

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): FRANK LEE DEARWESTER P.O. BOX 8800, AP9119 CORCORAN, CA 93212 TELEPHONE NO: N/A FAX NO. (Optional): N/A E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): IN PRO PER	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: 720 NINTH STREET MAILING ADDRESS: SACRAMENTO, CA 95814 CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: FRANK LEE DEARWESTER DEFENDANT: UNIVERSITY MEDICAL IMAGING; (ADDITIONAL PARTIES ATTACHMENT FORM IS ATTACHED) <input type="checkbox"/> DOES 1 TO	
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): MEDICAL MALPRACTICE <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER:

1. Plaintiff (name or names): FRANK LEE DEARWESTER
 alleges causes of action against defendant (name or names): UNIVERSITY MEDICAL IMAGING;
 (ADDITIONAL PARTIES ATTACHMENT FORM IS ATTACHED)
2. This pleading, including attachments and exhibits, consists of the following number of pages: 36
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:

DEARWESTER VS. UNIVERSITY

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): UNIVERSITY MEDI -c. ☒ except defendant (name): U.S. HEALTHWORKS
- (1) ☒ a business organization, form unknown (1) ☐ a business organization, form unknown
(2) ☐ a corporation (2) ☒ a corporation
(3) ☐ an unincorporated entity (describe): (3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe): (4) ☐ a public entity (describe):

(5) ☐ other (specify): (5) ☐ other (specify):
CAL IMAGING MEDICAL GROUP, INC.
- b. ☒ except defendant (name): SUTTER MEMORIAL d. ☒ except defendant (name): SUTTER MEDICAL IMA -
- (1) ☒ a business organization, form unknown (1) ☒ a business organization, form unknown
(2) ☐ a corporation (2) ☐ a corporation
(3) ☐ an unincorporated entity (describe): (3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe): (4) ☐ a public entity (describe):

(5) ☐ other (specify): (5) ☐ other (specify):
HOSPITAL GING
- ☒ 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): _____ 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): _____ 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):

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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): MEDICAL MALPRACTICE; BREACH OF CONTRACT

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: 08/11/14 ~~Fwd~~ 10/09/14

FRANK LEE DEARWESTER

(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

FRANK LEE DEARWESTER
P.O. BOX 8800, AP9119
CORCORAN, CA 93212

1 PLD-PI-001 ATTACHMENT 5

2 e. CENTER FOR INTERVENTIONAL SPINE

(1) a business organization, form unknown

3 f. KAISER PERMANENTE MEDICAL CENTER

(1) a business organization, form unknown

4 g. VIBRANTCARE OUTPATIENT REHABILITATION OF CALIFORNIA, INC.

(2) a corporation

5 h. JOHN M. O'BRIEN & ASSOCIATES, P.C.

(2) a corporation

6 i. CLAYEO C. ARNOLD, P.C.

(2) a corporation

7 j. HUNG HOANG, PhD.

(1) a business organization, form unknown, or natural person

8 k. ALAN HASSAN, M.D., PhD.

(1) a business organization, form unknown, or natural person

9 l. SPINE SURGERY ASSOCIATES

(1) a business organization, form unknown

10 m. RADIOLOGICAL ASSOCIATES

(1) a business organization, form unknown

11 n. MERCY METHODIST HOSPITAL

12 (1) a business organization, form unknown

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FIRST

(number)

CAUSE OF ACTION—General Negligence

Page _____

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): FRANK LEE DEARWESTER

alleges that defendant (name): UNIVERSITY MEDICAL IMAGING;

(ADDITIONAL PARTIES ATTACHMENT FORM IS ATTACHED)

☐ Does _____ to _____

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): 05/2011 - 07/2014

at (place): SACRAMENTO COUNTY MAIN JAIL; NORTH KERN STATE PRISON;
CSP-LAC, LANCASTER; CSP-CORCORAN; DEUEL VOCATIONAL INSTITUTION

(description of reasons for liability):

