

1 Alan Bennett
2 29381 Hillrise Drive
3 Agoura, CA 91301
4 818-706-1427
5 sixmeows@sbcglobal.net

6 To Be Appointed Personal Representative
7 of the Estate of Phyllis Bennett

FILED
Superior Court Of California
County Of Los Angeles

JAN 14 2014

Sherri R. Carter, Executive Officer/Clerk
By Amber Hayes, Deputy

①.03 Samantha Jessner
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

8 ALAN BENNETT,
9 as Personal Representative of Phyllis Bennett,
10 Deceased

Plaintiff,

vs.

12 KAISER FOUNDATION HEALTH PLAN,
13 INC., a California Corporation,
14 KAISER FOUNDATION HOSPITALS, a
15 business entity form unknown,
16 KAISER FOUNDATION
17 PALLIATIVE/HOSPICE CARE, a business
18 entity form unknown,
19 SOUTHERN CALIFORNIA PERMANENTE
20 MEDICAL GROUP, a business entity form
21 unknown,
22 HALEY SHAFI, an individual,
23 SCOTT SANBORN, an individual,
24 MUTHU CHANDRA an individual,
25 LAWRENCE LIN, an individual,
26 NEETA AMBE-CRAIN, an individual,
27 and
28 DOES 1 through 50, inclusive,
Defendants.

Case No.:

BC533099

COMPLAINT FOR DAMAGES

1. Willful Misconduct
2. Negligence
3. Fraudulent Concealment
4. Constructive Fraud
5. Breach of Fiduciary Duty
6. Wrongful Death
7. Medical Malpractice

DEMAND FOR JURY TRIAL

Plaintiff, ALAN BENNETT, hereby demands a trial by jury on all claims.

Plaintiff alleges as follows:

CIT/CASE: BC533099
LEA/DEF#:
RECEIPT #: CM503057004
DATE PAID: 01/14/14 11:50 AM
PAYMENT: \$435.00
RECEIVED: 310
CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

1 I.

2 PARTIES

3 Plaintiff Alan Bennett("PLAINTIFF") brings this action on behalf of the heirs of deceased
4 Phyllis Bennett ("DECEDENT"). PLAINTIFF is DECEDENT's husband, and he brings this
5 action under the provisions of Code of Civil Procedure §377.60 which provides that PLAINTIFF
6 may bring this action on behalf of the DECEDENT's heirs: "A cause of action for the death of a
7 person caused by the wrongful act or neglect of another may be asserted by ...the decedent's
8 children..." There are approximately three heirs of the DECEDENT. PLAINTIFF is one of them.
9 As an heir of DECEDENT, PLAINTIFF also has standing to bring this action pursuant to Welf.
10 & Inst Code §15657 et seq. Welch, to file this Complaint and assert the causes.
11

12 1. Defendant Kaiser Foundation Health Plan, Inc. is a corporation or business
13 entity of unknown form, doing business in the County of Los Angeles, California, at 5601 De
14 Soto Avenue, Woodland Hills, California 91365, which is the location, other than 29381 Hillrise
15 Drive, Agoura, California 91301 and wherein the injuries and damages occurred.
16

17 2. Defendant Kaiser Foundation Hospitals is a corporation or business entity of
18 unknown form, doing business in the County of Los Angeles, California, at 5601 De Soto
19 Avenue, Woodland Hills, California 91365.
20

21 4. Defendant Kaiser Valley Palliative/Hospice Care, is a business entity doing
22 business in the County of Los Angeles, California, at 5601 De Soto Avenue, Woodland Hills,
23 California 91365 and at 10605 Balboa Blvd, Granada Hills, California 91344.
24

25 5. Defendant Southern California Permanente Group is a corporation or
26 business entity of unknown form, doing business in the County of Los Angeles, California, at
27 5601 De Soto Avenue, Woodland Hills, California 91365, and DOES 1 through 5 are herein
28 collectively referred to as "KAISER."

1 6. Defendant Haleh Shafa is an individual who upon information and
2 belief is licensed as a physician in the State of California and does business in the County of Los
3 Angeles at the facility owned and operated by KAISER at , at 5601 De Soto Avenue, Woodland
4 Hills, California 91365. Defendant Helene Shafa and DOES 6 through 10 are collectively
5 referred to herein as "SHAFa."

