

# Superior Court of California

## County of Orange



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Case Number : 30-2014-00754238-CU-PO-CJC

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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Orange

**11/03/2014** at 10:08:40 PM  
Clerk of the Superior Court  
By Debbie Lechmann, Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF ORANGE

10  
11 ROSA E. BOBBIO, an individual,

12 Plaintiff,

13  
14 v.

15 KAISER PERMANENTE LA PALMA, an  
16 entity of type unknown; KAISER  
17 FOUNDATION HEALTH PLAN, INC., an  
18 entity of type unknown; KAISER  
19 FOUNDATION HOSPITALS, an entity of type  
20 unknown; SOUTHERN CALIFORNIA  
21 PERMANENTE MEDICAL GROUP, an entity  
22 of type unknown; and DOES 1-100, inclusive.

23 Defendants.

) Case #: 30-2014-00754238-CU-PO-CJC

) Judge James J. Di Cesare

) Assigned for all purposes to:

) Honorable:

) **COMPLAINT FOR DAMAGES**

) NEGLIGENCE: PREMESIS LIABILITY AND  
DEMAND FOR JURY TRIAL

) Complaint Filed:

) Trial Date: Not set

24 Comes Plaintiff Rosa E. Bobbio ("Plaintiff"), who files this complaint for damages against  
25 Defendants Kaiser Permanente La Palma, Kaiser Foundation Health Plan, Inc., Kaiser Foundation,  
26 Hospitals and Southern California Permanente Medical Group, ("Defendants").

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I.

JURISDICTION, VENUE AND CAPACITY

1. Plaintiff is, and at all times material hereto was, an individual residing in the County of Orange, State of California.

2. Plaintiff is informed and believes and thereon alleges that Kaiser Permanente La Palma, Kaiser Foundation Health Plan, Inc., Kaiser Foundation, Hospitals and Southern California Permanente Medical Group are private entities of unknown types, at all times material hereto conduct business in the County of Orange, in the State of California.

3. This case arises under California law for negligence. Thus, this court has both proper subject matter jurisdiction, personal jurisdiction and venue.

4. The true names and capacities of those Defendants sued herein as Does 1 through 100, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when the same have been ascertained pursuant to Code Civ Proc. § 474.

5. At all times material hereto, that the Doe Defendants, were the agents, representatives, servants and employees of the other Defendants, and that all of the acts herein alleged were done in the course and scope of such agency and employment, and the employer is vicariously liable. Further, all acts or omissions alleged were supervised and ratified by the entity that the individual Doe defendants are employed by.

6. The entity Defendants are sued in their corporate capacities, and the individual Doe defendants are sued in their individual capacities.

II.

FACTS COMMON TO ALL CAUSES OF ACTION/REMEDIES

7. Plaintiff is informed and believes, and upon such information and belief alleges that Defendant's claims to an arbitration of the issues in this case is illusory because the arbitration agreement did not include their facilities' negligence in providing safe premises for all who visit its facilities.

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1           8.       Plaintiff is informed and believes, and upon such information and belief alleges that  
2 she is a member of Defendant's Health Maintenance Organization ("HMO"). On December 3, 2013,  
3 she was visiting Defendants La Palma Kaiser Main Medical Facility (Opening Front Door), located  
4 at 5 Centerpointe Drive, La Palma, CA 90623.

5           9.       Plaintiff is informed and believes, and upon such information and belief alleges that  
6 it had been raining steadily and moderately for at most of the day before, and for several hours on the  
7 morning on December 3, 2013, since she had been awake. It was raining sufficiently that day to  
8 require windshield wipers to drive to the facility, and the floor entering the hospital was clearly  
9 soaking wet and slippery and had been wet for many hours with no attempted precautions for just  
10 such accidents as this Plaintiff suffered on this date.

11           10.      Plaintiff is informed and believes, and upon such information and belief alleges that  
12 the history of the closest airport rain readings for December 2, 2012 and the day of the accident,  
13 December 3, 2013 indicates there was consistent steady rain from approximately 3:18 p.m. on the  
14 Sunday prior to the accident, with on and off rain becoming steady for at least twelve (12) hours prior  
15 to the accident.

16           11.      Plaintiff is informed and believes, and upon such information and belief alleges that  
17 Plaintiff even took extra safety precautions due to the heavy rains by wearing non-slip safety shoes  
18 on the morning of December 3, 2013.

19           12.      Plaintiff is informed and believes, and upon such information and belief alleges that  
20 without floor mats and/or safety warning cones to avoid the paddling areas of water, she could not  
21 avoid slipping and the resulting injuries. When Plaintiff arrived at the entrance to Defendant's La  
22 Palma facility, she noticed that the area was without floor mats and/or safety warning cones to avoid  
23 the paddling areas of water,

24           13.      Plaintiff is informed and believes, and upon such information and belief alleges that  
25 Plaintiff walked slowly and safely up to the front entrance door holding the railing at the wall, but  
26 needed to briefly depart the wall to enter the front door, and when Plaintiff went to grab the front  
27 door she slipped incredibly hard. Later that day Plaintiff was confirmed to have broken her knee and  
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1 hit her head and right side of her face. Later through months of treatment, she was confirmed to have  
2 been permanently disabled by the loss of her hearing in her right ear.