01 UPON PLAINTIFF'S ARRIVAL AT SACRAMENTO COUNTY MAIN JAIL IN MAY 2011, HE
 02 BEGAN REQUESTING THAT DEFENDANTS PROVIDE [COPIES OF] HIS MEDICAL RECORDS
 03 AND VARIOUS FILMS, TO PLAINTIFF'S CURRENT MEDICAL / HEALTHCARE PROVIDERS
 04 AT THE FACILITIES LISTED ABOVE. PLAINTIFF AND THESE FACILITIES CONTINUED
 05 THESE EFFORTS THROUGH JULY 2014 WITH ABSOLUTELY NO COOPERATION FROM ANY
 06 OF THE NAMED DEFENDANTS. IN FACT, NONE OF THE LISTED DEFENDANTS AFFORDED
 07 PLAINTIFF WITH ANY REPLY WHATSOEVER; THE EXCEPTION BEING A RESPONSE
 08 LETTER FROM BUTTER MEMORIAL HOSPITAL'S HEALTH INFORMATION MANAGEMENT
 09 DEPARTMENT ON APRIL 23, 2014 STATING THAT PLAINTIFF'S MEDICAL RECORDS
 10 HAD BEEN PURGED.

11 PLAINTIFF HAS MEDICAL PROBLEMS WITH HIS LOWER BACK AND JOINTS. A 2006
 12 LIFTING INJURY AT HIS PLACE OF EMPLOYMENT (GOLDEN 1 CREDIT UNION) RES-
 13 ULTED IN A RIGHT INGUINAL HERNIA AND L4-L5 DISC BULGE IN HIS SPINE. THIS
 14 WAS INITIALLY TREATED BY U.S. HEALTHWORKS MEDICAL GROUP, ACTING AS THE
 15 WORKER'S COMPENSATION MEDICAL ADVISOR / REPRESENTING THE INTEREST OF THE

DEARWESTER v UNIVERSITY

CASE NO: _____

1 EMPLOYER. PLAINTIFF'S HERNIA WAS REPAIRED VIA SURGERY. THE DISC
2 BULGE RESULTED IN A CHRONIC-CARE SITUATION. THE INJURY WAS EXACER-
3 BATED BY AN AUTO ACCIDENT IN 2007. PLAINTIFF WAS THEN TREATED BY
4 HUNG HUOANG, PhD., SUTTER MEMORIAL HOSPITAL, ALAN HASSAN, PhD.,
5 CENTER FOR INTERVENTIONAL SPINE, AND VIBRANTCARE OUTPATIENT REHABI-
6 LITATION OF CALIFORNIA, INC. PLAINTIFF ALSO OBTAINED VARIOUS FILMS
7 FROM SUTTER MEDICAL IMAGING, SUTTER MEMORIAL HOSPITAL, AND UNIVERSI-
8 TY MEDICAL IMAGING. THE LATTER, MOST IMPORTANTLY BEING AN INDEPTH
9 MRI OF HIS L4-L5 DISC BULGE THAT SHOWED NOT ONLY THE BULGE, BUT
10 VERTIBRAL ARTHRITIS AS WELL. OTHER PROVIDERS RENDERED XRAYS AND
11 ULTRASOUND FILMS.

12 NOT RELATED TO THE AFFOREMENTIONED INJURY IS TREATMENT PLAINTIFF
13 WAS PROVIDED BY KAISER PERMANENTE MEDICAL CENTER IN SOUTH SACRAMENTO
14 ON HIS BILATERAL MENISCAL TEARS, BY AMY BLACK, PhD., AN ORTHOPOD
15 RESIDING AT KAISER IN 2010. DR. BLACK PERFORMED AN ARTHROSCOPIC
16 REPAIR / TEAR REMOVAL ON PLAINTIFF'S RIGHT KNEE. THIS SURGERY
17 RENDERED SCOPE PHOTOGRAPHS WHICH SHOWED THE MENISCAL TEAR, REPAIR,
18 AND A GREAT DEAL OF 'HAIRY' ARTHRITIS IN THAT KNEE. PLAINTIFF'S
19 HEALTHCARE INSURANCE ENDED BEFORE HE COULD HAVE HIS LEFT KNEE REPAI-
20 RED.

21 PLAINTIFF HAS BEEN EXPERIENCING A GREAT DEAL OF PAIN AND RELATED
22 MOBILITY ISSUES DUE TO HIS KNEES AND BACK. DUE TO THE NATURE OF HIS
23 CURRENT LOCATION - BEING INCARCERATION IN LOCAL AND NOW STATE FACIL-
24 ITIES THAT ARE DEEPLY INFLUENCED BY BUDGETARY CONSTRAINTS; HE IS NOT
25 RECEIVING THE MEDICAL TREATMENT THAT HE NEEDS. HIS FACILITIES HAVE
26 PROVIDED CURRENT XRAYS, BUT OTHER FILMS ARE COST-PROHIBITIVE, SUCH
27 AS MRI'S. PLAINTIFF IS NOW IN A POSITION WHERE HE MUST PROVE ANY
28 PREVIOUS CONDITION IF HE IS TO SEEK COOPERATION IN HIS FUTURE MEDIC-

DEARWESTER V UNIVERSITY

CASE Nº: _____

1 AL TREATMENT. THESE RECORDS ARE VITAL TO PLAINTIFF'S CURRENT AND
2 FUTURE QUALITY OF LIFE.

3
4 THERE ARE NO JUSTIFIABLE GROUNDS FOR DEFENDANTS TO WITHHOLD THESE
5 RECORDS AND FILMS. FOR THE MAJORITY OF THE DEFENDANTS TO NEGLECT
6 EVEN TO ANSWER PLAINTIFF'S MULTIPLE AUTHORIZATIONS FOR RELEASE OF
7 INFORMATION - REQUESTS, IS PROFESSIONAL / GENERAL NEGLIGENCE.

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Courthouse News Service

DEARWESTER V UNIVERSITY

CASE Nº: _____

1 SECOND CAUSE OF ACTION - MEDICAL MALPRACTICE

2 ATTACHMENT TO COMPLAINT

3 MM-1 PLAINTIFF: FRANK LEE DEARWESTER

4 ALLEGES THAT DEFENDANT: UNIVERSITY MEDICAL IMAGING; (ADDITION-
5 AL PARTIES ATTACHMENT FORM IS ATTACHED)

6 WAS THE LEGAL (PROXIMATE) CAUSE OF DAMAGES TO PLAINTIFF. BY THE
7 FOLLOWING ACTS OR OMISSIONS TO ACT, DEFENDANT NEGLIGENTLY CAUS-
8 ED THE DAMAGE TO PLAINTIFF

9 DN: 05/2011 - 07/2014

10 AT: SACRAMENTO COUNTY MAIN JAIL; NORTH KERN STATE PRISON;

11 CSP-LAC, LANCASTER; CSP-CORCORAN; DEUEL VOCATIONAL INSTITUTION

12 FOR DEFENDANT TO OMIT TO PROVIDE THE RECORDS AND FILMS THAT PLAINTI-

13 FF AND PLAINTIFF'S INSTITUTION PROPERLY REQUESTED OF DEFENDANTS;

14 DEFENDANTS ARE COMMITTING MEDICAL MALPRACTICE. THERE IS NO PRECEDENT

15 FOR WITHHOLDING THE SAME. THE RECORDS AND FILMS ARE NEEDED FOR THE

16 CONTINUED HEALTH OF PLAINTIFF. THE PROPER RESPONSE FROM ANY MEDICAL

17 PROVIDER WOULD BE TO SIMPLY PROVIDE [A COPY OF] THE RECORDS AND FILM

18 REQUESTED, OR TO RESPOND WITH INFORMATION ABOUT THE DISPOSITION OF

19 THOSE RECORDS. THE MAJORITY OF THE NAMED DEFENDANTS DIDN'T HAVE THE

20 DECENCY TO RESPOND AT ALL. THIS GOES AGAINST THE SENSIBILITIES OF

21 A HEALTHCARE PROVIDER OF GOOD STANDING. IT IS UNETHICAL TO WITHHOLD

22 THE RECORDS AND FILMS WHEN THOSE SAME ARE REQUIRED FOR THE PREVENT-

23 ION OF [FUTURE] HARM. THESE OMISSIONS ARE A DERELICTION OF PROFESS-

24 IONAL DUTY THAT RESULTS IN PLAINTIFF'S INJURY, LOSS, AND DAMAGE;

25 THE VERY DEFINITION OF MALPRACTICE.

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DEARWESTER V UNIVERSITY

CASE N°: _____

1 THIRD CAUSE OF ACTION - BREACH OF CONTRACT

2 ATTACHMENT TO COMPLAINT

3 BC-1 PLAINTIFF: FRANK LEE DEARWESTER

4 ALLEGES THAT DEFENDANT: UNIVERSITY MEDICAL IMAGING;

5 (ADDITIONAL PARTIES ATTACHMENT FORM IS ATTACHED)

6 WAS THE LEGAL (PROXIMATE) CAUSE OF DAMAGES TO PLAINTIFF, BY THE
7 FOLLOWING ACTS OR OMISSIONS TO ACT, DEFENDANT DID BREACH THEIR
8 CONTRACT WITH PLAINTIFF AND CAUSED DAMAGE TO PLAINTIFF

