

CIV-141223-CIV-DS1419229-CASEEN-144902



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NEW FILE

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 ANAR ALSUNNA

SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF SAN BERNARDINO  
 SAN BERNARDINO DISTRICT  
 DEC 23 2014  
 BY Leanne M. Landeros  
 LEANNE M. LANDEROS, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF SAN BERNARDINO

ANAR ALSUNNA,

Plaintiff,

vs

KAISER FOUNDATION HEALTH PLAN,  
 INC., KAISER FOUNDATION  
 HOSPITALS, SOUTHERN CALIFORNIA  
 PERMANENTE MEDICAL GROUP,  
 ADRIANA MICHELLE RAMIREZ, M.D.,  
 MONIQUE YOUNG, M.A., SUSIE PHAN  
 WRIGHT, O.D., VICTORIA CHEN-  
 ESPINOZA, M.D., JOHN P. LIBOON,  
 M.D. and DOES 1 through 100, inclusive,

Defendants.

CASE NO.

CIVDS 1419229

COMPLAINT FOR DAMAGES  
 (Medical Malpractice)

[CC § 1714, 3333, 3333.2]

84350  
 141224-1531

COMES NOW Plaintiff ANAR ALSUNNA and allege as follows:

**FIRST CAUSE OF ACTION**

(Plaintiff ANAR ALSUNNA Against All Defendants)

1. Plaintiff ANAR ALSUNNA is informed and believes and thereon alleges KAISER  
 FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION HOSPITALS,  
 SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, ADRIANA  
 MICHELLE RAMIREZ, M.D., MONIQUE YOUNG, M.A., SUSIE PHAN WRIGHT,

1 O.D., VICTORIA CHEN-ESPINOZA, M.D. and DOES 1 through 80, inclusive, are  
2 residents of the City of Fontana, County of San Bernardino, State of California located at  
3 9961 Sierra Ave., Fontana, CA 92335.

4 2. Plaintiff ANAR ALSUNNA is informed and believes and thereon alleges JOHN P.  
5 LIBOON, M.D. and DOES 81 through 100, inclusive, and each of them, were residents of  
6 the City of Escondido, County of San Diego, State of California located at 2185  
7 Citracado Parkway, Escondido, CA 92029.

8 3. Plaintiff is ignorant of the true names, capacities and identities, whether individual,  
9 corporate, associate or otherwise of DOES 1 through 100, inclusive, and each of them,  
10 who therefore sue these DOE defendants by such fictitious names for the reason that the  
11 true names and capacities of said defendants are unknown to plaintiff at this time. When  
12 the true names and capacities of said defendants are ascertained, plaintiff will ask leave  
13 of court to amend this Complaint to insert the true names, identities and capacities of said  
14 factiously-named defendants, together with any additional allegations that may be  
15 necessary in regard thereto. Plaintiff is informed and believes and thereon alleges that  
16 each fictitiously-named defendant sued herein was in some manner legally responsible,  
17 negligent or in some other actionable manner for the acts and occurrences hereinafter  
18 alleged and / or was a substantial factor in causing plaintiff's injuries and damages as  
19 herein or hereinafter alleged.

20 4. At all times herein mentioned, plaintiff is informed and believes and thereon alleges that  
21 each defendant was the agent, servant, employee, assistant and / or consultant of each  
22 remaining defendant, and was, as such, acting within the course and scope of said  
23 capacity (be it agent, servant, employee, ostensible agent, apparent agent, assistant and /  
24 or consultant) with the consent and ratification of his / her / its co-defendants. And that  
25 each and every defendant, as aforesaid, when acting as a principal, was negligent in the  
26 selection and hiring of each and every other defendant agent, servant, employee,  
27 ostensible agent, apparent agent, assistant and / or consultant.

28 5. At all times herein mentioned, Defendants KAISER FOUNDATION HEALTH PLAN,

1 INC., KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA  
2 PERMANENTE MEDICAL GROUP, ADRIANA MICHELLE RAMIREZ, M.D.,  
3 MONIQUE YOUNG, M.A., SUSIE PHAN WRIGHT, O.D., VICTORIA  
4 CHEN-ESPINOZA, M.D., JOHN P. LIBOON, M.D. and DOES 1 through 100, inclusive,  
5 and each of them, were individuals or business entities, form unknown, licensed to do,  
6 and doing business as a Health Care Provider, and doing business in the State of  
7 California. Plaintiff will seek leave of court to amend this complaint when the exact  
8 identity of business entities are ascertained.