3 14. Plaintiff is informed and believes, and upon such information and belief alleges that  
4 immediately following the accident, one of Defendant's employees and another Kaiser member  
5 helped Plaintiff up from the very slippery floor surface at the front entrance. Both Defendant's  
6 employee and other member went on their own ways and left Plaintiff to proceed to her doctor  
7 appointment on the upper floors of the facility, without calling for further medical assistance.  
8 Plaintiff was crying and could barely walk, and somehow made it to Dr. Sajini Susan George's  
9 office, where she was seen at 11:13 a.m.

10 15. Plaintiff is informed and believes, and upon such information and belief alleges that  
11 Dr. George immediately ordered a CT scan of Plaintiff's head due to the significant head trauma and  
12 immediate extreme ear pain and excessive above normal ringing. Dr. George also ordered x-rays of  
13 Plaintiff's knee, later confirmed as a fractured knee.

14 16. Plaintiff is informed and believes, and upon such information and belief alleges that  
15 Dr. George placed a temporary brace on Plaintiff's broken knee without x-rays, placed her on two  
16 crutches, a large more permanent knee brace under Plaintiff's other arm. Dr. George then told  
17 Plaintiff to limp downstairs all by herself to get x-rays of the broken knee and a CT Scan of the  
18 traumatically impacted skull, face and ear.

19 17. Plaintiff is informed and believes, and upon such information and belief alleges that  
20 she has been seen by Defendant's doctors for the resulting injuries on at least 30 occasions since  
21 December 3, 2012, and has suffered incredible pain and difficulty in dealing with these injuries.  
22 Plaintiff will be permanently without hearing in her right ear, and have difficulty walking the rest of  
23 her life. Plaintiff was a very active senior citizen who is now forced to sit and not do many of her  
24 prior activities, and she is expected to have a shortened her life span due to the accident.

25 18. Plaintiff is informed and believes, and upon such information and belief alleges that  
26 her injuries and resulting damages that could have been avoided by Defendant placing the mats  
27 and cones out at the front entrance to the La Palma facility.  
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III.

CAUSE OF ACTION

NEGLIGENCE: PREMISES LIABILITY

19. Plaintiff realleges all facts as stated in paragraphs 1-18, inclusive, as if set forth individually.

20. Defendants had a duty to maintain their premises in a safe condition due to weather conditions that were easily remedied by taking precautions at their front entrance.

21. Defendant's breached their duty to provide a safe facility during heavy rain conditions by, at minimum, placing mats and cones to warn members and other visitors to the front entrance at their La Palma Facility.

22. The injuries sustained by Plaintiff were those that Defendants reasonably could have foreseen would cause harm to their members or the general public visiting their facility in La Palma. Defendants had actual knowledge of the dangerous condition at the front entrance of their La Palma facility because evidence suggests that it was known about and present for a sufficient period of time. Defendants failed to adequately protect the public and warn against the reasonably foreseeable harm.

23. Defendants failure to take remedial action to the risk of danger that heavy rain posed to those members and other visitors to their La Palma facility was the proximate cause of Plaintiff's injuries at Defendant's La Palma facility.

24. As a result of Defendants' negligence through premises liability, Plaintiff suffered severe injuries to her head and legs, and will continue to suffer these injuries for the remainder of her life.

IV.

PRAYER FOR RELIEF

25. WHEREFORE, Plaintiff prays for the following relief:

a. For compensatory damages for medical expenses incurred as of the filing of this complaint, and that will be expected to be incurred through natural life in an amount according to proof;

b. For general damages in an amount according to proof;

1 c. For non-economic damages for emotional distress of \$1,000,000 including  
2 permanent loss of hearing and recurring vertigo;

3 d. For costs pursuant to Code Civ.Proc. § 1032;

4 f. For prejudgment interest as available by law pursuant to  
5 Civ.Code § 3288;

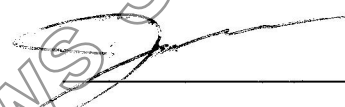
6 g. For any other such relief as the court deems proper.

7 V.

8 DEMAND FOR JURY TRIAL

9 26. The Plaintiff hereby demands a trial by jury on the causes of action.  
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11 October 15, 2014

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14 Jeff Dicks, Esq.  
15 Attorney for Plaintiff  
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# SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:**  
**(AVISO AL DEMANDADO):**  
ADDITIONAL PARTIES ATTACHMENT FORM IS ATTACHED

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**  
ROSA E. BOBBIO, an individual

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Orange County Superior Court  
Central Justice Center, 700 Civic Center West Drive  
Santa Ana, CA 92701

CASE NUMBER:  
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Law Offices of Jeffrey J. Dicks [ph. (714) 267-1300], 806 Avenida Pico, Suite I-309, San Clemente, CA 92673

DATE:  
(Fecha)

Clerk, by \_\_\_\_\_, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

Debra Lechmann

[SEAL]

**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
 

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. ☐ by personal delivery on (date):

SHORT TITLE: Bobbie v. Kaiser Permanente, et al.	CASE NUMBER:
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**INSTRUCTIONS FOR USE**

- ➔ This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- ➔ If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

**List additional parties** (Check only one box. Use a separate page for each type of party.):

☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

KAISER PERMANENTE LA PALMA, an entity of type unknown;  
 KAISER FOUNDATION HEALTH PLAN, INC., an entity of type unknown;  
 KAISER FOUNDATION HOSPITALS, an entity of type unknown;  
 SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, an entity of type unknown;  
 and DOES 1-100, inclusive.