

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

HOWARD ALAN KITAY, SBN 141801

Law Offices of Howard Alan Kitay

275 E. Douglas Ave., Ste. 111

El Cajon, CA 92020

TELEPHONE NO: 619.442.0542

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Plaintiff, Eva Albertson

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego

STREET ADDRESS: 330 West Broadway

MAILING ADDRESS:

CITY AND ZIP CODE: San Diego, CA 92101

BRANCH NAME:

PLAINTIFF: EVA ALBERTSON, an individual

DEFENDANT: KAISER PERMANENTE INSURANCE COMPANY, a Corporation; Does 1 thru 50 inclusive

☒ DOES 1 TO 50 inclusive**COMPLAINT—Personal Injury, Property Damage, Wrongful Death**☐ AMENDED (Number):

Type (check all that apply):

☐ MOTOR VEHICLE☒ OTHER (specify): Premises Liability☐ Property Damage☐ Wrongful Death☒ Personal Injury☐ Other Damages (specify):

Jurisdiction (check all that apply):

☐ ACTION IS A LIMITED CIVIL CASE

Amount demanded

☐ does not exceed \$10,000☐ exceeds \$10,000, but does not exceed \$25,000☐ ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)☐ ACTION IS RECLASSIFIED by this amended complaint☐ from limited to unlimited☐ from unlimited to limited

FOR COURT USE ONLY

FILED

NORTH COUNTY DIVISION

2014 MAY 29 PM 1:52

(7)

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

CASE NUMBER:

37-2014-00017439-CU-PO-NC

1. Plaintiff (name or names): EVA ALBERTSON, an individual

alleges causes of action against defendant (name or names): KAISER PERMANENTE INSURANCE COMPANY, a Corporation;

2. This pleading, including attachments and exhibits, consists of the following number of pages: 5

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: Albertson v. Kaiser Permanente

CASE NUMBER:

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

PERMANENTE INSURANCE COMPANY

(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): 1-50 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): 1-50 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, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

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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: 5/22/2014

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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CASE NUMBER:

One CAUSE OF ACTION—General Negligence
(number)Page 4ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): EVA ALBERTSON, an individual

alleges that defendant (name): KAISER PERMANENTE INSURANCE COMPANY, a Corporation;

☒ Does 1 to 50

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): October 4, 2014

at (place): Kaiser Permanente located at 17140 Bernardo Center Drive, San Diego, CA 92128

(description of reasons for liability):

At the aforementioned time and place, defendants, and each of them, negligently, carelessly, recklessly, and unlawfully managed, maintained, controlled, and operated the property, such that located on the property was a swinging door, which defendants knew, or in the exercise of reasonable care should have known, constituted a dangerous and unreasonable risk of harm of which plaintiff was at all time herein mentioned unaware. Defendants, and each of them, negligently failed to take steps to either make the condition safe or to warn plaintiff of the dangerous condition. Plaintiff was injured and suffered the injuries and damages hereinafter described.

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CASE NUMBER:

Two
(number)

CAUSE OF ACTION—Premises Liability

Page 5

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

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

Prem.L-1. Plaintiff (name): EVA ALBERTSON, an individual
alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.
On (date): October 4, 2014 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

At the aforementioned time at the Kaiser Permanente located at 17140 Bernardo Center Drive, San Diego, CA 92128, defendants, and each of them, negligently, carelessly, recklessly, and unlawfully managed, maintained, controlled, and operated the property, such that located on the property was a swinging door, which defendants knew, or in the exercise of reasonable care should have known, constituted a dangerous and unreasonable risk of harm of which plaintiff was at all time herein mentioned unaware. Defendants, and each of them, negligently failed to take steps to either make the condition safe or to warn plaintiff of the dangerous condition. Plaintiff was injured and suffered the injuries and damages herein described.

Prem.L-2. ☒ **Count One--Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names): Kaiser Permanente Insurance Company

☒ 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 Insurance Company

☒ 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):

☐ Does to

- a. ☐ 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 it.
b. ☐ 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):

☒ 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):

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CASE NUMBER:

Three CAUSE OF ACTION—Products Liability
(number)Page 6ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint
(Use a separate cause of action form for each cause of action.)

Plaintiff (name): EVA ALBERTSON, an individual

Prod. L-1. On or about (date): 10/04/14 plaintiff was injured by the following product:
a door located on the premises of Kaiser Permanente Insurance Company
located at 17140 Bernardo Center Drive, San Diego, CA 92129.

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects.
The product was defective when it left the control of each defendant. The product at the time of injury
was being

- ☒ used in the manner intended by the defendants.
☒ used in a manner that was reasonably foreseeable by defendants as involving a substantial danger not
readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a

- ☐ purchaser of the product. ☐ user of the product.
☒ bystander to the use of the product. ☐ other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. ☒ Count One--Strict liability of the following defendants whoa. ☐ manufactured or assembled the product (names):☒ Does 1 to 50b. ☒ designed and manufactured component parts supplied to the manufacturer (names):☒ Does 1 to 50c. ☒ sold the product to the public (names):☒ Does 1 to 50Prod. L-5. ☒ Count Two--Negligence of the following defendants who owed a duty to plaintiff (names):☒ Does 1 to 50Prod. L-6. ☐ Count Three--Breach of warranty by the following defendants (names):☐ Does _____ to _____

- a. ☐ who breached an implied warranty
b. ☐ who breached an express warranty which was
☐ written ☐ oral

Prod. L-7. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are☐ listed in Attachment-Prod. L-7 ☐ as follows: