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**FILED**  
Superior Court of California  
County of Placer

JUN 08 2016

Jake Chatters  
Executive Officer & Clerk  
By: S. Marlatte, Deputy

5 SUPERIOR COURT OF CALIFORNIA  
6  
7 COUNTY OF PLACER

8 RUDY J. BALLESTEROS, by and )  
9 through his next friend and Guardian )  
ad Litem, MIKE BALLESTEROS, )

10 Plaintiff, )

11 vs. )

12 KAISER FOUNDATION HOSPITALS; )  
13 THE PERMANENTE MEDICAL )  
GROUP, INC; KENT JOLLY, M.D.; )  
14 MICHAEL BABB, M.D.; PANKAJ )  
PATEL, M.D.; TRAN NGUYEN, M.D.; )  
15 REBEKAH CARAVELLI, M.D.; )  
LYNN CHIEN, M.D.; KIRA JENNIE )  
16 EANDI, M.D.; RENEE SNELLING )  
GILPEN, M.D.; and DOES 1 through 20, )  
17 inclusive, )

18 Defendants. )  
19

CASE NO.:

**SCV 0037907**

PLAINTIFF'S  
COMPLAINT FOR NEGLIGENCE  
AND MEDICAL MALPRACTICE

20 COMES NOW Plaintiff, RUDY J. BALLESTEROS, a minor child, by and through his  
21 next friend and proposed Guardian ad Litem, MIKE BALLESTEROS, and hereby files this  
22 Complaint for Negligence and Medical Malpractice and alleges as follows.

23 JURISDICTION AND PARTIES

24 1. Plaintiff Rudy J. Ballesteros is a minor and a resident of Placer County, California.

2. Plaintiff's next friend and proposed Guardian ad Litem, Mike Ballesteros, is the father of Rudy J. Ballesteros and a resident of Placer County, California.
3. Defendant Kaiser Foundation Hospitals is a business organization, form unknown, that operates a private Kaiser hospital located in Roseville, County of Placer, California.
4. Defendant The Permanente Medical Group, Inc. is a California corporation that operates a private Kaiser hospital located in Roseville, County of Placer, California.
5. Defendant Kent Jolly, M.D. is a medical doctor who was, at all times pertinent, was on staff at the Kaiser Roseville hospital facility.
6. Defendant Michael Babb, M.D. is a medical doctor who was, at all times pertinent, was on staff at the Kaiser Roseville hospital facility.
7. Defendant Pankaj Patel, M.D. is a medical doctor who was, at all times pertinent, was on staff at the Kaiser Roseville hospital facility.
8. Defendant Tran Nguyen, M.D. is a medical doctor who was, at all times pertinent, was on staff at the Kaiser Roseville hospital facility.
9. Defendant Rebekah Caravelli, M.D. is a medical doctor who was, at all times pertinent, was on staff at the Kaiser Roseville hospital facility.
10. Defendant Lynn Chien, M.D. is a medical doctor who was, at all times pertinent, was on staff at the Kaiser Roseville hospital facility.
11. Defendant Kira Jennie Eandi, M.D. is a medical doctor who was, at all times pertinent, was on staff at the Kaiser Roseville hospital facility.
12. Defendant Renee Snelling Gilpen, M.D. is a medical doctor who was, at all times pertinent, was on staff at the Kaiser Roseville hospital facility.

1 13. PLAINTIFF is ignorant of the names and capacities of DOES 1 through 20 and therefore  
2 sues them as DOES 1 through 20, inclusive. PLAINTIFF will amend this action to allege  
3 these DOE Defendants' names and capacities when ascertained.

4 14. Each of the Defendants herein is responsible in some manner for the occurrences,  
5 injuries, and damages herein, and that the damages were directly and proximately caused  
6 by these Defendants' acts and omissions.

7 15. Each Doctor Defendant herein was the agent of each of the Kaiser Defendants, and in  
8 doing the things alleged herein were acting within the course and scope of their agency.

9 16. All Defendants collectively, including the Kaiser Defendants and the Doctor Defendants  
10 and DOES 1 - 20 are referred to herein as "Defendants", the medical doctor Defendants  
11 are referred to herein as "Doctor Defendants" and Defendants Kaiser Foundation  
12 Hospitals and The Permanente Medical Group, Inc. are referred to herein as "Kaiser  
13 Defendants).  
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15 GENERAL ALLEGATIONS COMMON TO ALL COUNTS

16 17. Plaintiff realleges and incorporates herein Paragraphs 1-16, supra.

17 18. On April 27, 2013 Doctor Defendant Renee Snelling Gilpen, M.D. was employed by  
18 Defendant Kaiser at its Roseville, California facility.

19 19. On April 27, 2013 Doctor Defendant Renee Snelling Gilpen, M.D. provided medical  
20 services to Plaintiff in Roseville, California in the form of examining and evaluating him  
21 in the emergency room for an excessive nose bleed.

