

CIV-140502-CIV-RS1402736-CASEEN-144502



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Case Number RS1402736
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Action Code CASEEN
Action Date 05/02/14
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Complaint and Party information entered

Courthouse News Service



NEW FILE

SUPERIOR COURT OF CALIFORNIA COUNTY OF San Bernardino
STREET ADDRESS 8303 Haven Avenue
MAILING ADDRESS 8303 Haven Avenue
CITY AND ZIP CODE Rancho Cucamonga, CA 91730
BRANCH NAME Rancho Cucamonga Courthouse

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SHORT TITLE Lopez v Kaiser Permanente et al	CASE NUMBER
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- 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*)
- (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*)
- 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*)
- 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*) 1-25 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*) 25-50 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 **and**
- a ☐ has complied with applicable claims statutes **or**
b ☐ is excused from complying because (*specify*)

SHORT TITLE

Lopez v Kaiser Permanente et al

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*)

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*)

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

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 April 30, 2014

Michael D Payne, Esq

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST

(number)

CAUSE OF ACTION—General Negligence

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ATTACHMENT TO ☒ Complaint ☐ Cross Complaint

(Use a separate cause of action form for each cause of action)

GN 1 Plaintiff (name) Carmen Lopez

alleges that defendant (name) Kaiser Permanente and

☒ Does 1 to 50 Inclusive

was the legal (proximate) cause of damages to plaintiff By the following acts or omissions to act defendant negligently caused the damage to plaintiff

on (date) August 31 2012

at (place) Kaiser Permanente 2295 South Vineyard Avenue Ontario, CA 91762

(description of reasons for liability)

On August 31, 2013 Plaintiff was visiting her daughter in law in the hospital as she was approaching her bed plaintiff slipped and fell on plastic needle cover that was on the floor Plaintiff suffered damages and injuries as a result of the accident Defendant and it's employees owed a duty to Plaintiff to safely operate monitor, maintain provide caution signs and supervise it's surroundings Defendant breached said duty by failing to operate monitor maintain provide caution signs and supervise its surroundings As a result and proximate result of Defendant's negligence Plaintiff suffered damages and injuries as alleged herein all in sum according to proof at the time of trial

SHORT TITLE

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SECOND

(number)

CAUSE OF ACTION—Premises LiabilityPage 5ATTACHMENT TO ☒ Complaint ☐ Cross Complaint

(Use a separate cause of action form for each cause of action)

Prem L 1 Plaintiff (name) Carmen Lopez

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff

On (date) August 31 2014

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury)

The Premises location was Kaiser Permanente 2295 S Vineyard Ave Ontario California 91761 Plaintiff was visiting her daughter in law as she approached her she slipped and fell on a plastic needle cover that was on the floor Plaintiff suffered damages and injuries causing severe left ankle pain as well as pain to her neck and back She was taken to the emergency room for evaluation at the same location

Prem L 2 ☒ **Count One—Negligence** The defendants who negligently owned maintained managed and operated the described premises were (names)
Kaiser Permanente

☒ Does 1 to 50

Prem L 3 ☒ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition use structure or activity were (names)
Kaiser Permanente

☒ Does 1 to 50Plaintiff a recreational user was ☐ an invited guest ☒ a paying guest

Prem L-4 ☒ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names)
Kaiser Permanente

☒ Does 1 to 50a ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected itb ☐ The condition was created by employees of the defendant public entity

Prem L 5 a ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names)
Kaiser Permanente

☒ Does 1 to 50

b ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are
☐ described in attachment Prem L 5 b ☐ as follows (names)

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO

Carmen Lopez

Case No CIVRS1402736

vs

CERTIFICATE OF ASSIGNMENT

Kaiser Permanente et al

A civil action or proceeding presented for filing must be accompanied by this certificate. If the ground is the residence of a party, name and residence shall be stated.

The undersigned declares that the above entitled matter is filed for proceedings in the Rancho Cucamonga District of the Superior Court under Rule 404 of this court for the checked reason:

☒ General

☐ Collection

Nature of Action

Ground

- | | |
|---|---|
| <input type="checkbox"/> 1 Adoption | Petitioner resides within the district |
| <input type="checkbox"/> 2 Conservator | Petitioner or conservatee resides within the district |
| <input type="checkbox"/> 3 Contract | Performance in the district is expressly provided for |
| <input type="checkbox"/> 4 Equity | The cause of action arose within the district |
| <input type="checkbox"/> 5 Eminent Domain | The property is located within the district |
| <input type="checkbox"/> 6 Family Law | Plaintiff defendant petitioner or respondent resides within the district |
| <input type="checkbox"/> 7 Guardianship | Petitioner or ward resides within the district or has property within the district |
| <input type="checkbox"/> 8 Harassment | Plaintiff defendant petitioner or respondent resides within the district |
| <input type="checkbox"/> 9 Mandate | The defendant functions wholly within the district |
| <input type="checkbox"/> 10 Name Change | The petitioner resides within the district |
| <input checked="" type="checkbox"/> 11 Personal Injury | The injury occurred within the district |
| <input type="checkbox"/> 12 Personal Property | The property is located within the district |
| <input type="checkbox"/> 13 Probate | Decedent resided or resides within the district or had property within the district |
| <input type="checkbox"/> 14 Prohibition | The defendant functions wholly within the district |
| <input type="checkbox"/> 15 Review | The defendant functions wholly within the district |
| <input type="checkbox"/> 16 Title to Real Property | The property is located within the district |
| <input type="checkbox"/> 17 Transferred Action | The lower court is located within the district |
| <input type="checkbox"/> 18 Unlawful Detainer | The property is located within the district |
| <input type="checkbox"/> 19 Domestic Violence | The petitioner defendant plaintiff or respondent resides within the district |
| <input type="checkbox"/> 20 Other _____ | |
| <input type="checkbox"/> 21 THIS FILING WOULD NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT | |

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above designated district is:

Kaiser Permanente

2295 S Vineyard Avenue

(NAME INDICATE TITLE OR OTHER QUALIFYING FACTOR)

ADDRESS

Ontario

CA

91761

(CITY)

(STATE)

(ZIP CODE)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on

April 30 2014

at

West Covina

California

Signature of Attorney/Party