9 ON: 05/2011 - 07/2014

10 AT: SACRAMENTO COUNTY MAIN JAIL; NORTH KERN STATE PRISON;
11 CSP-LAC, LANCASTER; CSP-CORCORAN; DEUEL VOCATIONAL INSTITUTION

12 WHEN DEFENDANT RENDERED MEDICAL SERVICES TO PLAINTIFF, DEFENDANT
13 DID ENTER INTO AN AGREEMENT WITH PLAINTIFF TO PROVIDE SUFFICIENT
14 MEDICAL CARE AND TO MAKE AVAILABLE, THE DOCUMENTATION OF THE VARIOUS
15 PROCEDURES; INCLUDING THE XRAY FILMS, ULTRASOUND FILMS, MRI IMAGES,
16 AND OTHER FILMS AND RELATED DIAGNOSTICS THEREFROM. THOUGH RENDERED
17 BY THE DEFENDANT PROVIDERS, THE OWNERSHIP OF THE FILMS IS PLAINTIFF'S.
18 REGARDLESS OF WHERE THE RECORDS AND FILMS ARE STORED BY DEFENDANT,
19 OWNERSHIP STILL RESTS WITH PLAINTIFF, AS THE SUBJECT MATTER IS PLAINTIFF'S
20 PHYSICAL BEING AND HIS FUTURE MEDICAL NEEDS.

21 DEFENDANTS DID BREACH THIS CONTRACT WHEN THEY REFUSED TO RENDER THE
22 REQUESTED RECORDS AND FILMS. PLAINTIFF DID NOT AGREE TO DEFENDANTS'
23 HOLDING THOSE RECORDS 'HOSTAGE' FOR WHATEVER REASON DEFENDANT MAY
24 HAVE FOR DOING SO. DEFENDANT SHOULD BE HELD LIABLE FOR THE FUNDS
25 THAT THEY COLLECTED ON THAT CONTRACT. ADDITIONALLY, DEFENDANT SHOULD
26 ALSO BE HELD LIABLE FOR RELATED CURRENT AND FUTURE DAMAGE TO PLAINTIFF
27 AS A RESULT OF THEIR BREACH.

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Exemplary Damages Attachment

Page _____

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

EX-1. As additional damages against defendant (name): UNIVERSITY MEDICAL IMAGING;
 (ADDITIONAL PARTIES ATTACHMENT FORM IS ATTACHED)

Plaintiff alleges defendant was guilty of

☒ malice☒ fraud☐ oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

01 IN ADDITION TO THE MEDICAL EXPENSES, GENERAL DAMAGE, LOSS OF EARNING
 02 CAPACITY, AND OTHER COMPENSATORY DAMAGE, PLAINTIFF ASKS THAT THE COURT
 03 ORDER INJUNCTIVE RELIEF COMPELLING DEFENDANT TO PROVIDE THE RECORDS AND
 04 FILMS TO PLAINTIFF, AND PUNITIVE DAMAGES FOR MALICE AND FRAUD.
 05 DEFENDANTS FAILURE TO EVEN RESPOND TO PLAINTIFF'S REQUESTS FOR HIS RECO-
 06 RDS, LESS ACTUALLY PROVIDING THEM, IS INDICATIVE OF MALICE. HOLDING THE
 07 RECORDS 'HOSTAGE' FOR ANY REASON IS FRAUD. A LEGITIMATE MEDICAL PROVIDER,
 08 OF ETHICAL SENSIBILITIES, WOULD NOT PLAY GAMES WITH A PATIENT'S LIFE.
 09 THESE RECORDS ARE SERIOUS IN NATURE, INTENSELY PERSONAL, AND ESSENTIAL
 10 FOR PROPER PATIENT CARE. DEFENDANT PURPORTS TO BE A MEDICAL PROFESSIONAL,
 11 YET PLAYS THESE PETTY GAMES WITH PLAINTIFF'S RECORDS AND FILMS. THAT'S
 12 NOT PROFESSIONAL. IT'S FRAUD. DEFENDANTS ARE SETTING A DANGEROUS EXAMPLE
 13 FOR THE OTHER HEALTHCARE PROVIDERS IN THE GREATER SACRAMENTO AREA AND
 14 THE STATE OF CALIFORNIA. THESE ACTIONS NEED TO BE REPRIMANDED PUBLICALLY
 15 SO AS TO THWART THEIR PERPETUATION.

EX-3. The amount of exemplary damages sought is

- a. ☒ not shown, pursuant to Code of Civil Procedure section 425.10.
 b. ☐ \$