9 6. At all times herein mentioned, defendants KAISER FOUNDATION HEALTH PLAN,  
10 INC., KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA  
11 PERMANENTE MEDICAL GROUP, ADRIANA MICHELLE RAMIREZ, M.D.,  
12 MONIQUE YOUNG, M.A., SUSIE PHAN WRIGHT, O.D., VICTORIA  
13 CHEN-ESPINOZA, M.D., JOHN P. LIBOON, M.D. and DOES 1 through 100, inclusive,  
14 and each of them, were health care providers, medical practitioners, medical doctors,  
15 medical specialists, physicians, surgeons, physician's assistants, nurses, technicians, aides,  
16 radiologists, anaesthetists, laboratory assistants, x-ray assistants and / or medical  
17 facilities. Defendants, and each of them, held themselves out to plaintiff ANAR  
18 ALSUNNA as possessing that the degree of skill ability and learning common to health  
19 care providers in the community, specializing and possessing expertise in the  
20 examination, diagnosis, advice, care and treatment of medical condition or conditions  
21 afflicting plaintiff.

22 7. On or about December 28, 2013 and continuing thereafter, plaintiff consulted and  
23 engaged for compensation the services of defendants KAISER FOUNDATION HEALTH  
24 PLAN, INC., KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA  
25 PERMANENTE MEDICAL GROUP, ADRIANA MICHELLE RAMIREZ, M.D.,  
26 MONIQUE YOUNG, M.A., SUSIE PHAN WRIGHT, O.D., VICTORIA  
27 CHEN-ESPINOZA, M.D., JOHN P. LIBOON and DOES 1 through 100, inclusive and  
28 each of them, as health care providers, medical practitioners, medical doctors, medical

1 specialists, physicians, surgeons, physician's assistants, nurses, technicians, aides,  
2 radiologists, anaesthetists, laboratory assistants, x-ray assistants and / or medical facilities  
3 to examine, diagnose, advise, care, treat, inform and administer to plaintiff's medical  
4 needs, including but not limited to a right eye injury complaints. At all times herein  
5 mentioned, a confidential relationship of physician and patient existed between plaintiff  
6 and defendants.

7 8. Plaintiff is informed and believes and thereon alleges that Defendants KAISER  
8 FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION HOSPITALS,  
9 SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, ADRIANA  
10 MICHELLE RAMIREZ, M.D., MONIQUE YOUNG, M.A., SUSIE PHAN WRIGHT,  
11 O.D., VICTORIA CHEN-ESPINOZA, M.D., and DOES 1 through 80, inclusive, and  
12 each of them, provided medical services, as alleged in this complaint, to Plaintiff at a  
13 facility commonly known as Kaiser Permanente Fontana Medical Center located at 9961  
14 Sierra Ave., Fontana, CA 92335.

15 9. Plaintiff is informed and believes and there on alleges that at all times herein mentioned  
16 Defendants KAISER FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION  
17 HOSPITALS, SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP were in  
18 a contractual relationship with Defendants JOHN P. LIBOON and DOES 81 through 100,  
19 inclusive, and each of them. And as a result of said contractual relationship Defendants  
20 JOHN P. LIBOON and DOES 80 through 100, inclusive, and each of them, provided  
21 medical services, as alleged in this complaint, to Plaintiff as employees and/or agents of  
22 Defendants KAISER FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION  
23 HOSPITALS, SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP. Said  
24 medical services provided to Plaintiff by Defendants JOHN P. LIBOON and DOES 80  
25 through 100, inclusive, and each of them, was at a facility commonly known as "Palomar  
26 Medical Center, Palomar Health, Kaiser Permanente" located at 2185 Citracado Parkway,  
27 Escondido, CA 92029.

28 10. Plaintiff consulted with defendants, and each of them, specifically for obtaining

1 defendants' professional advice regarding plaintiff's symptoms and medical care.

2 Defendants recommended and carried out treatment. Plaintiff relied upon the advice and  
3 representations of defendants, and each of them, all to plaintiff's ultimate detriment.

4 11. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned,  
5 defendants, and each of them, did negligently and carelessly or otherwise wrongfully  
6 examined, diagnosed, advised, cared, treated, informed and administered to plaintiff. In  
7 their examination, diagnosis, advice, care, treatment, informing and administration of  
8 medical care to plaintiff, defendants and each of them, failed to exercise that degree of  
9 skill and care commonly possessed and exercised by health care providers, medical  
10 practitioners, medical doctors, medical specialists, physicians, surgeons, physician's  
11 assistants, nurses, technicians, aides, radiologists, anaesthetists, laboratory assistants,  
12 x-ray assistants and / or medical facilities who perform the same and similar treatment  
13 and diagnostic procedures in the area where defendants practice.

