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FILED
2014 JAN -3 A 10: 04
CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CA

BY **D. WEBER**
BY FAX

SUPERIOR COURT OF CALIFORNIA

COUNTY OF CONTRA COSTA

UNLIMITED JURISDICTION

PER LOCAL RULE 5 THIS
CASE IS ASSIGNED TO
DEPT 33

INEZ GLENN,

Plaintiff,

v.

STONEBROOK HEALTHCARE
CENTER, KAISER FOUNDATION
HOSPITALS, THE PERMANENTE
MEDICAL GROUP, INC.; KAISER
FOUNDATION HEALTH PLAN, INC.,
and DOES 1-100,

Defendants.

Case No.

14 - 00012

**COMPLAINT FOR NEGLIGENCE
AND ELDER NEGLECT**

Plaintiff alleges:

FIRST CAUSE OF ACTION

(For Negligence - By plaintiff against all defendants)

1. Plaintiff is ignorant of the true names and capacities of defendants sued herein as Does 1-100, inclusive, and therefore sue these defendants by such fictitious names. Plaintiff will amend this complaint to allege the true names and capacities of said defendants when the same are ascertained. Plaintiff is informed and believes and thereon alleges that said Doe defendants are legally responsible in some manner for plaintiff's damages as herein alleged.

2. At all times herein mentioned, each of the defendants was the actual or ostensible agent and/or employee of each of the other defendants and, in doing the things herein

1 mentioned, was acting within the scope of his authority as actual or ostensible agent and/or
2 employee, and with the permission and consent of his co-defendants; and, further, each of the
3 actual or ostensible agents and employees of the defendants was acting within the scope of his
4 actual or ostensible authority as agent and/or employee, and with the permission and consent of
5 his principal/employer; and all of the actions of the defendants and of the actual or ostensible
6 agents and employees of the defendants were authorized and ratified by defendants. The
7 pronouns "his" and "hers" as used herein include both genders.

8 3. The injuries and incidents involved in this case occurred in this county.

9 4. Defendant Stonebrook Healthcare Center is a business organization, form
10 unknown, operating in this county (hereinafter referred to as the Stonebrook Defendant).

11 5. Defendants Kaiser Foundation Health Plan, Inc., Kaiser Foundation Hospitals,
12 and The Permanente Medical Group, Inc., are business organizations operating in this county
13 (hereinafter referred to as the "Kaiser Defendants").

14 6. Defendants, and each of them, were health care providers and/or providing
15 healthcare services, and were at all times practicing as medical doctors, nurses, physicians'
16 assistants, hospitals, skilled nursing facilities, other healthcare providers, and employees of the
17 named defendants in the County of Contra Costa, California. Defendants, and each of them,
18 undertook employment to provide hospital, medical, and skilled nursing facility care for the
19 medical condition of plaintiff Inez A. Glenn, and to provide said plaintiff with proper care,
20 including examination, diagnosis, treatment, instruction, and referral to other qualified facilities
21 and specialists if the defendants lacked the education, training, experience, or facilities
22 adequately to treat plaintiff.

23 7. Beginning on or about October 26, 2012 and continuing thereafter defendants,
24 and each of them, negligently examined, diagnosed, treated, attended to, cared for, advised and
25 instructed plaintiff, and negligently referred or failed to refer plaintiff to other, better qualified
26 health care providers, and as a proximate result, plaintiff suffered damages, including
27 developing one or more pressure sores or worsening of existing pressure sores.

28 8. As a result of the negligence of defendants, plaintiff was hurt and injured in

1 plaintiff's health, strength, and activity, sustaining injury to plaintiff's nervous system and
2 person, all of which injuries have caused, and continue to cause, plaintiff great mental,
3 physical, and nervous pain and suffering. As a result of such injuries, plaintiff has suffered
4 general damages in an amount according to proof.

5 9. As a further result of the negligence of defendants, plaintiff has incurred, and
6 will continue to incur, medical and related expenses in an amount according to proof.

7 10. Plaintiff did not discover or have reason to discover defendants' negligence until
8 sometime after October 30, 2013. Plaintiff sent each defendant a notice under C.C.P. § 364 on
9 October 11, 2013, so the statute of limitations was extended until at least January 9, 2014.

10 SECOND CAUSE OF ACTION

11 (For Elder Neglect - by plaintiff against all defendants)

12 11. Plaintiff incorporates by reference each and every allegation of this complaint.

13 12. At all relevant times, plaintiff was an elder as defined in Welfare & Institutions
14 Code section 15610.27.

15 13. Defendants were care custodians as defined in Welfare & Institutions Code
16 section 15610.17 and/or had the care or custody of plaintiff between October 4, 2012 and
17 November 30, 2012.

18 14. Defendants, and their respective nurses and staff, failed to provide care to
19 plaintiff; maintained inadequate staff, training and facilities; and failed to protect plaintiff from
20 health including the developing of and worsening of pressure sores. These defendants also
21 exposed plaintiff to other health and physical hazards, and otherwise committed neglect within
22 the meaning of Welfare & Institutions Code section 15610.57. The defendants are a care
23 custodian within the meaning of Welfare & Institutions Code § 15610.17 and they failed to
24 carry out their custodial obligations with regard to plaintiff of providing basic observation and
25 monitoring, and of depriving plaintiff of necessary medical care.

26 15. Defendants' conduct was a substantial factor in causing plaintiff's injury,
27 damage, loss or harm.

28 16. Defendants acted with reckless disregard of plaintiff's health, safety and general

1 overall well-being. They knew that because of their conduct, plaintiff would probably be
2 harmed.

3 17. The actions and inactions of defendants were done as a result of oppression,
4 fraud, or malice, and in conscious disregard of Decedent's rights. They were personally done
5 by defendants, and, further, in the case of defendants who are not individuals, were authorized
6 or ratified by defendants. Also, plaintiff is informed and believes and thereon alleges that the
7 employers and principals had advance knowledge of the unfitness of the employees and agents
8 who acted with oppression, fraud, or malice, and employed said employees and agents with a
9 conscious disregard of the rights or safety of others. Plaintiff is accordingly entitled to recover
10 punitive damages in an amount according to proof.

11 18. Defendants 1-20 were officers, directors, or managing agents of the employer of
12 the individual defendants acting in an employment capacity or had advance knowledge of the
13 unfitness of the individual defendants and employed them with a knowing disregard of the
14 rights or safety of others or authorized the conduct of the individual defendants or knew of the
15 wrongful conduct of the individual defendants or adopted or approved the conduct after it
16 occurred.

17 19. Plaintiff is entitled to the recovery of reasonable attorney's fees pursuant to
18 Welfare and Institutions Code §15657 (a).

19 **WHEREFORE**, plaintiff prays for judgment against defendants as follows:

- 20 1. For general damages in an amount according to proof;
 - 21 2. For special damages in an amount according to proof;
 - 22 3. For costs of suit herein;
 - 23 4. For prejudgment interest as allowed by law;
 - 24 5. For attorney's fees as allowed by law;
 - 25 6. For punitive damages on the Second Cause of Action as allowed by law; and
- 26
27
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7. For such other and further relief as the court deems proper.

Dated: January 2, 2014

LAW OFFICES OF JAY CHAFETZ

By



Jay Chafetz
Attorney for Plaintiff

Courthouse News Service