6 7. Defendant Scott Sanborn is an individual who upon information and belief
7 Is licensed as a physician in the State of California and does business in the County of Los
8 Angeles at the facility owned and operated by KAISER at , at 5601 De Soto Avenue, Woodland
9 Hills, California 91365. Defendant Scott Sanborn and DOES 11 through 15 are collectively
10 referred to herein as "SANBORN."

11 8. Defendant Muthu Chandra is an individual who upon information and belief
12 is licensed as a physician in the State of California and does business in the County of Los
13 Angeles at the facility owned and operated by KAISER at , at 5601 De Soto Avenue, Woodland
14 Hills, California 91365. Defendant Chandra and DOES 16 through 20 are collectively referred to
15 herein as "CHANDRA."

16 9. PLAINTIFF is ignorant of the names and capacities of DOES 1 though 50
17 and sues them as DOES 1 through 50, inclusive. PLAINTIFF will amend this action to allege
18 these DOES Defendants' names and capacities when ascertained. Each of the defendants herein
19 is responsible in some manner for the occurrences, injuries, and damages herein, and that the
20 damages were directly and proximately caused by these defendants' acts and omissions. Each
21 defendant herein was the agent of each of the remaining defendants, and in doing the things
22 alleged herein were acting within the course and scope of their agency.

23 10. All defendants collectively, including KAISER, SHAFa, SANBORN,
24 CHANDRA, are referred to herein as "DEFENDANTS."

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II

STATEMENT OF FACTS

11. Plaintiff hereby realleges and incorporates by reference herein paragraphs 1 through 10 of the instant Complaint for Damages

12. Phyllis Bennett was very persistent in guarding her health, but died of adenocarcinoma of the cervix on October 16, 2012. Previous to accurate diagnosis, she had seen 4 doctors who all misdiagnosed or refused further testing up to one month before September, 2011 when Cedars-Sinai doctors diagnosed her correctly as stage 3, adenocarcinoma, with the exact same CA125 test that Phyllis had repeatedly requested many months previous. Her Cedars surgeon said, "Nobody could have missed it." Her final 9 days, in the care of Kaiser Palliative Care/Hospice were disastrous.

13. In January, 2011 my wife Phyllis was again staining and again visited her gynecologist, Dr. Ambe-Crain in Thousand Oaks. Dr. Ambe-Crain biopsied her and diagnosed it post-menopausal bleeding. Next appointment in April, Phyllis was not examined. She asked for a CA125 test. Dr. Ambe-Crain said it was not necessary. Phyllis was referred to Dr. Lin.

14. In April, 2011, Phyllis was bleeding and was examined at Kaiser Woodland Hills by Dr. Shafa, who said she would refer her for tests when she received her report from Phyllis' gynecologist, Dr. Ambe-Crain. Phyllis returned, found her in the corridor, and gave her the report that very same day. Phyllis said (and wrote in her notes) Dr. Shafa seemed very busy and put the report in her pocket without looking at it. Two months went by. The referral didn't come, as they'd promised, to our persistent calls, that it takes a while. Finally, I called, and Kaiser said Dr. Shafa would put in another referral. Later Kaiser said they'd been trying to reach us during all the time of the first referral, but couldn't. I checked; they had the correct phone number. As we had just retired, we were both home during that entire period. We also have a perfectly operating answering machine.

15. In June, 2011 Phyllis had an appointment with Dr. Lawrence Lin. He did

1 not examine her, but, at our request, set up a D and C/Hysteroscopy at Los Robles Hospital. He
2 said her hysteroscopy results were normal, though his post-op notes say "abnormal cervix". He
3 never advised us of that. In August, two visits later, as she was still bleeding. He did not
4 examine her yet again, and said yet again, it was post-menopausal bleeding. Dr. Lin said, "We'll
5 see you in a year." That next month, Phyllis was diagnosed stage 3. Dr. S said, "Nobody could
6 have missed it."

