

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>Fifi Fikerte A Gubegna (Eif)</b> 25 Rio Robles #311, San Jose, CA 95134  TELEPHONE NO: 408 835-3356      FAX NO. (Optional): E-MAIL ADDRESS (Optional): fifiabe@msn.com ATTORNEY FOR (Name):		PLD-PI-001  FOR COURT USE ONLY  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara County STREET ADDRESS: 191 North First Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME: Downtown Superior Court		
PLAINTIFF: <b>FG FIFI (FIKERTÉ) A. GUBEGNA</b> DEFENDANT: Kaiser Foundation Health Plan Inc, Dr. JULIE LIVINGSTON, DR. ALDENE BROWN <input type="checkbox"/> DOES 1 TO <input type="checkbox"/> 10 <b>KAISER PER MANENTE INSURANCE CORPORATION :- FG</b>		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Medical Malpractice <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):  Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		
CASE NUMBER:  <div style="font-size: 24pt; font-weight: bold; text-align: center;">113 CV 258432</div>		

1. Plaintiff (name or names): Fikerte A Gubegna (Fifi)  
 alleges causes of action against defendant (name or names):  
 Kaiser Foundation Health Plan Inc, Kaiser Santa clara, Dr, Julie Livingston, Dr. Aldene Brown
2. This pleading, including attachments and exhibits, consists of the following number of pages:
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 Attachment 3.

SHORT TITLE:

CASE NUMBER:

Fikerte A Gubegna Vs. Dr. Julie Livingston, Dr. Alden Brown, Kaiser

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(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): 1-10 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): 1-10 are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under 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, anda. ☒ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

SHORT TITLE:

Fikerte A Gubegna Vs. Dr. Julie Livingston, Dr. Alden Brown, Kaiser

CASE NUMBER:

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):

Medical Malpractice

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):

Emotional distress, permanent physical injuries and disfigurement,

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.

Yes, the relief plaintiff is seeking 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

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

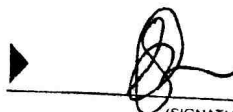
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date:

12-31-13 FIF (FIKETER) A. GUBEGINA

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

BY FAX

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA**

FIFI (FIKERTÉ) A. GUBEGNA

25 RIO ROBLES #311

SAN JOSE, CA 95134

IN PRO. PER., PLAINTIFF

VS.

DR. JULIE LIVINGSTON

KAISER PERMANENTE

OB/GYN DEPARTMENT

710 LAWRENCE EXPRESSWAYS

SANTA CLARA, CA 95051

DR. ALDENE BROWN

KAISER PERMANENTE

OB/GYN DEPARTMENT

710 LAWRENCE EXPRESSWAYS

SANTA CLARA, CA 95051

KAISER FOUNDATION HEALTH PLAN, INC.

KAISER PERMANENTE INSURANCE CORPORATION

KAISER FOUNDATION HOSPITALS

THE PERMANENTE MEDICAL GROUP, INC.

LEGAL DEPARTMENT\_ PPL

1950 FRANKLIN STREET, 17<sup>TH</sup> FLOOR

OAKLAND, CA 94612

## DEFENDANTS

### FACTS

1. Fikerte (Fifi) Gubenga is a resident of Santa Clara county, CA
2. Julie B. Livingston M.D. is a resident of Santa Clara county, CA
3. Dr. Aldine Brown is a resident of Santa Clara County, CA
4. Kaiser Permanente Hospital is located in Santa Clara county, CA
5. On December 31, 2012, after being induced, due to difficulty in giving birth, Plaintiff was told that C-section would be necessary. The defendants Dr. Livingston and Dr. Brown performed the surgery.
6. As a result of the defendants' negligence in the surgery on 12/31/2012, Plaintiff's intestine was punctured. As a result of the defendants' negligent failure to monitor and take appropriate prompt action for more than a week a second surgery was necessitated.
7. Due to a significant amount of time that elapsed between the first surgery and the second surgery, Plaintiff lost the complete right side of her colon which is caused by your failure to monitor her condition after the initial surgery and take appropriate measures and Plaintiff had to be hospitalized for 39 days.
8. That as a direct and proximate result of the breach of the applicable standard of medical care by the defendants Dr. Livingston and Dr. Brown which resulted in the loss of the right side of Plaintiff's colon, Plaintiff: 1) suffered pain and suffering in the past and will suffer pain and suffering into the future, 2) incurred lost wages, 3) Plaintiff couldn't breast feed her child because of the medication she was taking, 4) missed the critical moments between a mother and her child, 5) incurred medical expenses in the past and will incur future medical expenses, 6) suffered mental anguish, 7) suffered permanent physical injuries and disfigurement.
9. That all of the injuries and damages sustained by the Plaintiff were the direct and proximate result of the negligent actions of Dr. Livingston and Dr. Brown and Kaiser

Permanente Santa Clara without any act or omission on the part of the Plaintiff directly thereunto contributing.

10. That the Plaintiff did not assume the risk of her injuries.

11. The Hospital Kaiser Santa Clara used young inexperienced doctors to do the C-section without the plaintiff's consent which led to complications, additional surgery and unnecessary time at the hospital.

### **First Cause of Action (Negligence – Medical Malpractice)**

1. The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1-10 above.
2. Julie B. Livingston M.D. and Dr. Aldine Brown deviated from the acceptable standard of medical care during the surgery and after the surgery they performed on the Plaintiff on 12/31/2012 and that this deviation was the direct and proximate cause of the loss of the Plaintiff's entire right side colon and the direct and proximate cause of all of the Plaintiff's injuries and damages.

**WHEREFORE:** The Plaintiff claims damages against Julie B. Livingston M.D. and Dr. Aldine Brown individually in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court determines necessary and appropriate.

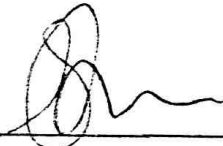
### **Second Cause of Action (Negligence – Medical Malpractice via Agency)**

The Plaintiff re-alleges and incorporates by reference herein all of the allegations contained in paragraphs 1-11 above.

That at the time of the surgical procedure performed on the Plaintiff on December 31, 2012 by Julie B. Livingston M.D. and Dr. Aldine Brown they were acting within the scope of their employment with Kaiser Permanente, Santa Clara.

**WHEREFORE:** The Plaintiff claims damages against Kaiser Permanente, Santa Clara in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court deems necessary and appropriate.

**DATED:** December 31, 2013



\_\_\_\_\_  
FIFI (FIKERTE) A. GUBEGNA, IN PRO. PER., PLAINTIFF

By FAX

Courthouse News Service