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FILED
ALAMEDA COUNTY
JUN 03 2014

Attorneys for Plaintiffs
DEBORAH JENKINS and CHARLES JENKINS

CLERK OF THE SUPERIOR COURT
By Asa Deputy

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA
UNLIMITED JURISDICTION

DEBORAH JENKINS; CHARLES JENKINS;

Plaintiffs,

v.

KAISER HEALTH PLAN ASSET MANAGEMENT, INC.; and DOES 1 through 500,

Defendant(s)

CASE NO. **RG 14727662**

COMPLAINT FOR DAMAGES

(Personal Injury: Negligence: Premises Liability; Contemporaneous Experience of Injury)

FIRST CAUSE OF ACTION

AS AND FOR A FIRST CAUSE OF ACTION BASED UPON NEGLIGENCE
AGAINST ALL DEFENDANTS, PLAINTIFFS DEBORAH JENKINS AND CHARLES JENKINS ALLEGE:

1. Plaintiffs DEBORAH JENKINS and CHARLES JENKINS are, and at all times mentioned in this Complaint were, residents of the State of California.

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1 2. Defendants DOES 1 through and including 500 are sued in this Complaint under
2 Code of Civil Procedure Section 474. The true names or capacities, whether individual,
3 corporate, governmental, partnership, associate or otherwise, of these defendants are unknown to
4 plaintiffs who, therefore, sue these defendants by fictitious names. Plaintiffs will amend this
5 Complaint to show their true names and capacities when they have been ascertained. Plaintiffs
6 are informed and believe, and on that basis allege, that each of the defendants designated as a
7 DOE is negligently responsible for the events and happenings referred to in this Complaint, and,
8 thereby, caused injuries and damages to the plaintiffs.

9
10 3. Plaintiffs are informed and believe, and on that basis allege, that at all times
11 mentioned in this Complaint defendant KAISER HEALTH PLAN ASSET MANAGEMENT,
12 INC., was a corporation incorporated according to the laws of a state of the United States and
13 was authorized to and doing business in the County of Alameda, State of California.

14
15 4. Each and every reference in this Complaint to "defendants" shall be deemed to
16 refer to each and all defendants unless a specific defendant is named or the context otherwise
17 requires.

18
19 5. Plaintiffs are informed and believe, and on that basis allege, that at all times
20 referred to in this Complaint each defendant was the agent and/or employee of each other
21 defendant and was acting in the course and scope of that agency and/or employment.

22
23 6. Plaintiffs are informed and believe, and on that basis allege, that at all times
24 relevant to this complaint defendant KAISER HEALTH PLAN ASSET MANAGEMENT, INC.,
25 and DOES 1 through 50 were, and are, the owners, operators, lessors, lessees, or legal title
26 holders of the real property and improvements commonly known as the Long Beach Kaiser
27 Permanente Medical Offices, located at 3900 East Pacific Coast Highway in the City of Long
28 Beach, County of Los Angeles,, State of California.

1 7. On or about June 14, 2012, plaintiffs DEBORAH JENKINS and CHARLES
2 JENKINS were at the Long Beach Kaiser Permanente Medical offices.

3
4 8. On or about June 14, 2012, defendants so negligently and carelessly owned,
5 designed, operated, supervised, leased, maintained, repaired and controlled the real property and
6 improvements commonly known as the Long Beach Kaiser Permanente Medical Offices, and in
7 particular the elevator of the property used by plaintiffs, so as to allow a hazard to exist to
8 plaintiffs and others in that, among other reasons, the elevator failed to stop at the correct floor
9 and failed to allow passengers, including plaintiffs, to disembark, causing a hazard to exist,
10 among other hazards, and thereby causing a hazard to exist to plaintiffs DEBORAH JENKINS
11 and CHARLES JENKINS, as well as to others on the premises.

