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**FILED**  
Superior Court of California  
County of Los Angeles

DEC 02 2013

Sherri R. Carter, Executive Officer/Clerk

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

**N. VALLES**

Attorneys for Plaintiffs  
Natale Seu, Maria Vittoria Loddo, Efisia Seu, and  
Estate of Emanuele Seu, by and through its  
Administrator Matthew Yu

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES—WEST DISTRICT  
UNLIMITED JURISDICTION

NATALE SEU, an individual; MARIA  
VITTORIA LODDO, an individual;  
EFISIA SEU, an individual; ESTATE OF  
EMANUELE SEU, by and through its  
Administrator Matthew Yu;

Plaintiffs,

v.

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA, a public entity;  
LAURA M. DESTRO, M.D., an  
individual; THOMAS P. GRAHAM, M.D.,  
an individual; JESSICA E. ELLERMAN,  
M.D., an individual; HOLLY R.  
MIDDLEKAUFF, M.D., an individual;  
STEVEN J. ROTTMAN, M.D., an  
individual; HEIKI D. FARIN, M.D., an  
individual; KAISER FOUNDATION  
HEALTH PLAN, INC., a California  
corporation; KAISER FOUNDATION  
HOSPITALS, a California corporation;  
SOUTHERN CALIFORNIA  
PERMANENTE MEDICAL GROUP, an  
entity unknown; RAMEZ A.  
ETHNASIOS, M.D., an individual;  
RUBENS J. SONG, M.D., an individual;  
and DOES 1-50, inclusive;

Defendants.

Case No.

**SC121725**

COMPLAINT FOR DAMAGES AND OTHER  
RELIEF

1. MEDICAL MALPRACTICE
2. WRONGFUL DEATH

DEMAND FOR JURY TRIAL

BY FAX

CASE MANAGEMENT CONFERENCE

ALLAN J. GOODMAN

Date

Dept P

3/17/14  
830 am

90034 ALD37  
435

COMPLAINT FOR DAMAGES AND OTHER RELIEF



1 Maria Vittoria Loddo and Efisia Seu, which are asserting Wrongful Death causes of action in  
2 their own right. At all relevant times, Matthew Yu resides in the County of Los Angeles. The  
3 Decedent Emanuele Seu (herein "Decedent") was an individual who at all relevant times resided  
4 in the City of Los Angeles, County of Los Angeles and who died on or about December 16, 2012  
5 in the City of Los Angeles as a result of the professional negligence and carelessness of the  
6 Defendants as alleged herein. Decedent Seu died intestate at the age of 34, unmarried and  
7 without any surviving children or grandchildren and without any other issue.

8 5. Plaintiffs are informed and believe that, at all relevant times, Defendant THE  
9 REGENTS OF THE UNIVERSITY OF CALIFORNIA ("Regents"), is a public entity who, *inter*  
10 *alia*, operates hospitals and clinics within the County of Los Angeles, including but not limited to,  
11 the UCLA Emergency Medical Center at the UCLA Medical Hospital (the "UCLA ER"), at  
12 which the Decedent was a patient as alleged herein. The Regents which operates UCLA ER also  
13 employs Defendants, UCLA Doctors, Dr. Laura Destro, Dr. Thomas P. Graham, Dr. Jessica E.  
14 Ellerman, Dr. Holly R. Middlekauff, Dr. Steven J. Rottman, and Dr. Heidi K. Farin, who were  
15 acting within the course and scope of their employment for the Regents and UCLA ER when they  
16 caused the wrongful death of Decedent through their conduct.

17 6. Plaintiffs are informed and believe that, at all relevant times, Defendant LAURA  
18 M. DESTRO, M.D. ("Destro") is a medical doctor and physician licensed by the State of  
19 California who was employed as a physician by the Regents, including but not limited to, at the  
20 UCLA ER, and that Decedent was a patient of Destro as alleged herein.

21 7. Plaintiffs are informed and believe that, at all relevant times, Defendant THOMAS  
22 P. GRAHAM, M.D. ("Graham") is a medical doctor and physician licensed by the State of  
23 California who was employed as a physician by the Regents, including, but not limited to, at the  
24 UCLA ER, and that Decedent was a patient of Graham as alleged herein.

