

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

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ATTORNEY FOR (Name): **Plaintiff RALPH DANA****SUPERIOR COURT OF CALIFORNIA, COUNTY OF PLACER**STREET ADDRESS: **10820 Justice Center Dr.**MAILING ADDRESS: **P.O. Box 619072, Roseville, CA 95661**CITY AND ZIP CODE: **Roseville, CA 95661**

BRANCH NAME:

PLAINTIFF: **RALPH DANA**

DEFENDANT: **THE PERMANENTE MEDICAL GROUP, INC.; KAISER FOUNDATION HOSPITALS;**
KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE INSURANCE CORPORATION

☒ DOES 1 TO 20**COMPLAINT-Personal Injury, Property Damage, Wrongful Death**☐ AMENDED (Number):

Type (check all that apply):

☐ MOTOR VEHICLE ☒ OTHER (specify): **NEGLIGENCE**☐ Property Damage☐ Wrongful Death☒ Personal Injury☐ Other Damages (specify):

Jurisdiction (check all that apply):

☐ ACTION IS A LIMITED CIVIL CASE

Amount demanded

☐ does not exceed \$10,000☐ exceeds \$10,000, but does not exceed \$25,000☒ ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)☐ ACTION IS RECLASSIFIED by this amended complaint☐ from limited to unlimited☐ from unlimited to limited**FILED**Superior Court of California
County of Placer

MAY 06 2015

Jake Charters
Executive Officer & Clerk
By: K. Hoffman, Deputy

CASE NUMBER:

SCV00362151. Plaintiff (name or names): **RALPH DANA**

alleges causes of action against defendant (name or names): **THE PERMANENTE MEDICAL GROUP, INC.; KAISER FOUNDATION HOSPITALS; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE INSURANCE CORPORATION; DOES 1 TO 20**

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.**BY FAX**

SHORT TITLE:

DANA v. KAISER

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4. ☐ Plaintiff (name): **RALPH DANA**

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):**THE PERMANENTE MEDICAL GROUP, INC.**(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 FOUNDATION HEALTH PLAN, INC.**(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):**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):d. ☒ except defendant (name):**KAISER PERMANENTE INSURANCE CORPORATION**(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 20** 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 20** 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, anda. ☐ has complied with applicable claims statutes, orb. ☐ 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*):

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*):

Pre-judgment interest per Civil Code Section 3291

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: May 5, 2015

LOUIS G. BEARY

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST**CAUSE OF ACTION- General Negligence**Page **4**

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

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

GN-1. Plaintiff (name): **RALPH DANA**

alleges that defendant (name): **THE PERMANENTE MEDICAL GROUP, INC.; KAISER FOUNDATION HOSPITALS;
KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE INSURANCE CORPORATION**

☒ Does **1** to **20**

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): **May 17, 2013**at (place): **Kaiser Permanente, 1001 Riverside Avenue, Roseville, CA 95678**

(description of reasons for liability) :

Plaintiff was at Kaiser Permanente Roseville facility and was instructed by a nurse to get into an examination chair. At the moment he got into the chair, it started to collapse around and on top of him. Defendants were negligent in that they knew or should have known the chair was a hazard, and they have an obligation to regularly inspect and properly repair and maintain chairs intended for patient use. As a direct and proximate result of Defendants negligence, plaintiff was caused to sustain injuries and damages.