7 16. Phyllis was referred to a Kaiser doctor of our choice. I chose Dr.
8 Sanborn, because the appointment desk told me that Dr. Sanborn was an oncologist. When we
9 checked in, the nurse told the same thing to us. We subsequently discovered he is NOT an
10 oncologist. In August, 2011, he cauterized and burned Phyllis' private parts with Monsieus, after
11 which she was in bed 3 days. He diagnosed her condition as postmenstrual bleeding, and told
12 her he would not send her for tests nor referral, unless she chose Kaiser over our other insurance,
13 Anthem Blue Cross, though we pay for both. His refusal is in his notes. About a month later,
14 Phyllis was diagnosed stage 3.

15 17. Phyllis was treated at Cedars-Sinai for a year. In September, 2012,
16 Phyllis couldn't breathe. It was the night of Carmageddon, and the ambulance couldn't get her
17 to Cedars. For the first time, she was taken to Kaiser Emergency, Woodland Hills. At 2 a.m.,
18 the staff told my son and I that she was resting comfortably, to go home, and they would call if
19 there were any changes and update us at 6 a.m. When no-one called, I called at 6:30. The staff
20 told me there was no Phyllis Bennett there. We raced through the traffic, to find her admitted to
21 Kaiser Hospital. When I found her room, incredibly, her nutrition bag (input) was attached to
22 her gastric bag(output). And she was distressed. No-one could or would tell us when or how
23 that had happened.

24 18. While in Kaiser Hospital, administrator K called me into each of 2 rooms
25 where she informed me about Kaiser Palliative/Hospice Care. She said we'd have a nurse, rabbi,
26 physical therapist, psychological therapist, bather, and be under a doctor's care, so I chose Kaiser
27 as our hospice care.

28 19. Most of the promised personnel had time conflicts, seldom or never came.

1 3 different times, 2 of the nurse, the therapist, and the bather accidentally came at the same time,
2 and one left. Once the clergyman came at the same time as the others. He stayed a few
3 minutes, as she was worked on by the others and left. We never saw him again. The rabbi never
4 came, as we were told she was on vacation.

5 20. The doctor finally came on the 7th day, 2 days before she passed. The
6 very next day, Phyllis was in serious distress, and went to the ER. The next day, he couldn't be
7 reached. She passed the day after.

8 21. Since her cancer was of a cervical area, Phyllis had a foli catheter; she
9 requested a female nurse. Later, when male nurse P went away for three days, she did have
10 female nurses, but nurse P did return, so that request was not acted upon.

11 22. At Cedars, she was hooked up to a 1500 calorie, nutrition bag 10 hours a
12 day. For Kaiser Hospice, I was picking up her nutrition bags at their Thousand Oaks facility, and
13 prepping, and injecting 2,000 calories of tnp, immobilizing her for a 16 hour feeding every day.

14 23. The day the doctor finally came, my wife, was profusely bleeding out her
15 foli catheter. Kaiser nurse P. and Doctor Muthu said nothing could be done to stop it. Phyllis
16 had a rare AB negative blood type. A week before we had scheduled her for two transfusions of
17 that rare blood at Kaiser Woodland Hills. My cousin and I wanted her to go. Nurse P and
18 another nurse told us the transfusions were unnecessary, that they would only extend the pain.
19 My wife said she couldn't stand the spasm pain, and didn't want her life extended. Nurse P and
20 another nurse told me it was "just delaying the inevitable." My wife listened to them and refused
21 to go. They even advised me NOT to put on the nutrition bag. My cousin and I were really
22 angry.