25 8. Plaintiffs are informed and believe that, at all relevant times, Defendant JESSICA  
26 E. ELLERMAN, M.D. ("Ellerman") is a medical doctor and physician licensed by the State of  
27 California who was employed as a physician by the Regents, including, but not limited to, at the  
28 UCLA ER, and that Decedent was a patient of Ellerman as alleged herein.

1           9.     Plaintiffs are informed and believe that, at all relevant times, Defendant HOLLY  
2 R. MIDDLEKAUFF, M.D. ("Middlekauff") is a medical doctor and physician licensed by the  
3 State of California who was employed as a physician by the Regents, including, but not limited  
4 to, at the UCLA ER, and that Decedent was a patient of Middlekauff as alleged herein.

5           10.    Plaintiffs are informed and believe that, at all relevant times, Defendant STEVEN  
6 J. ROTTMAN, M.D. ("Rottman") is a medical doctor and physician licensed by the State of  
7 California who was employed as a physician by the Regents, including, but not limited to, at the  
8 UCLA ER, and that Decedent was a patient of ROTTMAN as alleged herein.

9           11.    Plaintiffs are informed and believe that, at all relevant times, Defendant HEIKI.  
10 FARIN, M.D. ("Farin") is a medical doctor and physician licensed by the State of California who  
11 was employed as a physician by the Regents, including, but not limited to, at the UCLA ER, and  
12 that Decedent was a patient of Farin as alleged herein.

13           12.    Plaintiffs are informed and believe that, at all relevant times, Defendant KAISER  
14 FOUNDATION HEALTH PLAN, INC. ("Kaiser Foundation"), is a California corporation  
15 headquartered in California who, *inter alia*, operates hospitals and clinics within the County of  
16 Los Angeles, including, but not limited to, the Kaiser Permanente Medical Center in West Los  
17 Angeles (the "Kaiser Hospital"), at which the Decedent was a patient as alleged herein.

18           13.    Plaintiffs are informed and believe that, at all relevant times, Defendant KAISER  
19 FOUNDATION HOSPITALS ("Kaiser Foundation"), is a California corporation headquartered  
20 in California who, *inter alia*, operates hospitals and clinics within the County of Los Angeles,  
21 including, but not limited to, the Kaiser Permanente Medical Center in West Los Angeles (the  
22 "Kaiser Hospital"), at which the Decedent was a patient as alleged herein.

23           14.    Plaintiffs are informed and believe that, at all relevant times, Defendant  
24 SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP ("Kaiser Medical Group") is  
25 an entity unknown headquartered in southern California which, *inter alia*, operates hospitals and  
26 clinics within the County of Los Angeles, including, but not limited to, the Kaiser Permanente  
27 Medical Center in West Los Angeles (the "Kaiser Hospital"), at which the Decedent was a patient  
28 as alleged herein.

1           15. Defendants Kaiser Foundation, Kaiser Hospitals and Kaiser Medical Group are  
2 collectively referred to herein as "Kaiser Permanente."

3           16. Plaintiffs are informed and believe that, at all relevant times, Defendant RAMEZ  
4 A. ETHNASIOS, M.D. ("Ethnasios") is a medical doctor and physician licensed by the State of  
5 California who was employed as a physician by Kaiser Permanente, including, but not limited to,  
6 at the Kaiser Hospital, and that Decedent was a patient of Ethnasios as alleged herein.

7           17. Plaintiffs are informed and believe that, at all relevant times, Defendant RUBENS  
8 J. SONG, M.D. ("Song") is a medical doctor and physician licensed by the State of California  
9 who was employed as a physician by Kaiser Permanente, including, but not limited to, at the  
10 Kaiser Hospital, and that Decedent was a patient of Song as alleged herein.

11           18. Defendants are subject to personal jurisdiction in California and venue is proper.

12           19. Plaintiff does not know the true names and capacities of defendants DOES 1  
13 through 50, inclusive, and therefore sues them by said fictitious names. Plaintiff will amend this  
14 complaint to allege their true names and capacities when ascertained. Plaintiffs are informed and  
15 believe that each of the defendants sued herein as a DOE defendant is also legally responsible for  
16 the events that gave rise to Plaintiff's causes of action against Defendants and each of them, and  
17 also unlawfully caused injuries and damages to Plaintiff as alleged in this Complaint.

