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by Superior Court of California
County of Los Angeles on

08/19/16

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7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF LOS ANGELES

9 TATIANA CARMONA

10 Plaintiff,

11 vs.

12 PROVIDENCE HEALTH SYSTEM-
13 SOUTHERN CALIFORNIA doing business as
PROVIDENCE HOLY CROSS MEDICAL
14 CENTER; KAISER FOUNDATION
HOSPITALS; KAISER FOUNDATION
15 HEALTH PLAN INC.; LOS ANGELES
COUNTY DEPARTMENT OF HEALTH
16 SERVICES OLIVE VIEW - UCLA MEDICAL
CENTER; HILLVIEW MENTAL HEALTH
17 CENTER INC; VALLEY PRESBYTERIAN
HOSPITAL; NORTHEAST VALLEY HEALTH
18 CORPORATION; MILES S. JAKL; AJIT
DEOL; RABIN NIKJOO; YEONG AN SHEU;
19 DANIELLE DABBS; REID FISHER
BRACKIN; GEORGE KALAW; THOMAS
20 WASKIEWICZ; DANIEL M. KIJNER; HENRY
SHIH; GEORGIA SOTIROPOULUS; BARRY
21 WILEN; BERNADETTE EMILY NASH;
SCOTT WANG; JOHN STEPHEN LEUNG;
22 CATHERINE CZUBIAK; JAIME A. DIAZ;
NASSER ABDO; OMAR KOHANNIM;
23 SCOTT REITER; BRIAN VIET TRUONG;
JULIO MONTANO; SARAH SCHWARTZ;
24 CARRIE MATYAC; RENEE POOLE; PAUL
SOLES; SYLVIA DARIE; CHELSEA
25 ROUTZAHN; JESSE SANDERS; KEVIN
TEEHEE; RAJIV PAI; ALEXANDER K.
26 THAYER; and DOES 1 through 100,

27 Defendants.
28

CASE NO. BC630731

COMPLAINT

1. Intentional Infliction of Emotional Distress;
2. Battery;
3. Professional Negligence - Medical Malpractice by Physician;
4. Professional Negligence - Provider Malpractice by Hospital;
5. Concealment;
6. Breach of Fiduciary Duty.

1
Complaint

E-SCANNED FSC 02/02/18 TRIAL: 02/20/18 OSC 08/19/19

CASE #BC630731 RECEIPT #: 1160819D1321 DATE PAID : 08/19/16 11:03 AM TOTAL : 435.00 TYPE : EFT

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COMES NOW TATIANA CARMONA [hereinafter "Plaintiff"] and submits her Complaint for Compensatory Damages, and alleges as follows:

FACTUAL BACKGROUND

1. The Defendants herein are hospitals, healthcare facilities, and associated physicians or healthcare providers as follows:

A. Defendants PROVIDENCE HEALTH SYSTEM-SOUTHERN CALIFORNIA doing business as PROVIDENCE HOLY CROSS MEDICAL CENTER [hereinafter "HOSPITAL"]; and it's physicians and healthcare providers: MILES S. JAKL; AJIT DEOL; RABIN NIKJOO; YEONG AN SHEU; DANIELLE DABBS; REID FISHER BRACKIN; GEORGE KALAW; THOMAS WASKIEWICZ; DANIEL M. KIJNER; HENRY SHIH; GEORGIA SOTIROPOULUS; BARRY WILEN; BERNADETTE EMILY NASH; SCOTT WANG; JOHN STEPHEN LEUNG; CATHERINE CZUBIAK; JAIME A. DIAZ.

B. Defendants KAISER FOUNDATION HOSPITALS; KAISER FOUNDATION HEALTH PLAN INC. [hereinafter "HOSPITAL"]; and it's physician, ALEXANDER K. THAYER,

C. Defendants HILLVIEW MENTAL HEALTH CENTER INC [hereinafter "HEALTH CENTER"]; and it's physician, JULIO MONTANO.

D. Defendants LOS ANGELES COUNTY DEPARTMENT OF HEALTH SERVICES OLIVE VIEW - UCLA MEDICAL CENTER [hereinafter "HOSPITAL"]; and it's physicians: NASSER ABDO; OMAR KOHANNIM; SCOTT REITER; BRIAN VIET TRUONG.

E. Defendants NORTHEAST VALLEY HEALTH CORPORATION [hereinafter HEALTH CENTER] and it's physicians and healthcare providers: SARAH SCHWARTZ; CARRIE MATYAC; RENEE POOLE; PAUL SOLES; SYLVIA DARIE; CHELSEA ROUTZAHN; JESSE SANDERS.