23 24. For the first seven days of Kaiser Hospice Care, Phyllis was in constant,
24 agonizing, spasmic stomach pain. She was given only ORAL pain medications. As I've stated
25 in #20 and #23, two days before we lost her, Doctor Muthu came for the first and only time. (It
26 is the same doctor Kaiser Nurse A called, with no answer, FOUR times the very next day, when
27 we were frantic about her unconsciousness.) Doctor Muthu contradicted the Cedars surgeon
28 who had put in the gastric pipe. Dr. Muthu told us, (after she's had 2 months of strictly clear

liquids, jello, and nothing else) that Phyllis could have ice cream. That day she had ice cream. That very night, at 1 a.m., her gastric pipe was blocked and her stomach distended. A nurse came at 3 a.m. and tried to unclog it, but failed. We had to call an ambulance to take her to Kaiser ER very early Saturday morning. The surgeon attempting to unclog it had to call the Cedars-Sinai surgeon Dr. S, who had instituted the gastric pipe, to advise a procedure to unblock the gastric pipe. The Cedars surgeon said he couldn't believe Dr. Muthru had OK'ed ice cream. The Cedars surgeon also told me, on the phone that night, that whoever had been giving her oral painkillers did not understand she could not absorb anything through her stomach, and the IV was the only way. He said she should have had an IV all along, as she'd had under Cedars care, because it was futile and totally ineffective to have given her oral pain medications for her constant, agonizing spasms. Even Kaiser Hospice Nurse LM who put in the IV said, "The IV should have been put in at least five days earlier".

25. I had previously had a yelling argument with nurse P, as Dr. Muthu, who hadn't even visited that first week, kept increasing the ORAL dose and timing of the ORAL morphine doses. Her pain was so severe, the night before the IV was put in, the nurse and doctor had me giving her 1.0 of morphine from a dropper every 60 minutes, night and day, (not including the half-hour tie-off of her gastric tube so the medicine would stay in her stomach and be absorbed.) increased from every two hours, earlier in the week. That is, they told me to (awaken and) give her the oral painkiller every hour. She had terribly painful stomach spasms, and what I subsequently discovered was (and the reason she said she wanted to die) her inability to absorb, not only the painkillers, but the oral vitamins they were having her take. They finally ordered the IV. I was scheduled to pick the IV equipment, which was supposed to have arrived at Kaiser Thousand Oaks by 4 p.m. At the T.O. building, they told us the truck would be there in an hour, then for the next 6 hours, they told us they didn't know where it was. At 11:30 p.m., my wife's Intravenous was STARTED at morphine 6, after having absorbed 0, no morphine orally for 7 days.

26. This is the verbatim hospiceworld.org description OF PURPOSE...

1 "In titrated doses morphine is an analgesic. Mild drowsiness may occur for the first 2 to 3 days
2 of treatment. The principle is to increase the dose in steps until the patient is pain-free but still
3 alert. If a patient who is pain-free becomes drowsy, the dose should be reduced. When morphine
4 is used carefully by finding the correct dose for a particular patient's pain, there are no dangers
5 of needing escalating doses." <http://www.hospiceworld.org>

6 27. The subsequent actions of Kaiser Hospice/Palliative Care in STARTING
7 AND KEEPING her morphine drip at level 6 could not have been further from this purpose,
8 and were, in fact, precisely at cross purposes to what a hospice organization should have done.
9 Phyllis was totally conscious and talking to our sons, until an hour after the morphine IV.
10 Afterward, she never awakened. 36 hours later, she passed away. We complained about her
11 condition the entire day, but nurse A said she couldn't do anything herself, and that she had
12 called the doctor four times that day to no response. MY SONS AND I NEVER HAD A
13 CHANCE TO SPEAK TO HER AGAIN, OR SAY GOODBYE.

16 III.

17 FIRST CAUSE OF ACTION

18 (Willful Misconduct v. all DEFENDANTS)

19
20 28. PLAINTIFF re-alleges and incorporates by reference the allegations
21 contained in paragraphs 1-27.

22 29. During the period of their care of DECEDENT, each of the DEFENDANTS
23 knew or should have known the perils posed to DECEDENT for their failures to comply with
24 their duties of care to provide care which a reasonably prudent hospital operator, physician,
25 social worker, ethicist, bioethics director, or other health care provider or administrator would
26 use.

27 30. During the period of their care of DECEDENT, each of the DEFENDANTS

1 knew or should have known that the perils posed by their failure to comply with their standards
2 of care to provide care which a reasonably prudent hospital operator, physician, social worker,
3 ethicist, bioethics director, or other health care provider or administrator would use, exposed
4 DECEDENT to the high probability of his injuries and death.

