

1 LAW OFFICES OF TODD A. MURRAY
Todd A. Murray (State Bar #75364)
2 Attorneys at Law
1050 Fulton Avenue, Suite 130
3 Sacramento, California 95825
Telephone: (916) 488-1795
4 Facsimile: (916) 481-5080

5 Attorney for Plaintiff
MARTHA ANN BLACKMAN

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8 SUPERIOR COURT OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SACRAMENTO
10

11 MARTHA ANN BLACKMAN,
12 Plaintiff,

Case Number:

13 v.

COMPLAINT
(UNLIMITED – OVER \$25,000)

14 KAISER FOUNDATION HEALTH PLAN, INC., a
15 Non-Profit Corporation; KAISER FOUNDATION
HOSPITALS, a Non-Profit Corporation; and THE
16 PERMANENTE MEDICAL GROUP, INC., a
Professional Corporation; KAISER PERMANENTE
17 MEDICAL CARE PROGRAM; and DOES 1
through 50, inclusive,

18 Defendants.
19

20 COMES NOW Plaintiff and alleges causes of action against Defendants as follows:

21 **PARTIES**

22 1. Plaintiff MARTHA ANN BLACKMAN (hereinafter referred to as "Plaintiff") is
23 an individual residing in Sacramento County, California.

24 2. Defendants KAISER FOUNDATION HEALTH PLAN, INC., a Non-Profit
25 Corporation; KAISER FOUNDATION HOSPITALS, a Non-Profit Corporation; and THE
26 PERMANENTE MEDICAL GROUP, INC., a Professional Corporation; KAISER
27 PERMANENTE MEDICAL CARE PROGRAM (hereinafter collectively referred to as
28

1 "Defendants"). Plaintiff is information and believes with Defendants' principal place of
2 businesses located in Alameda County, California.

3 3. Plaintiff is ignorant of the true names and capacities of defendants sued herein as
4 DOES 1 through 50, inclusive, and therefore sues these defendants by such fictitious names.
5 Plaintiffs will amend this complaint to allege their true names and capacities when ascertained.

6 4. Plaintiff is informed and believes and thereon alleges that, at all times herein
7 mentioned, each of the Doe Defendants sued herein was the agent and employee of each of the
8 remaining defendants and was at all times acting within the purpose and scope of such agency
9 and employment or is otherwise legally responsible for the acts alleged herein and the damages
10 incurred by Plaintiff. Whenever Plaintiff refers to one or more Defendants, such reference shall
11 be deemed to include the Doe Defendants.

12 GENERAL ALLEGATIONS

13 5. On or about January 25, 2013 at approximately 9:20 a.m. Plaintiff was seen at
14 Defendants facility at Kaiser South, Bruceville Road, Sacramento, for an unrelated medical
15 appointment.

16 6. During Plaintiff's appointment at the Defendants facility, while being led to an
17 exam room by an employee of Defendants, Plaintiff was walking down the hallway and was
18 struck very forcefully by a door pushed open into the busy hallway by another of Defendants'
19 employees at the facility.

20 7. Plaintiff was struck on the left side of her head.

21 8. Plaintiff was given an ice pack and was then seen by a doctor at Defendants'
22 facility, Dr. Hashimoto.

23 9. Plaintiff was then told by the doctor that attended to her and the employee that
24 had been leading her down the hallway, that she was not the first person to be injured by the
25 unmarked and hazardous area.

26 10. It was only after Plaintiff's injury that Plaintiff became information and believes
27 that a warning sign was installed in the hazardous area.
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1 11. Plaintiff sustained serious injuries including head trauma and a subsequent knee
2 injury due to falling as a result of dizziness from the head injuries.

3 12. As a result of the incident, Plaintiff sustained serious injuries and damages, as
4 described below.

5 **CAUSES OF ACTION**

6 **FIRST CAUSE OF ACTION**
7 **(NEGLIGENCE)**

8 13. Plaintiff hereby incorporates by reference each and every allegation set forth in
9 paragraphs 1 through 12 inclusive, of this Complaint, as though fully set forth herein.

10 14. At said time and place, Defendants negligently, carelessly, recklessly and
11 unlawfully maintained its facility and failed to take reasonable steps to maintain, prevent, warn
12 or to correct a dangerous condition at the facility to make it safe for Plaintiff and for other
13 persons coming to the facility.

14 15. At the aforementioned date, time and place, Plaintiff came to the facility. As a
15 direct and proximate result of the aforementioned negligence, carelessness, recklessness, and
16 unlawfulness of Defendants, Plaintiff was caused to sustain injuries with at the facility.

17 16. As a direct and proximate result of the negligence, carelessness, recklessness,
18 wantonness and unlawfulness of Defendants, Plaintiff sustained severe and serious injuries, all to
19 Plaintiff's damage in a sum within the jurisdiction of this Court and to be shown according to
20 proof. Such injuries include, but are not limited to bodily injury and emotional distress.

21 17. By reason of the foregoing, this Plaintiff was required additional services of the
22 hospital, physicians, nurses and other professional services and Plaintiff has been compelled to
23 incur expenses for hospital visits, medicines, MRI, and other medical supplies and services.
24 Plaintiff is informed and believes, and thereon alleges, that further services of said nature will be
25 required by Plaintiff in an amount to be shown according to proof.

26 18. That as a direct, legal and proximate result of the aforesaid negligence of
27 Defendants, Plaintiff has been prevented from engaging in her usual activities, thereby sustaining
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1 a loss of income, the duration and extent of which is as yet undetermined, and Plaintiff is
2 informed and believes and upon such information and belief alleges that she continues to incur
3 additional loss of income as the injuries continues to prevent her from working at that capacity
4 she was working before the injuries.

5 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

6 **PRAYER**

7 WHEREFORE, Plaintiff prays judgment against Defendants as follows:

- 8 1. General damages in the sum according to proof;
- 9 2. Sums incurred and to be incurred for services of hospitals, physicians,
10 surgeons, nurses and other medical supplies and services;
- 11 3. Loss of income incurred and to be incurred according to proof;
- 12 4. For the interest provided by law including, but not limited to, California
13 Civil Code § 329; and
- 14 5. Costs of suit and for such other and further relief as the court deems
15 proper.

16 Dated: January 23, 2015

LAW OFFICES OF TODD A. MURRAY

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18 By: 

19 TODD A. MURRAY, Esq.
20 Attorney for Plaintiff
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