F. Defendants VALLEY PRESBYTERIAN HOSPITAL; and it's physicians KEVIN TEEHEE; RAJIV PAI.

2. The Defendants referred to herein as hospitals and healthcenters are collectively referred to as the "Hospital" Defendants. The individual Defendants, although some may be nurse practitioners or physicians assistants are collectively referred to herein as the "Physician".

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1 Defendants.

2 3. At all times mentioned herein, Defendants and each of them, were medical practitioners
3 and health care providers engaged in the provision of health care services in Los Angeles County,
4 California, and holding themselves out as possessing the degree of skill and competence common
5 to medical practitioners in said community.

6 4. On the dates stated in the chronology attached hereto and incorporated herein as Exhibit
7 "A", Plaintiff consulted said Defendants for the purpose of obtaining medical care. Said Defendants
8 did agree to care for Plaintiff, and a special relationship was formed.

9 5. Defendants acts breached the standard of care. As a direct result of the acts or omissions
10 of Defendants, Plaintiff sustained injury and damages as alleged herein. Each Defendant authorized
11 and ratified the act of the other Defendants. Each hospital Defendant did employ the individual
12 Defendant and their staff, which conduct they authorized and ratified.

13 6. As stated in Plaintiff's chronology, on February 7, 2014 Plaintiff presented to the
14 emergency department of Defendant Providence Holy Cross for treatment of severe abdominal
15 pain. She was treated and discharged without a proper diagnosis and without being provided
16 necessary surgery. Plaintiff returned approximately two hours after her discharge in excruciating
17 pain. Plaintiff was then informed that she would be hospitalized for surgery to have gallstones
18 removed. Plaintiff was not advised that a foreign body, a plastic stent, a thin, tube-like structure,
19 would be used and that the stent was only temporary measure, which required removal if it caused
20 problems and which should not have remained in her abdomen for more than 3-4 months.

21 7. On or about December 9, 2014, Defendant Dr. Yeung An Sheu performed surgery on
22 Plaintiff while she was hospitalized at Providence Holy Cross, during which surgery, the stent, a
23 foreign body, was left in her abdomen without her knowledge or consent.

24 8. Plaintiff was not advised of risks associated with the procedure and did not consent to the
25 placement of a stent during the procedure. Plaintiff did not consent to having a foreign body placed
26 in her body. Plaintiff was not advised of alternatives to the procedure. The stent was not disclosed
27 to Plaintiff. The procedure and stent placement was unnecessary and should not have been
28 performed.

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1 9. At no time did Defendant Dr. Yeung An Sheu or others at Defendant Providence Holy
2 Cross Hospital, disclose to Plaintiff the following material facts: that a different surgery was
3 available and should have been the course taken, that during the surgery performed by Dr. Yeung
4 An Sheu, a plastic stent, a foreign body, was placed by him in her abdomen without her knowledge
5 and consent, that the stent remained in her abdomen, that she needed further care and treatment
6 related to the stent, that the stent was temporary, that the stent needed to be removed, that she needed
7 timely follow up care for the stent, that failure to remove the stent might cause, and did cause
8 permanent injury, illness, pain and suffering.

9 10. Thereafter the stent caused Plaintiff to become extremely ill, to suffer fear, distress, pain,
10 further surgery and permanent injury.

11 11. As stated in Plaintiff's chronology, Exhibit A, Plaintiff sought care for pain and suffering
12 caused from the stent, from all of the Defendants. However, from December 9, 2014, the date on
13 which the stent was placed, through April 1, 2016, the date the stent was surgically removed,
14 Plaintiff was not aware that she had a stent that had been placed in her abdomen on December 9,
15 2014 and that she had suffered illness and pain from the stent and problems it caused. Plaintiff
16 learned for the first time only after the April 1, 2016 surgery that the foreign body that was in her
17 abdomen was the stent that had been placed there by Defendant Dr. Yeung An Sheu, which had
18 never been disclosed to her by him or anyone other Defendant, and that it should have been removed.

19 12. On the dates stated Plaintiff's chronology, Exhibit "A", Plaintiff consulted said
20 Defendants for the purpose of obtaining medical care for the symptoms caused by the stent.
21 Defendants did not discover the stent in a timely fashion, resulting in Plaintiff's injuries and did not
22 properly treat Plaintiff. Defendants did not disclose the stent to Plaintiff.

23 13. On December 14, 2015, Plaintiff received an Xray for back pain. The technician saw a
24 foreign body, which he called a "catheter" on Plaintiff's Xray. He advised Plaintiff that he saw a
25 foreign body, and that it required further investigation.

26 14. Thereafter Plaintiff sought follow up care and ultimately was advised that the foreign
27 body was possibly a stent and that she needed another surgery to remove it. As stated above, Plaintiff
28 only learned definitively that the foreign body that was in her abdomen was in fact the stent that had

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1 been placed there by Defendant Dr. Yeung An Sheu as of the April 1, 2016 surgery.