5 31. During the period of their care of DECEDENT, each of the
6 DEFENDANTS knowingly disregarded the aforesaid perils and high probability
7 of injury and death to DECEDENT, and in doing so failed to comply with their duties under the
8 standards of care as set forth above. Certain examples of their willful misconduct and failures
9 include failure to properly diagnose my wife's cancer, failure to properly administer medication,
10 failure to properly disclose pertinent information to patient, and failure to follow up on diagnosis
11 and medication.

12 32. By virtue of the foresaid, DEFENDANTS have acted in conscious
13 disregard of the probability of DECEDENT's undesired and unauthorized injury and death, and
14 because DECEDENT was helpless to safeguard herself except through her surrogate,
15 PLAINTIFF, DEFENDANTS' failure and refusal to communicate with PLAINTIFF, seek his
16 consult into DECEDENT's health care, and obtain his authorization before purposefully and
17 intentionally withdrawing DECEDENT's treatment to purposefully and intentionally end her life,
18 was despicable and it subjected DECEDENT to cruel and unjust hardship in conscious disregard
19 of her rights and safety. By virtue of the foresaid, DEFENDANTS have each acted with
20 recklessness, oppression, and malice, and their acts and omissions were despicable. By virtue of
21 the foresaid, punitive damages should be assessed against DEFENDANTS and each of them, in a
22 sum according to proof at trial.

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24 IV.

25 **SECOND CAUSE OF ACTION**

26 (Negligence and v. all DEFENDANTS)

27 33. PLAINTIFF re-alleges and incorporates by reference the allegations
28 contained in paragraphs 1-32.

34. DECEDENT was a patient of KAISER from January, 2010 until her death on October 16, 2012. During this period, DECEDENT was under the care of DEFENDANTS who acted as her "primary care physicians."

35. By virtue of the foresaid, DEFENDANTS owed a duty of ordinary care to DECEDENT, to use the degree of care and skill that a reasonable prudent person would use. In the case of the physician defendant and the other physician DEFENDANTS, to use that degree of care that a reasonably prudent physician would owe given his or her knowledge, training, expertise, and skill.

36. DEFENDANTS breached the aforesaid duties of care.

37. As a direct and legal result of the foresaid, DECEDENT sustained injuries and death. As a further direct and legal result of the foresaid, DECEDENT sustained lost income and other damages in a sum according to proof at trial.

THIRD CAUSE OF ACTION

(Fraudulent Concealment v. all DEFENDANTS)

38. PLAINTIFF re-alleges and incorporates by reference the allegations contained in Paragraphs 1 through 37.

39. DEFENDANTS and each of them had the duty to disclose the following facts to DECEDENT, through her joint agent and surrogate, PLAINTIFF, by virtue of their fiduciary relationship to DECEDENT as a healthcare provider/patient, and by virtue of the fact that without disclosure of the following facts to PLAINTIFF, DEFENDANTS could not obtain the necessary informed consent from the necessary persons for DECEDENT's treatment, and thus were not legally authorized to terminally extubate DECEDENT:

40. None of these facts were disclosed to PLAINTIFF, and they remained concealed from PLAINTIFF until PLAINTIFF obtained medical records and, and discovered the foresaid.

41. All DEFENDANTS, and each of them individually and collectively, had the

1 duty to disclose these facts to PLAINTIFF. Each had the opportunity to do so. All
2 DEFENDANTS, and each of them, failed to do so.

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6 VI.

7 **FOURTH CAUSE OF ACTION**

8 (Constructive Fraud v. all DEFENDANTS)

9 42. PLAINTIFF re-alleges and incorporates by reference the allegations
10 contained in Paragraphs 1 through 41.

11 43. By virtue of their "healthcare provider/patient relationship" with
12 DECEDENT, DEFENDANTS and each of them owed a fiduciary duty to DECEDENT to
13 disclose the facts set forth above.

14 44. DEFENDANTS intentionally breached the aforesaid fiduciary duty to
15 disclose information to PLAINTIFF. Said breaches were financially motivated and intentional,
16 and directly and legally resulted in DECEDENT's terminal extubation and death.