14 12. As a proximate result of the negligence, carelessness or otherwise wrongful conduct of  
15 defendants and each of them, plaintiff suffered injuries and damages, including but not  
16 limited to loss of vision in his right eye and related complaints. Plaintiff is presently  
17 unaware of the full nature and extent of plaintiff's injuries. Plaintiff is informed and  
18 believes and thereon alleges that the loss of vision occurred on or about January 15, 2014.

19 13. Plaintiff alleges that this Complaint was filed within the statutory requirements as  
20 mandated by California law that being within one year of since plaintiff first learned or  
21 reasonably should have known the facts that plaintiff's injuries and damages were a legal  
22 result of the negligent acts or omissions of the defendants and each of them; further, a  
23 period of three years has not elapsed since the manifestation of plaintiff's injury.

24 14. On or about September 23, 2014, plaintiff gave written notice to defendant JOHN P.  
25 LIBOON, M.D. via First Class Mail and Certified Mail Return Receipt Requested of  
26 plaintiff's intent to sue herein pursuant to Code of Civil Procedure Section 364. The  
27 current address of defendant JOHN P. LIBOON, M.D. was verified through the Medical  
28 Board of California and an internet search. If said notice of intent to sue was served

1 within 90 days of the expiration of the applicable statute of limitations, then said notice of  
2 intent thereby tolls the applicable statute of limitations and providing a period of one year  
3 and ninety days in which to file a lawsuit pursuant to California Supreme Court case  
4 *Woods v. Young* (1991) 53 Cal.3d 315.

5 15. On or about September 23, 2014 plaintiff gave written notice to known defendants  
6 KAISER FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION  
7 HOSPITALS, SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP via  
8 First Class Mail and Certified Mail Return Receipt Requested of plaintiff's intent to sue  
9 herein pursuant to Code of Civil Procedure Section 364. The current address of  
10 defendants KAISER FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION  
11 HOSPITALS, SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP was  
12 verified through the California Secretary of State and an internet search. Verifying the  
13 mailing address of defendant KAISER FOUNDATION HEALTH PLAN, INC., KAISER  
14 FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA PERMANENTE MEDICAL  
15 GROUP as 393 East Walnut Street, Pasadena, CA 91188.

16 16. As a direct and proximate result of the aforesaid negligence, carelessness or other  
17 wrongful conduct of defendants, and each of them, plaintiff was hurt and injured in  
18 plaintiff's health, strength, activity and appearance, sustaining injury to the body and  
19 shock and injury to plaintiff's nervous system and person, all of which has caused and  
20 continues to cause plaintiff great mental, physical and nervous pain and suffering.

21 Plaintiff is informed and believes and thereon alleges, that said injuries have resulted in  
22 some severe permanent disability to plaintiff, all to plaintiff's general damages in an  
23 amount in excess of the minimum jurisdictional limits of this court.

24 17. As a further direct and proximate result of the aforesaid negligence, carelessness or other  
25 wrongful conduct of defendants, and each of them, plaintiff has incurred medical and  
26 other expenses, and is informed and believes and thereon alleges that plaintiff will require  
27 to incur additional expenses in the future, all to plaintiff's damage in an amount not  
28 presently ascertained. The amount of plaintiff's past and future medical and other

1 expenses will be subject to proof at the time of trial, at which time, plaintiff will seek  
2 leave to amend this prayer of plaintiff's Complaint to conform to proof.

3 18. As a further direct and proximate result of the aforesaid negligence, carelessness or other  
4 wrongful conduct of defendants, and each of them, plaintiff has been and will be for an  
5 undetermined period of time unable to attend to plaintiff's usual duties and/or  
6 employment. Plaintiff has, therefore, suffered, and will suffer in the future, loss of  
7 earnings and earning capacity. The exact amount of such damages is presently unknown  
8 to plaintiff, and subject to proof at the time of trial, at which time, plaintiff will seek leave  
9 to amend this prayer of plaintiff's Complaint to conform to proof.

10 WHEREFORE, Plaintiff prays for judgment against defendants, and each of them, as  
11 follows:

- 12 1. For general damages for plaintiff, according to proof;
- 13 2. For medical and related expenses, according to proof;
- 14 3. For damages due to inability to attend to usual duties, and/or loss of earnings and  
15 earnings capacity, according to proof;
- 16 4. For prejudgment interest, according to law;
- 17 5. For costs of suit incurred herein; and
- 18 6. For such other and further relief as this court finds just and proper.

19  
20 Dated: December 22, 2014

THE LAW OFFICES OF RICHARD M. KATZ

21  
22 By: 

23 Richard M. Katz, Esq.  
24 Attorney for Plaintiff,  
25 ANAR ALSUNNA  
26  
27  
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