22 20. On April 27, 2013 and April 28, 2013 Doctor Defendant Kira Jennie Eandi, M.D. was  
23 employed by Defendant Kaiser at its Roseville, California facility.  
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- 1 21. On April 27, 2013 and April 28, 2013 Doctor Defendant Kira Jennie Eandi provided  
2 medical services to Plaintiff in Roseville, California in the form of examining and  
3 evaluating Plaintiff in the emergency room for an excessive nosebleed.
- 4 22. On April 29, 2013 Doctor Defendant Michael Babb, M.D. was employed by Defendant  
5 Kaiser at its Roseville, California facility.
- 6 23. On April 29, 2013 Doctor Defendant Michael Babb, M.D. provided medical services to  
7 Plaintiff in Roseville, California in the form of examining and evaluating him in the  
8 hospital for an excessive nose bleed and performing an endoscopic cauterization of  
9 Plaintiff's nasal passage. In the course of providing this treatment he failed or neglected  
10 to obtain a consultation from a hematologist, improperly diagnosed the underlying  
11 causation and under prescribed the medication Amicar which failed to hold the blood  
12 clot.
- 13 24. On May 4, 2013 Doctor Defendant Lynn Chien, M.D. was employed by Defendant  
14 Kaiser at its Roseville, California facility.
- 15 25. On May 4, 2013 Doctor Defendant Lynn Chien, M.D. provided medical services to  
16 Plaintiff in Roseville, California in the form of examining and evaluating him in the  
17 Kaiser Roseville facility for an excessive nose bleed.
- 18 26. On May 5, 2013 Doctor Defendant Rebekah Caravelli, M.D. was employed by Defendant  
19 Kaiser at its Roseville, California facility.
- 20 27. On May 5, 2013 Doctor Defendant Rebekah Caravelli, M.D. provided medical services to  
21 Plaintiff in Roseville, California in the form of examining and evaluating him in the  
22 Kaiser Roseville facility for an excessive nose bleed.
- 23 28. On May 9, 2013 Doctor Defendant Doctors Tran Nguyen, M.D. and Pankaj Patel, M.D.  
24 were employed by Defendant Kaiser at its Roseville, California facility.
- 25 29. On May 9, 2013 Doctor Defendants Tran Nguyen, M.D. and Pankaj Patel, M.D. provided  
medical services to Plaintiff in Roseville, California in the form of examining and  
evaluating him in the Kaiser Roseville facility for an excessive nose bleed.

- 1 30. On May 13, 2013 Doctor Defendant Kent Jolly, M.D. was employed by Defendant  
2 Kaiser at its Roseville, California facility as a hematologist.
- 3 31. On May 13, 2013 Doctor Defendant Kent Jolly, M.D. after having previously failed,  
4 refused or otherwise neglected to do so provided medical services to Plaintiff in  
5 Roseville, California in the form of examining and evaluating him in the hospital for an  
6 excessive nose bleed and determined that Plaintiff "certainly has a bleeding disorder".  
7 In the course of making this diagnosis he determined that Plaintiff had been previously  
8 prescribed only one half of the necessary dose of Amicar which had failed to hold the  
9 blood clot.
- 10 32. During the examinations and evaluations said Defendant Doctors were acting as  
11 agents/employees of Defendant Kaiser and were providing medical services to Plaintiff  
12 within the scope of that agency/employment.
- 13 33. During their evaluation of Plaintiff's excessive nosebleed, said Defendant Doctors failed  
14 to properly diagnose Plaintiff's condition and failed to timely obtain a consultation from  
15 a hematologist.
- 16 34. This failure to properly diagnose Plaintiff's condition or to obtain a consultation from a  
17 hematologist led to a series of unnecessary medical procedures and operations which  
18 caused unnecessary physical injury and conscious pain and suffering to Plaintiff.
- 19 35. During the emergency room evaluations and thereafter said Defendant Doctors owed a  
20 duty to Plaintiff to perform their examinations and evaluations within an acceptable  
21 standard of medical care within the medical community and said Defendant Doctors  
22 breached this standard of care by failing to properly diagnose and treat Plaintiff's  
23 excessive nosebleed and by failing to request and obtain a consultation from a  
24 hematologist.  
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36. As a direct and proximate result of the breach of the applicable standard of medical care by Defendant Doctors, which resulted in the unnecessary procedures being performed on Plaintiff he has: 1) suffered pain and suffering in the past that will continue unabated in the future, 2) loss of income in the past, present and future, 3) lost ability to earn a living in the past and future, 4) incurred and will incur significant medical bills and expenses that will continue in the future, 5) extreme mental and emotional sorrow and anguish, 6) suffered physical injuries that he will carry for the rest of his life, and 8) is forced to get further operations and other medical procedures to recover the best that he can from the harm inflicted upon him.
37. The harm and losses endured by the Plaintiff were the direct, proximate result of the medical errors committed by Defendant Doctors.
38. Plaintiff did nothing to cause his own injuries. He was not contributorily negligent and did not assume the risk of the harm that was done to him.

COUNT I – NEGLIGENCE – MEDICAL MALPRACTICE  
(Against all Defendants)

39. Plaintiff realleges and incorporates herein Paragraphs 1-38, supra.
40. Defendant Doctors had a duty to Plaintiff to use the due care of a medical professional in performing medical services on Plaintiff.
41. Defendant Doctors breached such duty by failing to properly diagnose Plaintiff's condition and failing to obtain the consultation of a hematologist.
42. The foregoing acts and omissions of Defendant Doctors were acts and omissions constituting conduct below the standards of the medical profession in Defendant Doctors' community and individually and/or collectively caused Plaintiff damage.

1 17. As a proximate result of Defendant Doctors' conduct alleged herein, Plaintiff has been  
2 damaged in an amount Plaintiff will prove.

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5 WHEREFORE, Plaintiff requests that the Court enter judgment in favor of Plaintiff and  
6 against Defendants and each of them as follows:

- 7 1. For general and special damages in an amount that Plaintiff will prove but in excess of  
8 \$100,000.00  
9 2. For Plaintiff's reasonable costs incurred herein.  
10 3. For such other and further relief as to the court seems just in premises.  
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12 DATED this 8<sup>th</sup> day of June 2016.

13  
14 ENSMINGER LAW OFFICES, PC  
15 Attorney for Plaintiff

16 By 

17 D. Randall Ensminger  
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