

# Superior Court of California

## County of Orange



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Case Number : 30-2015-00766382-CU-PO-CJC

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Michael A. Penn, Esq. (SNB 233817) X</b> <b>AITKEN AITKEN COHN</b> <b>3 MacArthur Place</b> <b>Suite 800</b> <b>Santa Ana, CA 92707</b> TELEPHONE NO: 714-434-1424 FAX NO. (Optional): 714-434-3600 E-MAIL ADDRESS (Optional): Michael@aitkenlaw.com ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY  <b>ELECTRONICALLY FILED</b> Superior Court of California, County of Orange  <b>01/15/2015 at 02:23:34 PM</b> Clerk of the Superior Court By Davon Velasquez, Deputy Clerk	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange</b> STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center		
PLAINTIFF: DAVID SANCHEZ; BERTHA A. SANCHEZ  DEFENDANT: KAISER FOUNDATION HOSPITALS; SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP; KAISER PERMANENTE; ETERNITY CREMATION AND BURIAL SERVICES <input checked="" type="checkbox"/> DOES 1 TO 100, Inclusive		
<b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b> <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Negligent Handling of Cremains <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:  <b>30-2015-00766382-CU-PO-CJC</b>  Judge Linda Marks

1. Plaintiff (name or names): DAVID SANCHEZ; BERTHA A. SANCHEZ

alleges causes of action against defendant (name or names): KAISER FOUNDATION HOSPITALS; et al.

2. This pleading, including attachments and exhibits, consists of the following number of pages: 4

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: DAVID SANCHEZ, et al. v. KAISER FOUNDATION  
HOSPITALS, et al.

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  
FOUNDATION HOSPITALS

(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): KAISER PERMANENTE

(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): SOUTHERN  
CALIFORNIA PERMANENTE MEDICAL GROUP

(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): ETERNITY  
CREMATION AND BURIAL SERVICES

(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 to 100, Inclusive 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 to 100, Inclusive 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):

SHORT TITLE: DAVID SANCHEZ, et al. v. KAISER FOUNDATION  
HOSPITALS, et al.

CASE NUMBER:

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): Interest According to Law

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 (3) ☒ Interest According to Law
  - (2) ☐ punitive damages (4) ☒ Trial by Jury
- 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: January 15, 2015

MICHAEL A. PENN, ESQ.  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: DAVID SANCHEZ, et al. v. KAISER FOUNDATION  
HOSPITALS, et al.

CASE NUMBER:

First \_\_\_\_\_ CAUSE OF ACTION—General Negligence  
(number)

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): DAVID SANCHEZ; BERTHA A. SANCHEZ

alleges that defendant (name): KAISER FOUNDATION HOSPITALS; SOUTHERN CALIFORNIA  
PERMANENTE MEDICAL GROUP; KAISER PERMANENTE; ETERNITY CREMATION AND BURIAL  
SERVICES

☒ Does 1 to 100, Inclusive

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): January 22, 2014

at (place): Kaiser Foundation Hospital OC Anaheim, 3440 East La Palma,  
Anaheim, CA

(description of reasons for liability):

1. Plaintiff incorporates the above paragraphs as though fully set forth herein.

2. Plaintiff, BERTHA A. SANCHEZ gave birth to her son Josiah T. Sanchez on  
September 20, 2013 at defendant, KAISER FOUNDATION HOSPITAL located in Anaheim.  
Unfortunately, Josiah T. Sanchez died shortly after birth on September 20, 2013.  
Plaintiffs, DAVID SANCHEZ and BERTHA A. SANCHEZ were given the remains of their  
son by Defendants. On January 22, 2014, plaintiffs were informed by Defendants,  
KAISER FOUNDATION HOSPITALS; SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP;  
KAISER PERMANENTE; ETERNITY CREMATION AND BURIAL SERVICES and DOES 1 to 100,  
Inclusive that they were not given the remains of their deceased baby, Josiah T.  
Sanchez and received specimen remains of other persons. These actions represent  
negligent handling of human remains and thereby caused injury to Plaintiffs.

3. As a direct and legal result of the negligence, carelessness, recklessness,  
wantonness and unlawfulness of Defendants, and each of them, and the resulting  
wrongful handling of the cremains of deceased baby, Josiah T. Sanchez, as  
aforesaid, Plaintiffs BERTHA A. SANCHEZ and DAVID SANCHEZ sustained severe and  
serious injuries to their persons, in a sum within the jurisdiction of this  
Court and to be shown according to proof.