17 45. By virtue of the foresaid, DEFENDANTS and each of them have acted
18 with fraud and an award of general damages for DECEDENT's pain and suffering under the
19 provisions of Welf. & Inst. Code §15657, and an assessment of punitive damages in a sum
20 according to proof at trial, is justified and appropriate. In addition, DEFENDANTS acted
21 despicably and with recklessness, oppression, and malice, and punitive damages should be
22 assessed for that reason.
23
24

25 VII.

26 **FIFTH CAUSE OF ACTION**

27 (Breach of Fiduciary Duty v. all DEFENDANTS)

28 46. PLAINTIFF hereby re-alleges and incorporates by reference the allegations

1 contained in Paragraphs 1 through 45.

2 47. By virtue of their "healthcare provider/patient" relationship,
3 DEFENDANTS had a fiduciary duty to DECEDENT to act with the utmost good faith and in her
4 best interests.

5
6 48. DEFENDANTS breached their fiduciary duty to DECEDENT in the ways
7 set forth above.

8 49. By virtue of the foresaid, DEFENDANTS acted recklessly, oppressively,
9 and intentionally in breach of their duties as healthcare providers.

10 50. As a direct and legal result of the foresaid, DECEDENT was injured & died.

11 51. By virtue of the foresaid, DEFENDANTS acted despicably and with
12 recklessness, oppression, and malice, and punitive damages should be assessed for that reason.
13

14 **VIII.**

15 **SIXTH CAUSE OF ACTION**

16 *(Wrongful Death v. all DEFENDANTS)*

17 52. PLAINTIFF hereby re-alleges and incorporates by reference the
18 allegations contained in Paragraphs 1 through 51.

19 54. As a direct and proximate result of the foresaid, DECEDENT died and her
20 heirs (represented by PLAINTIFF under Code of Civil Procedure §377.60, as alleged above),
21 have been deprived of DECEDENT's love, care, comfort, and society to their general damages
22 according to proof at trial.

23 **IX.**

24 **SEVENTH CAUSE OF ACTION**

25 *(Medical Malpractice v. all DEFENDANTS)*

26
27 **WHEREFORE**, PLAINTIFF prays for judgment against DEFENDANTS as follows:

- 28
1. For general and special damages according to proof.
 2. For punitive damages according to proof.

3. For the loss of the care, comfort, and society of DECEDENT.
4. For attorneys fees, unilaterally to PLAINTIFF.
5. For costs of suit, including expert costs.
6. For such other and further relief as the court deems just and proper.

DATE: January 14, 2014

By: 

ALAN BENNETT,

Plaintiff, pro se

Personal representative of Phyllis Bennett

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

ALAN BENNETT
2931 Hillrise Dr.
Agoura Hills, CA 91301

TELEPHONE NO.: 818-706-1427

FAX NO.:

ATTORNEY FOR (Name): pro per

FOR COURT USE ONLY

FILED
Superior Court of California
County of Los Angeles

JAN 14 2014

Sherri R. Carter, Executive Officer/Clerk
By [Signature] Deputy
Amber Hayes

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 N Hill St.

MAILING ADDRESS: same

CITY AND ZIP CODE: Los Angeles, 90012

BRANCH NAME: Central

CASE NAME:

CIVIL CASE COVER SHEET

☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000 or less)

Complex Case Designation

☐ **Counter** ☐ **Joinder**

Filed with first appearance by defendant
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:

BC533099

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☒ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): SIX

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 1/13/14

ALAN BENNETT

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE:

BENNETT v. KAISER

CASE NUMBER

BC533099

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case" skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input checked="" type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 3. 1., 4.

SHORT TITLE:

BENNETT v. KAISER

CASE NUMBER

Non-Personal Injury/ Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE:

BENNETT v. KAISER

CASE NUMBER

Judicial Review

Provisionally Complex Litigation

Enforcement
of JudgmentMiscellaneous
Civil ComplaintsMiscellaneous
Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: BENNETT v. KAISER	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 5601 De Soto Avenue
CITY: Woodland Hills	STATE: CA	ZIP CODE: 91365

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the STANLEY MOSK courthouse in the CENTRAL District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: 1.13.14

(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.