18           20. Plaintiffs are informed and believe, and thereon alleges that each defendant was in  
19 some way responsible for Plaintiff's injuries and damages alleged herein, that each defendant  
20 contributed to and participated in acts alleged herein and that, in contributing to and participating  
21 in such conduct, each defendant was the agent of each other and was acting in the course and  
22 scope of such agency and employment, respondeat superior of their respective employers and/or  
23 each defendant acted with permission, consent, ratification, authorization or notification of the  
24 other defendants.

25           21. Before filing this Complaint, statutory notice has been provided pursuant to  
26 California Code of Civil Procedure section 364-365. Pursuant to California Code of Civil  
27 Procedure 905.6, although the Regents are a public entity, claims against the Regents are exempt  
28 from compliance with the Tort Claims Act.

## COMMON ALLEGATIONS

22. Plaintiffs re-allege and incorporate by reference all prior paragraphs of this Complaint as though fully set forth herein.

23. On Tuesday, December 4, 2012 at or about 1:23 a.m. in the middle of the night, the Decedent arrived at the UCLA E.R., complaining of chest pain on a scale of 8 out of 10. The Decedent described the pain as chest pressure as well as pain radiating from the chest to the arms and neck. The Decedent informed that he was a tobacco user and smoker. At arrival at 1:23 a.m., the Decedent had high blood pressure of 150/97. At or about 1:33 p.m., an EKG was performed which showed abnormal results, including, but not necessarily limited to, an "Incomplete right bundle branch block." Defendant Farin reviewed the EKG results at about 1:40 a.m. and the results of the EKG were accordingly reported in the Decedent's chart as "Abnormal LVCD." Drs. Destro and Graham visited the Decedent respectively at about 1:39 a.m, 2:15 a.m., and at 2:40 a.m.

24. Despite the abnormal EKG results showing "abnormal LVCD," the Decedent's smoking history, his high blood pressure, radiating chest pain and angina, Drs. Destro, Farin, and Graham did not order any blood tests of any kind whatsoever, did not order any x-rays, did not order any other tests of any kind, did not keep Decedent at the ER for observation, and did not prescribe him any medication of any kind. Instead, they misdiagnosed the Decedent, reported in his chart that he had "atypical chest pain," and discharged him at 3:39 a.m., just barely two hours after he had arrived, with the mere instruction to follow up with his primary care physician at Kaiser Permanente within two days. Then, at 3:59 p.m. on December 4, 2013, about 12 hours after the Decedent had been discharged, Defendant Middlekauff did read the EKG and reported it "within normal limits" even though it was not, it showed "abnormal LVCD," and Middlekauff also did not administer proper care to the Decedent, which could have saved his life.

25. On December 6, 2012 at about 4:10 p.m., following the December 4, 2012 advice from UCLA E.R. to follow up with his primary care doctor, the Decedent visited Dr. Song at Kaiser Hospital concerning his ongoing chest pain and symptoms of angina. Dr. Song only ordered some generic blood tests for creatinine, ALT, lipid panel, TSH, and hemoglobin, but did

1 not order any testing for enzymes and other tests regarding coronary/heart conditions and events.  
2 Dr. Song did not order an EKG, did not order any x-rays of any kind, and failed to order any other  
3 tests that day. Dr. Song did not prescribe the Decedent any aspirin or medication for high blood  
4 pressure. Dr. Song misdiagnosed the Decedent attributing his chest pain and angina to "Anxiety  
5 Disorder - Generalized" and "atypical chest pain" and only prescribed him Lorazepam 0.5 MG  
6 for "anxiety," Omeprazole for gastroesophageal reflux, and sent the Decedent home.

7 26. On December 10, 2012 at about 1:30 p.m., the Decedent visited Dr. Ethnasios at  
8 Kaiser Hospital. At that time, including at the previous times that the Decedent had sought  
9 medical help since December 4, 2012, the Decedent was barely able to eat and sleep due to the  
10 chest pain and angina, could not lay flat and would spend most of the days sitting at home on a  
11 chair or on the couch due to the chest pain. On that day, even though Dr. Ethnasios diagnosed the  
12 Decedent with "Left Ventricular Hypertrophy" and he suffered from severe chest pain and  
13 angina, Dr. Ethnasios misdiagnosed him with "Chest Pain - Atypical" and did not order any  
14 blood tests, did not order any x-rays, did not keep the Decedent at the Kaiser Hospital for  
15 observation, and did not prescribe him any medication of any kind, as well as also informing him  
16 that his cardiac work-up was normal even though it was not, he had left ventricular hypertrophy,  
17 and no adequate work-up under the circumstances had been performed. Again, Dr. Ethnasios  
18 Decedent sent home without any proper care.