12
13 9. On or about June 14, 2012, plaintiffs DEBORAH JENKINS and CHARLES
14 JENKINS were riding on the elevator at the Long Beach Kaiser Permanente Medical Offices.
15 At that time defendants so negligently and carelessly owned, operated, designed, constructed,
16 repaired, leased, maintained and controlled defendants' property so as to cause a hazard to exist
17 and so as to cause the elevator in which plaintiffs DEBORAH JENKINS and CHARLES
18 JENKINS were riding to move abruptly, travel between floors without regard to the floor
19 selected for exit, and then trap plaintiffs on board the elevator, causing plaintiffs to suffer serious
20 and permanent injuries as set out elsewhere in this Complaint.

21
22 10. As a direct and proximate result of defendants' conduct, plaintiff DEBORAH
23 JENKINS suffered injuries including shock, mental distress, mental and physical pain and
24 suffering, and other injuries, all to her general damage in an amount in excess of the
25 jurisdictional requirements of this Court.

26
27 11. As a further direct and proximate result of defendant's conduct, plaintiff
28 DEBORAH JENKINS was required to and did employ physicians and surgeons to examine, treat

1 and care for her and did incur medical and related expenses in a presently unascertained amount.
2 Plaintiff DEBORAH JENKINS is informed and believes, and on that basis alleges, that she will
3 be required to incur additional medical and related expenses in the future in a presently
4 unascertained amount. Plaintiff DEBORAH JENKINS will amend this Complaint to insert that
5 amount when it has been ascertained.

6
7 12. As a direct and proximate result of defendants' conduct, plaintiff CHARLES
8 JENKINS suffered injuries including shock, mental distress, mental and physical pain and
9 suffering, and other injuries, all to his general damage in an amount in excess of the jurisdictional
10 requirements of this Court.

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13 **SECOND CAUSE OF ACTION**

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15 AS AND FOR A SECOND CAUSE OF ACTION BASED UPON
16 CONTEMPORANEOUS EXPERIENCE OF INJURY BY A CLOSE FAMILY MEMBER
17 AGAINST ALL DEFENDANTS, PLAINTIFFS DEBORAH JENKINS AND CHARLES
18 JENKINS ALLEGE:

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20 13. Plaintiffs incorporate paragraphs 1 through and including 12 of this Complaint
21 into this Second Cause of Action.

22
23 14. At all times relevant to this Complaint, plaintiffs DEBORAH JENKINS and
24 CHARLES JENKINS have been, and are now, married.

25
26 15. Plaintiff DEBORAH JENKINS was present and had a contemporaneous
27 experience of the injuries to her spouse, plaintiff CHARLES JENKINS, as they were inflicted in
28 the accident giving rise to this action.

1 16. Plaintiff CHARLES JENKINS was present and had a contemporaneous
2 experience of the injuries to his spouse, plaintiff DEBORAH JENKINS, as they were inflicted in
3 the accident giving rise to this action.

4
5 17. As a result of the contemporaneous experience of the injuries suffered by each
6 spouse, plaintiffs DEBORAH JENKINS and CHARLES JENKINS have each suffered physical
7 and mental pain and suffering, shock, and other injuries, all to the damage of each plaintiff in an
8 amount in excess of the jurisdictional requirements of this Court.

9
10 WHEREFORE, plaintiffs pray for judgment against the defendants, and each of them, as
11 follows:

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13 FIRST CAUSE OF ACTION

- 14 1. General damages according to proof;
15 2. Special damages according to proof;
16 3. Interest at the legal rate;
17 4. Costs of suit; and
18 5. Such other and further relief as this Court
19 deems just and proper.

20
21
22 SECOND CAUSE OF ACTION

- 23 1. General damages according to proof;
24 2. Special damages according to proof;
25 3. Interest at the legal rate;
26 4. Costs of suit; and
27 5. Such other and further relief as this Court
28 deems just and proper.

1 DATED: May 28, 2014

LAW OFFICES OF JOHN E. HILL
A PROFESSIONAL CORPORATION

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3 By: 

4 DANIEL A. STENSON
Attorneys for Plaintiffs
5 DEBORAH JENKINS and CHARLES JENKINS
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