2 15. Thereafter, Plaintiff had to undergo surgery on April 1, 2016 to remove the stent and to
3 address other problems it had caused, causing her further injury, pain suffering and distress.

4 The surgery was done at Defendant Providence Holy Cross. To date said Defendant has not disclosed
5 to Plaintiff that a stent was placed during her hospitalization there, despite numerous return visits
6 to it's emergency room and the Xray findings on May 26, 2015 in which it's radiologist Defendant
7 Barry Wilens noted the stent remaining in her abdomen. To date said Defendant has not disclosed
8 to Plaintiff that it was removed, thereby alleviating some of her symptoms of illness and pain. Said
9 Defendants have caused Plaintiff additional extreme distress by failing to disclose her true condition
10 to her.

11 16. As a result of the foregoing conduct by the Defendants, and each of them, Plaintiff has
12 suffered general and special damages and will continue to suffer in the future, severe anxiety, worry,
13 fright, mental and emotional pain, distress, anguish and emotional trauma, all to her general damage.

14 17. Plaintiff has complied with all prerequisites to suit. Plaintiff has complied with all claims
15 statutes as to any governmental entity Defendant. Plaintiff filed her claim against the County of Los
16 Angeles on June 1, 2016. Plaintiff's claim was denied on June 24, 2016.

17 JURISDICTIONAL ALLEGATIONS

18 18. At all times herein mentioned, Plaintiffs and Defendants, and each of them, were
19 residents of the County of Los Angeles and/or conducted business throughout Los Angeles County.

20 19. Plaintiff is informed and believes, and thereon alleges, that the Defendants, were
21 Licensed California Physician, healthcare providers, nurses, nurse practitioners, physicians assistants,
22 or and medical corporations, conducting business in Los Angeles County, California.

23 20. Plaintiff is informed and believes, and thereon alleges, that Defendants, PROVIDENCE
24 HEALTH SYSTEM-SOUTHERN CALIFORNIA doing business as PROVIDENCE HOLY CROSS
25 MEDICAL CENTER; KAISER FOUNDATION HOSPITALS; KAISER FOUNDATION HEALTH
26 PLAN INC.; HILLVIEW MENTAL HEALTH CENTER INC; VALLEY PRESBYTERIAN
27 HOSPITAL; and NORTHEAST VALLEY HEALTH CORPORATION; are California Corporations,
28 conducting business in Los Angeles County California, with a primary place of business in Los

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1 Angeles County. Plaintiff is informed and believes that the LOS ANGELES COUNTY
 2 DEPARTMENT OF HEALTH SERVICES OLIVE VIEW - UCLA MEDICAL CENTER conducts
 3 business in Los Angeles County California, with a primary place of business in Los Angeles County.

4 21. The true names and capacities of Defendants referred to herein as DOES are unknown
 5 to Plaintiff at this time and Plaintiff is informed and believes that they are in some way responsible
 6 for the damages incurred. Plaintiff will amend this Complaint to allege the true names and capacities
 7 when ascertained.

8 22. Plaintiff is informed and believes and thereon alleges, that at all material times each of
 9 the Defendants were agents, servants, and employees of the co-Defendants, and in doing the things
 10 herein alleged were acting in a managerial capacity within the scope of their authority, whose acts
 11 and conduct herein alleged were with the permission and consent of the co-Defendants. Each of the
 12 Defendants actions and conduct were known to, authorized and ratified by the co-defendants.

13 23. Plaintiff is informed and thereon alleges that the Defendants knowingly and willfully
 14 conspired and agreed among themselves to do the acts herein alleged. Defendants did these acts
 15 pursuant to and in furtherance of their conspiracy. Defendants furthered their conspiracy by
 16 cooperation, lending aid, encouragement, ratification and adopting the acts of each other.

17 24. Plaintiff is informed and believes, and thereon alleges, that Defendants committed other
 18 wrongful acts or omissions of which Plaintiff is presently unaware. Such acts are ongoing and will
 19 continue after the filing of this action. Plaintiff will seek leave of court to amend this Complaint
 20 when Plaintiff discovers the other acts or omissions of such Defendants.

21 FIRST CAUSE OF ACTION

22 Intentional Infliction of Emotional Distress

23 (by Plaintiff against all Defendants, Does)

24 25. Plaintiff repeats and realleges all prior paragraphs of the preceding allegations herein and
 25 incorporates said paragraphs as though set forth in full in this Cause of Action.

26 26. At all times herein mentioned, Defendants were the medical doctors and/or health care
 27 providers who provided care and treatment to Plaintiff.

