1 42. Plaintiff is informed and believes and therefore alleges that whether or not  
2 Defendant KAISER FOUNDATION HEALTH PLAN, INC., THE PERMANENTE MEDICAL  
3 GROUP, INC., KAISER FOUNDATION HOSPITALS; and DOES 1 through 100, were aware of  
4 the fact that Defendant LINDA SUE FAIRBANKS was on two such powerful and significantly  
5 mind-altering drugs or just one, in any event they had knowledge of the effects of such medically  
6 administered drug or drugs on a person and thus had a duty to ensure that Defendant LINDA  
7 SUE FAIRBANKS was not allowed to leave the property on her own and find her motor vehicle  
8 and drive it of their property.

9 43. Plaintiff is informed and believes and therefore alleges that these Defendants and  
10 each of them had a duty to ensure that Defendant LINDA SUE FAIRBANKS was safely  
11 monitored at their facility and was either kept until she could safely leave or to ensure that she  
12 had person or persons who would be able to ensure her safe exit from the hospital under the  
13 influence of such drug(s) so that she would not be a danger to herself or others, such as Decedent  
14 Jayla Sanchez, who could foreseeably be endangered by Defendant LINDA SUE FAIRBANKS if  
15 she was in fact allowed to leave the hospital in such a seriously intoxicated condition and attempt  
16 to drive her motor vehicle.

17 44. As a direct and proximate result of the negligence, carelessness, and recklessness of  
18 the Defendants, and each of them, and the resulting death, as aforesaid, Plaintiff has sustained  
19 severe and serious injury to her person, all to Plaintiff's damage in a sum within the jurisdiction of  
20 this Court and to be shown according to proof.

21 45. As a proximate and legal result of the conduct of Defendants, KAISER  
22 FOUNDATION HEALTH PLAN, INC., THE PERMANENTE MEDICAL GROUP, INC.,  
23 KAISER FOUNDATION HOSPITALS, LINDA SUE FAIRBANKS and DOES 1 through 100,  
24 Plaintiff has been injured in an amount not presently ascertained. Such damages include loss of  
25 comfort and companionship, loss of services, loss of affection, economic damages, future costs and  
26 expenses incurred, physical pain and injury, emotional pain, distress and suffering, and other costs,  
27 expenses, and general damages not presently ascertained. At such time as Plaintiff is able to  
28 ascertain the damages, they will amend the complaint to include the damages.

46. As a proximate result of each and all of the aforesaid acts and omissions of these Defendants, Plaintiff was emotionally injured. As a result of said injuries, Plaintiff has had, and in the future will have, mental and emotional pain, suffering, worry and anxiety. By reason of said injuries and consequences, Plaintiff has sustained general damages in an amount to be proven at trial. By reason of said injuries, Plaintiff has incurred, and will probably continue to incur damages in the future, including but not limited to psychological services.

47. As discussed herein, Plaintiff is entitled under Sections 377 of the California Code of Civil Procedure to bring action on behalf of Decedent for the injuries and damages Decedent sustained prior to her death as a result of the above described acts or omissions of Defendants.

48. Plaintiff is also entitled to recover reasonable and customary medical bills for services rendered in an effort to save Decedent's life as well as reasonable and customary bills for Decedent's funeral and burial.

49. Plaintiff is informed and believe that the aforesaid acts directed towards the Plaintiff were carried out with a conscious disregard of Plaintiff's right to be free from such tortious behavior, such as to constitute oppression, malice or despicable conduct pursuant to California Civil Code Section 3294, entitling Plaintiff to punitive damages in an amount appropriate to punish and set an example of said Defendants, KAISER FOUNDATION HEALTH PLAN, INC., THE PERMANENTE MEDICAL GROUP, INC., KAISER FOUNDATION HOSPITALS, LINDA SUE FAIRBANKS and DOES 1 through 100.

#### **PRAYER**

**WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, as follows:

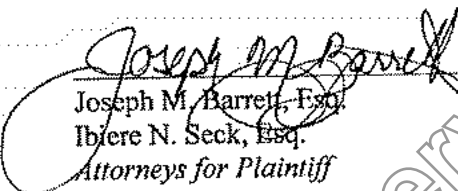
1. For economic damages in an amount according to proof; and in excess of the minimum jurisdictional limits of this court;
2. For non-economic damages in an amount according to proof;
3. For costs of suit incurred herein;

1 4. For interest on such judgment as allowed by law;

2 5. And for such other and further relief as the court may deem just and proper.

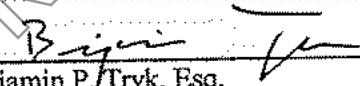
3  
4  
5 Dated: October 25, 2013

THE COCHRAN FIRM - CALIFORNIA

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9 Joseph M. Barrett, Esq.  
10 Ibiero N. Seck, Esq.  
11 Attorneys for Plaintiff

12  
13 Dated: October 31, 2013

LAW OFFICES OF BENJAMIN P. TRYK

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17 Benjamin P. Tryk, Esq.  
18 Co-counsel for Plaintiff  
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