19 27. On December 13, 2012, at about 12:10 p.m., the Decedent summoned a friend to  
20 take him to the UCLA E.R. again. At the UCLA E.R., as evidenced in the medical records, the  
21 Decedent stated that he had chest pain for 10 days, that he had been seen at UCLA E.R. on  
22 December 4, 2012, that he had been prescribed Omeprazole by his primary doctor and that "Pt  
23 [Decedent] reports pain persists, worse at night and with eating." At arrival, the Decedent had  
24 high blood pressure of 143/100, complaining of chest pain reaching 9 out of 10, but oscillating.  
25 Dr. Ellerman visited Decedent at 12:17 p.m. and then by Rottman at 1:38 p.m. and 1:48 p.m.  
26 Despite the Decedent's continuing chest pain, high blood pressure, angina, previous visit at the  
27 UCLA E.R. with abnormal EKG showing "abnormal LVCD," the Decedent's unstable condition  
28 and all the circumstances which would have required proper care, Drs. Ellerman and Rottman did

1 nothing. They did not perform any tests whatsoever, did not even perform an EKG, did not  
2 perform any blood tests whatsoever, did not perform any x-rays, did not prescribe any  
3 medication, and did not keep him under observation. Instead, they just sent him home at or about  
4 2:09 p.m. stating that he had been evaluated for "epigastric" pain and with the instruction to keep  
5 taking Omeprazole and that "[y]our medications will take a while to work so please continue  
6 taking them and expect improvement in about 2 weeks."

7 28. On December 16, 2012, at about 2:15-2:20 p.m., a friend of Decedent found  
8 Decedent in his apartment in Los Angeles, California. Decedent's friend called 911. The  
9 paramedics arrived and declared Decedent Emanuele Seu dead at about 2:23 p.m. on December  
10 16, 2012.

11 29. On or about December 18, 2012, the Los Angeles County Coroner performed an  
12 autopsy of Decedent which determined the death to be due to "coronary artery disease" with  
13 contributing condition of "cardiomegaly" with evidence of "chronic ischemic changes or remote  
14 infarction." The Coroner Autopsy Report states as follows:

15 "1. Coronary Artery Disease:

- 16 a. Left anterior descending branch: proximal segmental 70-80% occlusion.  
17 b. Left circumflex branch: proximal segmental 80% occlusion.  
18 c. Right coronary artery: proximal 30% occlusion.  
19 d. Fibrosis of left ventricle free wall with endocardial sparing, consistent with  
20 chronic ischemic changes or remote infarction.

21 2. Cardiomegaly, 510 grams (normal reference range: 262-455 grams)

- 22 i. Borderline left ventricular hypertrophy: 1-4-1.6 cm thick."

23 **FIRST CAUSE OF ACTION FOR MEDICAL MALPRACTICE**

24 **(By Estate of Emanuele Seu, by and through its Administrator Matthew Yu Against all**

25 **Defendants; Does 1-50)**

26 30. Plaintiffs re-allege and incorporate by reference all prior paragraphs of this  
27 Complaint as though fully set forth herein.  
28



1           31. Defendants, in their capacity as health care providers and professionals, owed  
2 duties of care to the Decedent, including, but not limited to, a duty to use such skill, prudence,  
3 and diligence in care and diagnosis as other reasonably careful members of their profession would  
4 use in the same or similar circumstances. Defendants also owed the duty to monitor Decedent's  
5 condition and to exercise such reasonable care toward Decedent who was their patient.

6           32. Defendants breached their duties of care to Decedent as alleged herein, including,  
7 but not limited to, by misdiagnosing Decedent, by failing to diagnose him with coronary artery  
8 disease, cardiomegaly, and heart disease; by failing to perform the tests, exams and procedures  
9 which would have led to the right diagnosis and to the avoidance of Decedent's death; by failing  
10 to take the necessary actions to avoid his death.

11           33. As a proximate and legal cause of Defendants' conduct, carelessness, and breaches  
12 of their duties of care, Decedent suffered death, which would not have occurred but for  
13 Defendants' negligence and breaches of the duties of care and for which Defendants are jointly  
14 and severally liable. Defendants' wrongful acts and neglect were the proximate cause of  
15 Decedent's death. In addition, Decedent and his estate have suffered other injuries and general  
16 and special damages according to proof at trial, including also lost income, as a result of  
17 Defendants' negligence.