28 27. At all times herein mentioned, the relationship between Defendants and Plaintiff herein

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1 was special in nature, which imposed a duty upon Defendants to fully disclose any and all potential
2 problems, dangers, hazards and health risks inherently associated with her condition, and to properly
3 diagnose any and all dangerous conditions affecting Plaintiff in a manner that was at or above the
4 standard of care, as stated in Plaintiffs' factual allegations, which are incorporated herein.

5 28. The foregoing outrageous conduct of Defendants inflicted extreme distress on Plaintiff
6 herein.

7 29. As a result of the foregoing conduct by Defendants, Plaintiff has suffered severe injuries
8 and damages as alleged herein.

9 30. Based on the foregoing knowledge by the Defendants regarding Plaintiff's condition,
10 Defendants, and each of them, knew that their failure to accurately evaluate, diagnose, or treat
11 Plaintiff's condition and refusal to treat would cause Plaintiff extreme emotional distress on a long-
12 term basis.

13 31. That the foregoing conduct of Defendants, and each of them, was callous, outrageous
14 and amounted to a wilful, intentional and reckless disregard for the probability of causing Plaintiff
15 to suffer anxiety, mental anguish and severe emotional and physical distress.

16 32. As a result of Defendants negligence, Plaintiff has suffered medical expenses, loss of
17 earnings, anxiety, worry, anger, mental and emotional distress, fees and costs, and other incidental
18 damages and out of pocket expenses, all to Plaintiff's general and special damage, for a total amount
19 to be determined at the time of trial.

20 SECOND CAUSE OF ACTION

21 Battery

22 (by Plaintiff against Defendant Yeung An Sheu, Does)

23 33. Plaintiff repeats and realleges all prior paragraphs of the preceding allegations herein and
24 incorporates said paragraphs as though set forth in full in this Cause of Action.

25 34. At all times herein mentioned, Defendant was Plaintiff's doctors who provided care and
26 treatment to Plaintiff.

27 35. At all times herein mentioned, the relationship between Defendant and Plaintiff herein
28 was special in nature, which imposed a duty upon Defendant to fully disclose any and all potential

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1 problems, dangers, hazards and health risks inherently associated with her condition, and to properly
 2 diagnose any and all dangerous conditions affecting Plaintiff in a manner that was at or above the
 3 standard of care, as stated in Plaintiffs' factual allegations, which are incorporated herein. Defendat
 4 was not permitted physical contact with Plaintiff that was not disclosed to her.

5 36. Defendant did offensively and without Plaintiff's consent cause physical harm by placing
 6 a foreign object, a stent, in her abdomen without her knowledge or consent. The foregoing
 7 outrageous conduct of Defendant inflicted extreme distress on Plaintiff herein.

8 37. As a result of the foregoing conduct by Defendant, Plaintiff has suffered severe injuries
 9 and damages as alleged herein.

10 38. Based on the foregoing knowledge by the Defendant regarding Plaintiff's condition,
 11 Defendant knew that their failure disclose the stent to Plaintiff and to provide follow up care in
 12 relation to it, would cause Plaintiff extreme emotional distress on a long-term basis.

13 39. That the foregoing conduct of Defendant was callous, outrageous and amounted to a
 14 wilful, intentional and reckless disregard for the probability of causing Plaintiff to suffer anxiety,
 15 mental anguish and severe emotional and physical distress.

16 40. As a result of the foregoing conduct by the Defendants, and each of them, Plaintiff has
 17 suffered and will continue to suffer in the future, severe anxiety, worry, fright, mental and emotional
 18 pain, distress, anguish and emotional trauma, all to her general damage.

19 41. As a result of Defendants negligence, Plaintiff has suffered medical expenses, loss of
 20 earnings, anxiety, worry, anger, mental and emotional distress, fees and costs, and other incidental
 21 damages and out of pocket expenses, all to Plaintiff's general and special damage, for a total amount
 22 to be determined at the time of trial.

23 **THIRD CAUSE OF ACTION**

24 **Professional Negligence - Physician Malpractice**

25 **(by Plaintiff against all Physician Defendants, Does)**

26 42. Plaintiff repeats and realleges the preceding paragraphs of the preceding allegations
 27 herein and incorporates said paragraphs as though set forth in full in this Cause of Action.

28 43. Defendants, and Does, were and held themselves out to be, knowledgeable in their fields,

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1 and in the evaluation, diagnosis, care and treatment of patients with the conditions presented by
2 Plaintiff. Plaintiff was the patient of Defendants, who represented that they would examine, inform,
3 treat, diagnose, prognose, and otherwise render medical, and other related services and care to
4 Plaintiff.

5 44. As physicians and health care providers providing specialized care and treatment,
6 Defendants knew, or in the exercise of reasonable care should have known, of the risks involved
7 with Plaintiff's condition at the time they saw Plaintiff, and should have been able to diagnose and
8 treat Plaintiff accordingly or refer her to a specialist.

