

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): MARY ELLEN DAVIS-SPINETTI 325 DUBLIN WAY VACAVILLE, CA 95688 TELEPHONE NO: 707 365-0399 FAX NO. (Optional): N/A E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): IN PRO PER		FOR COURT USE ONLY FILED Clerk of the Superior Court APR 18 2016 By <u>A. Jean</u> DEPUTY CLERK
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO STREET ADDRESS: 600 UNION AVENUE MAILING ADDRESS: CITY AND ZIP CODE: FAIRFIELD, CA 94533 BRANCH NAME:		
PLAINTIFF: MARY ELLEN DAVIS-SPINETTI DEFENDANT: KAISER FOUNDATION HOSPITALS, INC.		
<input type="checkbox"/> DOES 1 TO _____ COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" 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: FC5046923

1. Plaintiff (name or names): **Mary Ellen Davis - Spineti**
 alleges causes of action against defendant (name or names): **Kaiser Foundation Hospitals, Inc**
2. This pleading, including attachments and exhibits, consists of the following number of pages: **7**
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:

CASE NUMBER:

DAVIS-SPINETTI V. KAISER

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):

- (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):

- (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):

- (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):

- (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): _____ 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): _____ 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):

SHORT TITLE:

CASE NUMBER:

DAVIS-SPINETTI v. KAISER

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): PUNITIVE

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: \$ 100,000.

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 4-15-16

Mary Ellen Davis-Spinetti

(TYPE OR PRINT NAME)

 Spinetti

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY
MARY ELLEN DAVIS-SPINETTI 325 DUBLIN WAY VACAVILLE, CA 95688 TELEPHONE NO: 707 365-0399 FAX NO. (Optional): N/A E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name) IN PRO PER		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO STREET ADDRESS 600 UNION AVENUE MAILING ADDRESS FAIRFIELD, CA 94533 CITY AND ZIP CODE FAIRFIELD BRANCH NAME		
PLAINTIFF/PETITIONER: MARY ELLEN DAVIS-SPINETTI DEFENDANT/RESPONDENT: KAISER FOUNDATION HOSPITALS, INC.		
DECLARATION		CASE NUMBER

ON APRIL 16, 2014, I, MARY ELLEN DAVIS-SPINETTI WAS FORCEFULLY HIT WITHOUT WARNING BY DOUBLE FIRE SECURITY DOORS, OUTSIDE THE KAISER-VALLEJO NICU ELEVATOR. MOMENTS BEFORE THIS INCIDENT I WATCHED/WITNESSED A SECURITY GUARD AND AN OUTSIDE MAINTENANCE WORKER HAVING A PRIVATE DISCUSSION WHICH I COULD NOT HEAR. LESS THAN A MINUTE LATER WHILE CONTINUING TO WAIT FOR THE ELEVATOR I WAS STARTLED AS THE FIRE ALARM SOUNDED OFF WITH FLASHING LIGHTS - MY INSTINCT WAS TO TURN AWAY AND SEE WHAT WAS GOING ON, AND I WAS THEN STRUCK BY TWO HEAVY HIDDEN FIRE SECURITY DOORS. THESE DOORS ARE ON A MAGNETIC INSTANTANEOUS MECHANISM SYSTEM THAT ARE ACTIVATED BY THE FIRE ALARM, THERE IS NO TAPE OR WRITTEN NOTICE OR ANYTHING THAT SHOWS TO THE PUBLIC THAT THERE ARE DOORS THERE.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: APRIL 15, 2016

MARY ELLEN DAVIS-SPINETTI

(TYPE OR PRINT NAME)

Mary Ellen Davis-Spinetti

(SIGNATURE OF DECLARANT)

☐ Attorney for ☒ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify)

DECLARATION - PAGE 2 of 2

I WAS EXTREMELY FRIGHTENED AS THESE HEAVY DOORS SWUNG OUT OF NOWHERE FORCEFULLY STRIKING ME. I WAS TRAUMATIZED AND WENT TO THE SEATS IN THE WAITING ROOM, THE SECURITY GUARD ASKED IF I WAS OKAY,

I SAT THERE ANGRY AND EXTREMELY FRUSTRATED, MY 1ST THOUGHT WAS THAT IF I WAS LEAVING THE HOSPITAL HOLDING MY 4 1/2 LB SON, THESE DOORS WOULD HAVE CRUSHED HIM OR KILLED HIM.

ALSO, IT THEN OCCURED TO ME THAT THE DISCUSSION BETWEEN THE SECURITY GUARD AND THE OUTSIDE WORKER WAS ABOUT THE UPCOMING FIRE DRILL. THE SECURITY GUARD KNEW THOSE DOORS WOULD SWING OUT AND HIT ME AND HE SAID NOTHING TO WARN ME.

AFTER GOING IMMEDIATELY TO THE ER AND FILING A COMPLAINT WITH THE HOSPITAL, I WAS TOLD THERE HAVE BEEN SEVERAL OTHER ACCIDENTS WITH SIMILAR SECURITY DOORS THROUGHOUT THE HOSPITAL AND EVEN OTHER KAISER FACILITIES, IN ONE INCIDENT, A FRAIL ELDERLY PERSON GOT PINNED BETWEEN SIMILAR SECURITY DOORS AND SEVERAL PEOPLE HAD TO FORCEFULLY PRY OPEN THE DOORS.

SINCE THIS ACCIDENT, I WENT FROM BEING AN ACTIVE AND ATHLETIC RUNNER TO A DEBILITATED AND SEDENTARY LIFESTYLE. I SUFFER WITH ONGOING CHRONIC BACK PAIN (BOTH UPPER AND LOWER), THIS ACCIDENT HAS RUINED MY LIFE. MY LOVE FOR RUNNING PRIOR TO THIS ACCIDENT WAS PRESENT ALL THE WAY UP TO A FEW WEEKS PRIOR TO THE BIRTH OF MY SON. I AM DEVASTATED. BASED UPON MY INJURIES AND THE NEGLIGENCE THAT OCCURED, I BELIEVE I AM ENTITLED TO COMPENSATION THAT THE COURT DEEMS APPROPRIATE. I WOULD LIKE TO PREVENT OTHER PEOPLE FROM GETTING HURT BY THESE HEAVY SECURITY DOORS AND WOULD LIKE A SAFETY WARNING SYSTEM PUT INTO PLACE WHEN A FIRE DRILL TAKES PLACE, EVEN TAPE ON THE FLOOR COULD PREVENT THIS INJURY.