18                   **SECOND CAUSE OF ACTION FOR WRONGFUL DEATH**

19                   **(By Plaintiffs Natale Seu, Maria Vittoria Loddo, Efisia Seu**

20                   **Against all Defendants; Does 1-50)**

21           34. Plaintiffs re-allege and incorporate by reference all prior paragraphs of this  
22 Complaint as though fully set forth herein.

23           35. As a proximate and legal cause of Defendants' conduct, carelessness, and breaches  
24 of their duties of care, Decedent suffered death, which would not have occurred but for  
25 Defendants' negligence and breaches of the duties of care and for which Defendants are jointly  
26 and severally liable. Defendants' wrongful acts and neglect were the proximate cause of death of  
27 Decedent.

36. As the direct and proximate cause of the foregoing and of the death of the Decedent, Plaintiffs Natale Seu, Maria Vittoria Loddo and Efisia Seu have been deprived of their kind and loving son and brother, Decedent Emanuele Seu, of his care, comfort, society, protection, love, companionship, affection, solace, moral support, assistance, and financial support.

37. As a further direct and proximate cause of Defendants' wrongful acts and neglect, Plaintiffs have been generally and specially damaged in a sum to be established according to proof at trial, which damages and injuries would not have occurred but for Defendants' actions and breaches resulting in Decedent's death.

38. As a further direct and proximate result of the death of the Decedent, Plaintiffs have incurred reasonable and necessary expenses caused by Defendants' negligence and by the death of Decedent, including expenses for storage of Decedent's body, transfer of Decedent's body to the Republic of Italy, funeral, burial, memorial services and related expenses and costs caused by the death of Decedent, in excess of \$25,000.00.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiffs NATALE SEU, an individual; MARIA VITTORIA LODDO, an individual; EFISIA SEU, an individual; and ESTATE OF EMANUELE SEU, by and through its Administrator Matthew Yu ("Plaintiffs") pray for judgment against Defendants THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, a public entity; LAURA M. DESTRO, M.D., an individual; THOMAS P. GRAHAM, M.D., an individual; JESSICA E. ELLERMAN, M.D., an individual; HOLLY R. MIDDLEKAUFF, M.D., an individual; STEVEN J. ROTTMAN, M.D., an individual; HEIKI D. FARIN, M.D., an individual; KAISER FOUNDATION HEALTH PLAN, INC., a California corporation; KAISER FOUNDATION HOSPITALS, a California corporation; SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, an entity unknown; RAMEZ A. ETHNASIOS, M.D., an individual; RUBENS J. SONG, M.D., an individual; and DOES 1-50, inclusive, and each of them as follows:

1. For general damages in an amount to be determined according to proof at trial;
2. For special damages in an amount to be determined according to proof at trial

- 1 3. For all damages caused by Defendants' deprivation of the Decedent's care, comfort,  
2 society, protection, love, companionship, affection, solace, moral support, assistance,  
3 and financial support;  
4 4. For reasonable and necessary expenses caused by Defendants' negligence and by the  
5 death of Decedent, including expenses for storage of Decedent's body, transfer of  
6 Decedent's body to the Republic of Italy, funeral, burial, memorial services and  
7 related expenses and costs caused by the death of Decedent, in excess of \$25,000.00;  
8 5. For all other damages and expenses recoverable pursuant to California Code of Civil  
9 Procedure section 377.60 not specifically requested above, to the fullest extent  
10 permitted by law;  
11 6. For prejudgment interest;  
12 7. For recovery of attorneys' fees and costs to the fullest extent permitted by law;  
13 8. For such other and further relief as this Court deems just and proper.

14 **DEMAND FOR JURY TRIAL**

15 Plaintiffs hereby demand a jury trial on all issues and claims regarding this Complaint.

16  
17 DATED: December 1, 2013

HUA GALLAI, LLP.

18  
19 By: Giacomo Gallai

Nicholas T. Hua  
Giacomo Gallai

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21 Attorneys for Plaintiffs Natale Seu, Maria  
22 Vittoria Loddo, Efisia Seu, Estate of  
23 Emanuele Seu, by and through its  
24 Administrator Matthew Yu  
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