9 45. Defendants' care, which fell below the standard of care, is stated in Plaintiffs' "factual
10 allegations" set forth, above. Defendants' conduct fell below the standard of reasonable medical
11 practice.

12 46. At all times herein mentioned, Defendants carelessly and negligently examined,
13 informed, treated, diagnosed, prognosed, and otherwise rendered medical, hospital and other related
14 services and care to Plaintiff, which care fell below the applicable standard of care. Each Defendant
15 was a substantial factor in causing harm to Plaintiff.

16 47. As a result of Defendants negligence, Plaintiff has suffered medical expenses, loss of
17 earnings, anxiety, worry, anger, mental and emotional distress, fees and costs, and other incidental
18 damages and out of pocket expenses, all to Plaintiff's general and special damage, for a total amount
19 to be determined at the time of trial.

20 **FOURTH CAUSE OF ACTION**

21 **Professional Negligence - Provider Malpractice**

22 **(by Plaintiff against all Hospital Defendants, Does)**

23 48. Plaintiff repeats and realleges the preceding paragraphs of the preceding allegations
24 herein and incorporates said paragraphs as though set forth in full in this Cause of Action.

25 49. Defendants were required to provide medical care and treatment to Plaintiff, to provide
26 trained and qualified physicians and staff, to provide care through qualified providers licensed in the
27 State of California, and to provide medical care through experienced, trained and screened physicians
28 and specialists. Defendants are directly liable for the conduct of its staff, directly and ostensibly

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1 liable for that of the physician Defendants who were their agents and employees.

2 50. Defendants had at all times relevant herein, a duty to provide providers who were
3 specialists sufficiently knowledgeable to diagnose and treat Plaintiff's condition.

4 51. Defendants had, at all times relevant herein, a duty to use reasonable care to select and
5 periodically evaluate its affiliated physicians and medical staff so that its patients, including Plaintiff,
6 were provided adequate medical care.

7 52. Defendants' duties owed to Plaintiff, included, but are not limited to, the following: to
8 inform Plaintiff of the risks of the procedure, to obtain her consent before treatment, to observe,
9 assess, evaluate and treat her, to cause her to be treated by qualified personnel, to provide specialist
10 care, to provide radiologists at all times to provide care for emergent conditions, or if no radiologists
11 were present or on call to disclose same, to follow up with Plaintiff after procedures, to ascertain that
12 foreign bodies were not placed in and did not remain in Plaintiff's body. These duties were
13 pursuant to its own guidelines, policies, procedures and protocols, and the California regulatory
14 provisions which governed it.

15 53. Additionally, if Plaintiff's condition warranted, Defendants' staff was required to obtain
16 a specialist for further assessment, surgery, and care.

17 54. Defendants did not perform the duties required, which conduct fell below the standard
18 of care. Defendants failed to provide information, trained staff, nurses and physicians, surgeons and
19 specialists to care for and treat Plaintiff. Defendants failed to provide care through qualified
20 registered nurses/practitioners/physicians assistants and qualified and adequately screened medical
21 staff physicians. Defendants failed to provide timely referral to necessary medical specialists.

22 55. At all times mentioned herein, Defendants were negligent in the provision of services
23 to Plaintiff. Said negligence was a substantial factor in causing Plaintiff's injuries and damages.

24 56. As a result of Defendants negligence, Plaintiff has suffered medical expenses, loss of
25 earnings, anxiety, worry, anger, mental and emotional distress, fees and costs, and other incidental
26 damages and out of pocket expenses, all to Plaintiff's general and special damage, for a total amount
27 to be determined at the time of trial.

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FIFTH CAUSE OF ACTION**Concealment****(by Plaintiff against all Defendants, Does)**

57. Plaintiff repeats and realleges the preceding paragraphs of the preceding allegations herein and incorporates said paragraphs as though set forth in full in this Cause of Action.

58. At all times herein mentioned, Defendants were the hospitals and physicians/ health care providers who provided care and treatment to Plaintiff.

59. At all times herein mentioned, the relationship between Defendants and Plaintiff herein was special in nature, which imposed a duty upon Defendants to fully disclose any and all potential problems, dangers, hazards and health risks inherently associated with her condition, and to properly diagnose any and all dangerous conditions affecting Plaintiff in a manner that was at or above the standard of care. As stated in Plaintiffs' factual allegations and chronology, which are incorporated herein, Defendants' conduct was outrageous, failing to disclose the true nature of Plaintiff's condition; and concealing that Plaintiff had a foreign body in her abdomen. As a result of the foregoing conduct by Defendants, Plaintiff has suffered severe injuries and damages as alleged herein.

