

Superior Court of California

County of Orange



Case Number : 30-2015-00788542-CU-PO-CJC

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE- CENTRAL JUSTICE CENTER**

30-2015-00788542-CU-PO-CJC

Case No.

Judge Frederick P. Aguirre

**COMPLAINT FOR WRONGFUL
DEATH**

AMBER HARPER, an individual; DANE
SEXTON, a minor by and through his Guardian ad
Litem, Amber Harper; BRODY HARPER, a minor
by and through her Guardian ad Litem, Amber
Harper

Plaintiffs

vs.

KAISER FOUNDATION HOSPITALS;
SOUTHERN CALIFORNIA PERMANENTE
MEDICAL GROUP; KAISER PERMANENTE
and DOES 1 to 100, Inclusive

Defendants.

FIRST CAUSE OF ACTION
(AS AGAINST ALL DEFENDANTS, and DOES 1 through 100)

1. The true names or capacities of the defendants, DOES 1 through 100, whether individual, corporate, associate or otherwise, are unknown to plaintiffs at the time of filing this Complaint and plaintiffs, therefore, sue said defendants by such fictitious names and will ask leave of court to amend this Complaint to show their true names or capacities when the same have been ascertained. Plaintiffs are informed and believe, and thereon allege, that each of the

DOE defendants is, in some manner, responsible for the events and happenings herein set forth and proximately caused injury and damages to the plaintiffs as herein alleged.

2. At all times herein mentioned, each of the defendants were the agents and employees of each of the remaining defendants and was at all times herein mentioned acting within the scope of said agency and employment.

3. At all times herein mentioned, defendants, KAISER FOUNDATION HOSPITALS., and DOES 11 through 20, owned, operated and maintained pursuant to a license duly issued by the California State Department of Public Health, general hospitals known as KAISER FOUNDATION HOSPITALS, in the County of Orange, State of California.

4. At all times herein mentioned, defendants, SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP and KAISER PERMANENTE and DOES 1 through 10, were and are physicians and surgeons duly licensed to practice medicine in the State of California.

5. On or about May 21, 2014, and in the days before, plaintiffs' decedent JASON HARPER was visited on multiple occasions to one of defendant Kaiser Foundation Hospitals facilities, in the County of Orange, CA, for the purpose of receiving medical care, treatments, and examinations for valuable consideration, plaintiff was provided with care in said hospital. Said defendants, and each of them, agreed to provide medical care, treatment, and examinations to said individual in return for said consideration.

6. On or about the 21st day of May, 2014, and in the days before defendants SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP and Does 11-20 undertook the care, treatments, and examinations of the plaintiffs' decedent in order to treat said plaintiffs' decedent, JASON HARPER for difficulties he was encountering with pain.

7. At said time and place, defendants, and each of them, so negligently, carelessly, recklessly, wantonly, and unlawfully treated, provided medical care, and examined the plaintiff so as to directly and legally cause permanent injury to the plaintiff.

8. As a direct and legal result of the conduct of defendants, and each of them, and the resulting medical care as aforesaid, plaintiffs' decedent, JASON HARPER sustained severe and serious injury resulting in his death.

9. JASON HARPER died on May 21, 2014 in the County of Orange, State of California in the manner heretofore alleged and at the time of his death was a resident of the County of Orange, State of California.

10. Plaintiffs, AMBER HARPER, DANE SEXTON, and BRODY HARPER, were the wife and children and sole heirs and this action is brought for the benefit of said heirs. At the time of his death JASON HARPER was 33 years of age and was a strong and healthy person.

11. As a direct and legal result of the conduct of defendants, and each of them, and of the death of their father, plaintiffs have been deprived of the of the society and comfort of said father and have been caused the loss of future services, earnings and protection of said father to their great loss and damages in an amount to be shown according to proof.

12. As a direct and legal result of the conduct of the defendants, and each of them, and of the death of JASON HARPER, plaintiff AMBER HARPER has been deprived of the society and comfort of said decedent and has been caused the loss of future services, earnings and protection of said husband, to her great loss and damage in an amount to be show according to proof.

13. Plaintiff, DANE SEXTON, is a minor of the age of 10 years having been born on September 30, 2004. At the filing of this action, AMBER HARPER will be appointed Guardian ad Litem for plaintiff DANE SEXTON, by order of the above-entitled Court.

14. Plaintiff, BRODY HARPER, is a minor of the age of 5 years having been born on January 21, 2010. At the filing of this action, AMBER HARPER will be appointed Guardian ad Litem for plaintiff BRODY HARPER, by order of the above-entitled Court.

15. As a further legal result of said conduct of defendants, and each of them, and the resulting death of their husband/father, JASON HARPER, plaintiffs were compelled to incur

1 expenses for ambulances, for services of hospitals, physicians, surgeons, nurses and other
2 professional services, and for the funeral and burial of said deceased.

3 16. The injury upon which this action is based occurred in the County of Orange,
4 State of California.

5 WHEREFORE, plaintiffs AMBER HARPER, an individual; DANE SEXTON, a minor
6 by and through his Guardian ad Litem, Amber Harper; BRODY HARPER, a minor by and
7 through her Guardian ad Litem, Amber Harper, prays for judgment against the defendants, and
8 each of them, as follows:

9 A. General damages in a sum according to proof;

10 B. Sums incurred and to be incurred for services of hospitals, physicians, surgeons,
11 nurses and other professional services, ambulance service, x-rays and other medical
12 supplies and services;

13 C. Loss of income incurred and to be incurred according to proof;

14 D. Loss of husband/father's services;

15 E. Housekeeping expenses incurred and to be incurred according to proof;

16 F. Funeral and burial expenses;

17 G. Loss of Love, companionship, affection, society, and solace;

18 H. For interest provided by law including, but not limited to, California Civil Code
19 Section 3291;

20 I. Costs of suit and for such other and further relief as the court deems proper;

21 J. In addition thereto, the plaintiffs hereby demand a Trial by Jury.

22 Dated: May 19, 2015

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24 By: 
25 RICHARD A. COHN, ESQ.
26 Attorneys for Plaintiff
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