60. That the foregoing conduct of Defendants, and each of them, was callous, outrageous and amounted to a wilful, intentional and reckless disregard for the probability of causing Plaintiff to suffer anxiety, mental anguish and severe emotional and physical distress.

61. As a result of the foregoing conduct by the Defendants, and each of them, Plaintiff has suffered and will continue to suffer in the future, severe anxiety, worry, fright, mental and emotional pain, distress, anguish and emotional trauma, all to her general damage.

62. As a result of Defendants negligence, Plaintiff has suffered medical expenses, loss of earnings, anxiety, worry, anger, mental and emotional distress, fees and costs, and other incidental damages and out of pocket expenses, all to Plaintiff's general and special damage, for a total amount to be determined at the time of trial.

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1 **WHEREFORE**, Plaintiffs pray for judgment against Defendants according to proof as
2 follows:

- 3 1. For general damages;
- 4 2. For special damages;
- 5 3. For prejudgment interest on all damages as is allowed by the laws of the State of
6 California;
- 7 4. For other compensatory damages for emotional distress and other economic and non-
8 economic losses;
- 9 5. Costs and expenses of suit incurred herein; and
- 10 6. For other just and proper relief.

11

12 DATED: August 17, 2016

Gary Rand & Suzanne E. Rand-Lewis,
Professional Law Corporations

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14 BY: 
15 Gary Rand
16 Attorney for Plaintiff, Tatiana Carmona

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EXHIBIT "A"

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DATE	PROVIDER	NOTES
2/8/14	Providence Holy Cross Georgia Sotiropoulos, M.D. Miles S. Jak, Jr., M.D. Ajit S. Deol M.D. Rabin Nikjoo M.D.	Admitted, Multiple gallstones, cholecystitis Discharged, no treatment. Re-Admitted two hours later extreme abdominal pain, hospitalized.
2/9/14	Providence Holy Cross: GI Consult, Surgery: Yeung An Sheu M.D. Second Surgery: Danielle Dabbs M.D.	Referred to surgery by Yeung An Sheu; no informed consent, does not disclose stent placement. Condition deteriorates. Second surgery Lap Chole by Danielle Dabbs. Stent remains. No disclosure of need to have stent checked or removed. No referral. No follow up. <u>Pre and Post op Xrays show stent and stent report in chart.</u>
2/10/14	Young An Sheu M.D.	Ordered X-rays post op show stent, no follow up. Plaintiff should have returned @ 1-2 weeks for follow up; should have returned @ May 2014 for stent removal.
9/14	Olive View	Not treated, no diagnosis.
10/20/14	Providence Holy Cross: Plaintiff presents to the Emergency Department. ER Dr. Reid Fisher Brackin M.D.	Not treated, no diagnosis, although Providence Holy Cross chart contains record of stent placement and xrays showing stent, Reid Fisher Brackin, with access to all records, does not take note of the stent or provide follow up, did not review chart or obtain sufficient history, no xray, no referral to specialist. No continuity of care. No follow up.
10/28/14	Providence Holy Cross: Plaintiff presents eight days later with persistent symptoms to the Emergency Department again. Seen by George T. Kalaw P.A. notes co-signed Thomas Waskewicz M.D.	Not seen by a physician or specialist, only a P.A. P.A. suspects acute abdomen or liver issue, despite access to all records, but fails to note that chart contains record of stent placement and xrays showing stent, does not note stent or provide follow up, did not review chart or obtain sufficient history, no xray, no referral to specialist. Incorrect diagnosis, and states, incorrectly "no acute" intra-abdominal process. No evaluation or examination by a qualified physician. Discharged. No continuity of care. No follow up.

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11/9/14	Plaintiff presents to Kaiser ER with symptoms. Seen by Alexander Thayer M.D.	Note in report that Plaintiff has been "seen in 2 previous ERs" without diagnosis or resolution of symptoms but does not get a thorough history or records, no Xray, not treated, no diagnosis, discharged, referred to general doctor.
11/9/14	Plaintiff presents to Hillview Mental Health Center, Inc. in distress. Seen by Julio Montano M.D.	Does not get a thorough history or records, no Xray, not treated, no diagnosis, no specialist referral.
1/14/15	Plaintiff presents to Olive View with symptoms. Seen by Nassir Abdo M.D. Omid Kohannim M.D.	Does not get a thorough history or records, no Xray, not treated, no diagnosis, no specialist referral.
1/16/15	Plaintiff presents to Northeast Valley Health Corporation with symptoms. Seen by Sarah Schwartz, P.A.	Plaintiff reports severity of symptoms and that had to go to ER two days earlier. Does not get Hospital records or any record of prior care. Not seen by a physician or specialist, only a P.A. No proper work up or diagnosis. No evaluation or examination by a qualified physician. Ordered labs. No X-ray. No follow up.
1/21/15	Plaintiff presents to Northeast Valley Health Corporation with symptoms. Seen by Carrie A. Matyac N.P.	Plaintiff reports severity of symptoms and that had to go to ER, was seen a week earlier. Does not get Hospital records or any record of prior care. No continuity of care. Not seen by a physician or specialist, only a N. P. No proper work up or diagnosis. No evaluation or examination by a qualified physician. Assessment note shows "elevated liver enzymes." No follow up or referral to specialist. No X-ray. Considers but does not request referral to urology. Note shows "elevated liver enzymes"; only action is to ordered an ultrasound. No actual date set for the ultrasound.

1/22/15	Plaintiff presents to Providence Holy Cross, seen by Daniel M. Kijner M.D. Henry Shih M.D.	No diagnosis, although Providence Holy Cross chart contains record of stent placement and xrays showing stent, Daniel M. Kijner M.D., and Henry Shih M.D., with access to all records, do not take note of the stent or provide follow up, did not review chart or obtain sufficient history, but order an X-ray and US. No record the stent found on Xray. Any competent Xray evaluation would have discovered stent. No referral to specialist. No follow up. No continuity of care.
2/19/15	Plaintiff presents to Providence Holy Cross, seen by Georgia Sotiropoulos M.D. Barry Wilen M.D.	No diagnosis, although Providence Holy Cross chart contains record of stent placement and xrays showing stent, Georgia Sotiropoulos M.D. Barry Wilen M.D., do not take note of the stent or provide follow up, did not review chart or obtain sufficient history, but order an X-ray and head CT. No record the stent found on Xray. Any competent Xray evaluation would have discovered stent. No referral to specialist. No follow up. No continuity of care.
2/23/15	Plaintiff presents to Northeast Valley Health Corporation, seen by Renee Poole, M.D.	Plaintiff reports severity of symptoms and that had to go to ER, was seen a few days earlier. Does not get Hospital records or any record of prior care. No continuity of care. Not seen by a specialist. No proper work up or diagnosis. Note from one month earlier shows "elevated liver enzymes." and order of ultrasound, no follow up, no ultrasound done or report in chart. No follow up or referral to specialist. No X-ray. No discussion of US or liver enzymes.

CASE #: BC630731 RECEIPT #: 1160819D1321 DATE PAID : 08/19/16 11:03 AM TOTAL : 435.00 TYPE : EFT

3/25/15	Plaintiff presents to Northeast Valley Health Corporation, seen by Silvia Darie M.D.	<p>Plaintiff reports severity of symptoms and that had to go to ER. Does not get Hospital records or any record of prior care. Note elevated liver enzymes.</p> <p>Note had liver "UTZ" 3 weeks ago, results not available" so still no ultrasound, still presents with same symptoms since January 2015, no work up, diagnosis, or specialist referral despite third visit reporting same issues and multiple intervening ER visits, not a single hospital record, lab or study is obtained.</p> <p>No continuity of care.</p> <p>No follow up or referral to specialist.</p> <p>No X-ray. No discussion of US or liver enzymes.</p>
4/27/15	Plaintiff presents to Northeast Valley Health Corporation, seen by Renee Poole M.D.	<p>Plaintiff reports "abdominal pain"</p> <p>Does not get Hospital records or any record of prior care. Note elevated liver enzymes.</p> <p>Still no ultrasound, no ultrasound report, still presents with same symptoms since January 2015, no work up, diagnosis, or specialist referral despite fourth visit reporting same issues and multiple intervening ER visits, not a single hospital record, lab or study is obtained.</p> <p>No continuity of care.</p> <p>No follow up or referral to specialist.</p> <p>No X-ray. No discussion of US or liver enzymes.</p>

5/25/15*	Plaintiff presents to Providence Holy Cross, emergency department seen by John Stephen Leung M.D. Barry Wilen M.D.	<p>John Stephen Leung M.D. Note history "post Chole" at 20:07, but does not review prior medical records and imaging including stent report and xray reports showing stent.</p> <p>X-ray ordered 5/25/15 at 20:11</p> <p>Xray taken 5/25/15 21:01 (9:01 p.m.)</p> <p>** X-ray shows stent (from 2/8/14) so there are now, 2/9/14, 2/10/14 and 5/25/15 Xrays in Plaintiff's chart which show the stent, which is what is causing Plaintiff's symptom and should have been removed a year earlier.</p> <p>Xray image show stent and images are available at 9:01 P.m. that night while Plaintiff is in the hospital, but no radiologist reads the images or makes a report, because the hospital does not have a radiologist on site or a teleradiologist off site reading the images, so Plaintiff's stent is not noted, she is not diagnosed and is discharged.</p> <p>Last note by ER Dr. John Stephen Leung is discharge note written at 21:18 while X-ray still in process. If John Stephen Leung M.D. had looked at the prior records or the films he should have seen the stent. Wilen did Xray 2/19/15 as well.</p> <p>** No radiologist report until 7:57 a.m. next morning. Xray processed and results 5/26/15 7:57 a.m. report of Barry Wilen M.D. that X-ray shows stent, but does not correlate with prior procedure or Xrays, no continuity of care.</p> <p>Stent is over 1 yr old.</p> <p>No follow up.</p> <p>Discharged before X-rays read.</p> <p>No specialist referral.</p> <p>No disclosure to Plaintiff no radiologist reviewed the Xray.</p>
7/5/15	Plaintiff presents to Providence Holy Cross, emergency department seen by Catherine Czubiak, P.A. Jaime A. Diaz Barry Wilen	<p>Not seen by a physician or specialist, only a P.A.</p> <p>No continuity of care. No one reads the Xray reports or prior medical history.</p> <p>No evaluation or examination by a qualified physician. Discharged.</p> <p>No follow up.</p>
7/23/15	Plaintiff presents to Northeast Valley Health Corporation, seen by Renee Poole M.D.	<p>Renee Poole M.D. notes "abdominal pain".</p> <p>No history, no prior medical records, chart shows liver issues since January visit with no treatment, diagnosis, plan, no follow up, no specialist referral</p> <p>"Ordered US right liver to be perf. in 3 days"</p> <p>Elevated liver function tests.</p> <p>No continuity of care.</p>

9/5/15	Plaintiff presents to Northeast Valley Health Corporation, seen by Paul Soles M.D.	Rence Poole M.D. notes "abdominal pain". No history, no prior medical records, chart shows liver issues since January visit with no treatment, diagnosis, plan, no follow up, no specialist referral. Over a month earlier, "Ordered US right liver to be perf. in 3 days" and noted elevated liver function tests. No note or discussion re US results. No continuity of care.
11/8/15	Plaintiff presents to Providence Holy Cross, emergency department seen by Bernadette Emily Nash, PA-C Scott A. Wang	Plaintiff again in for abdominal pain, not seen by a physician or specialist, only a P.A. No continuity of care. No one reads the Xray reports or prior medical history. No evaluation or examination by a qualified physician. Discharged. No follow up. Note to refer to GI, but no actual referral occurs.
11/9/15	Plaintiff still in pain, next day, presents to Olive View emergency department seen by Scott Reiter, M.D. Brian Viet Truong (resident)	Plaintiff reports abdominal pain, no history taken, no prior medical records, no diagnosis, plan, no follow up, no specialist referral.
12/14/15	OIC	X-ray technician discovers "catheter" in abdomen tells Plaintiff.
1/4/16	Plaintiff presents to Northeast Valley Health Corporation, seen by Chelsea Routzahn N.P.	First visit Plaintiff could get to see doctor about what the Xray tech found. Reports the finding. Despite GI referral that was supposed to occur in November, which did not occur, no doctor evaluation. Plaintiff again in for abdominal pain, not seen by a physician or specialist, only a P.A. No continuity of care. No one gets or reads the Xray reports or prior medical history. No evaluation or examination by a qualified physician. Discharged. No follow up. Note to refer to surgery, but no actual referral occurs.

1/25/16	Plaintiff presents to Northeast Valley Health Corporation, seen by Chelsea Routzahn N.P.	Same N.P. Despite GI referral that was supposed to occur in November, which did not occur, no doctor evaluation. Still no surgical consult has been set by provider and no one has any past medical records. Plaintiff again in for abdominal pain, not seen by a physician or specialist, only a P.A. No continuity of care. No one gets or reads the Xray reports or prior medical history. No evaluation or examination by a qualified physician. Note to refer to surgery, but no actual referral occurs. "plans to see general surgeon tomorrow"
2/24/16	Plaintiff presents to Valley Presbyterian emergency department seen by Kevin Tee Hee M.D. Rajiv Pai M.D.	Plaintiff reports abdominal pain, no history taken, no prior medical records, no diagnosis, plan, no follow up, no specialist referral. No discussion of the stent or removal. Discharged.
4/1/16	Plaintiff presents to Providence Holy Cross Piyush Jogani M.D.	Stent removed. No disclosure of true condition, no plan, no follow up.
5/9/16	Plaintiff presents to Northeast Valley Health Corporation, seen by Jesse Sanders, M.D.	No discussion of liver, GI issues, stent removal, pain and other issues persist, no follow up.
6/20/16	Plaintiff presents to Northeast Valley Health Corporation, seen by Jesse Sanders, M.D.	No discussion of liver, GI issues, stent removal, pain and other issues persist, no follow up.