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Superior Court of California
County of Los Angeles

NOV. 13 2017

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

**JEHU ROBERT LACKEY;
DESIREE HALL;
VANESSA LACKEY-JACKSON, as
Surviving Heirs and Successors in Interest
of LOIS LACKEY and Individually,**

Plaintiffs,

vs.

**Kaiser Health Plan, Inc.;
Kaiser Foundation Hospitals;
Southern California Permanente Medical
Group;
Beverly West Healthcare;
Centinela Hospital Medical Center;
DOES 1 through 300, Inclusive,**

Defendants.

CASE NO.: BC682552

COMPLAINT FOR DAMAGES:

1. Elder Abuse/Neglect
2. Negligence/Professional Negligence/ Wrongful Death
3. Civil Penalties/Statutory Violations/Breach of Resident's Rights
4. Negligent Infliction of Emotional Distress

PRELIMINARY STATEMENT

1. The gravamen of this action is the abuse and neglect of LOIS LACKEY, which occurred at the following facilities: CENTINELA HOSPITAL MEDICAL CENTER (hereinafter CENTINELA) located at 555 East Hardy Street, Inglewood, California 90301, KAISER WEST LOS ANGELES, (hereinafter KWLA) located at 6041 Cadillac, Los Angeles,

CIT/CASE: BC682552
LEA/DEF#:

RECEIPT #: CCH521665040

DATE PAID: 11/14/17 03:22 PM

PAYMENT: \$435.00 310

RECEIVED:

CHECK:	\$0.00
CASH:	\$0.00
CHANGE:	\$0.00
CARD:	\$435.00

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Courthouse News Service

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D-32
Hon. Daniel Murphy

1 CA 90034 and BEVERLY WEST HEALTHCARE (hereinafter BEVERLY) located at 1020
2 South Fairfax, Los Angeles, CA 90019. During her admissions to CENTINELA, KWLA, and
3 BEVERLY, LOIS LACKEY was a member of KAISER HEALTH PLAN, INC. (hereinafter
4 KHP), under the care of physicians, physicians' assistants and nurse practitioners employed by
5 or agents of SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP (hereinafter
6 SCPMG) located at 393 East Walnut, Pasadena, CA 91188.

7 THE PLAINTIFFS

8
9 2. Plaintiffs, JEHU ROBERT LACKEY, DESIREE HALL and VANESSA LACKEY-
10 JACKSON (hereinafter, PLAINTIFFS), bring this action individually, as surviving heirs of LOIS
11 LACKEY, the decedent herein, pursuant to CCP §377.60 (Wrongful Death) and as the
12 successors in interest of LOIS LACKEY pursuant to CCP §377.30 (Survival Actions) for elder
13 abuse. Plaintiff, JEHU ROBERT LACKEY, is the surviving husband of LOIS LACKEY.
14 Plaintiffs, DESIREE HALL and VANESSA LACKEY-JACKSON are the surviving daughters
15 of LOIS LACKEY.

16
17 3. PLAINTIFFS served 90-day notices of intent to commence this action on each of the
18 above-named defendants pursuant to CCP 364 on July 18, 2017, within 90 days of the expiration
19 of the statute of limitations. Pursuant to CCP 364(d), the statute of limitations is thereby
20 extended by 90 days.

21 22 DEFENDANTS ASSOCIATED WITH KAISER (KHP, KFH, KWLA, 23 SCPMG and DOES 1-100)

24
25 4. As set forth herein, Defendant, KHP was a licensed Health Plan. LOIS LACKEY
26 was a member of KHP and was entitled to all of the benefits guaranteed to its members. DOES
27 1-20 were employees, agents and contractors of KHP, whose duties and responsibilities were to
28 ensure compliance with and implement the provisions of the health plan for the benefit of its

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1 members. KAISER FOUNDATION HOSPITALS (KFH) was the entity whose responsibilities
2 included the operation of licensed hospitals which provided hospital and other healthcare
3 services to KHP members, including LOIS LACKEY. DOES 21-40 were managing agents,
4 employees, and contractors whose responsibilities included the operation, management and
5 provision of licensed hospital and other healthcare services for the benefit of KHP members,
6 including LOIS LACKEY. SCPMG and DOES 41-50 was a group including, but not limited to
7 healthcare professionals, including but not limited to physicians, D.O's, nurses, physicians'
8 assistants, nurse practitioners, therapists, psychologists, wound care professionals and other
9 licensed healthcare professionals whose responsibilities were to provide healthcare services to
10 KHP members, including the provision of healthcare services to members who were admitted to
11 licensed skilled nursing facilities such as BEVERLY. DOES 51-80 were owners, operators,
12 administrators, managers and individual healthcare providers employed by or contracting with
13 SCPMG to manage and/or provide healthcare services to members of KHP, including LOIS
14 LACKEY.

15
16
17 5. Defendants, DOES 81-100, were licensed healthcare providers who either provided
18 physician services to LOIS LACKEY or employed others who provided licensed healthcare
19 services to LOIS LACKEY at KAISER facilities or facilities such as BEVERLY, that contracted
20 with KAISER to provide skilled nursing, rehabilitation and/or other necessary healthcare
21 services for KAISER members, including LOIS LACKEY.

22
23
24 6. General statements of factual allegations of the wrongful conduct pled
25 against KHP, KFH, KWLA, SCPMG and DOES 1 - 100 are set forth below. Based on those
26 allegations, KFH, KFH, KWLA, SCPMG and DOES 1 - 100 are included as defendants in the
27 following causes of action: First Cause of Action for Elder Neglect/Abuse and Second Cause of
28 Action for Professional Negligence/Wrongful Death.

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DEFENDANTS ASSOCIATED WITH BEVERLY WEST HEALTHCARE
(and DOES 101 through 200)

7. As set forth herein, BEVERLY and DOES 101 through 120 were owners, operators, managers and/or licensees of BEVERLY. Defendants, DOES 121 through 130 were Administrators and managing agents of BEVERLY and DOES 101 - 120. Defendants, DOES 131 - 140 were Directors of Nursing and managing agents of BEVERLY and DOES 101 - 120. Defendants, DOES 81 through 100 were MRS. LACKEY's attending physicians or otherwise provided physician services at BEVERLY. DOES 151-160 were Medical Directors of BEVERLY. Said Defendants were employed by BEVERLY, DOES 101 through 120 and DOES 196 - 200. DOES 151-180 were managing agents of BEVERLY and DOES 101 through 120.

8. General statements of the factual allegations of wrongful conduct pled against BEVERLY and DOES 101 - 200 are set forth below. Based on these allegations, BEVERLY, and DOES 101 through 200 are included as defendants in the following causes of action: First Cause of Action for Dependent Adult Neglect/Abuse, Second Cause of Action for Negligence/ Professional Negligence/Wrongful Death, Third Cause of Action for Civil Penalties/Statutory Violations/Breach of Residents' Rights and Fourth Cause of Action for Negligent Infliction of Emotional Distress.

DEFENDANTS ASSOCIATED WITH CENTINELA (and DOES 225-300)

9. As set forth herein, CENTINELA and DOES 225 through 245 were owners, operators, managers and/or licensees of CENTINELA. Defendants, DOES 246 through 255 were Administrators and managing agents of CENTINELA and DOES 225-245. Defendants, DOES 256-265 were Directors of Nursing and managing agents of CENTINELA and DOES 225-245. Defendants, DOES 266-275 were MRS. LACKEY's attending physicians or otherwise provided physician services at CENTINELA. DOES 276-285 were Medical Directors of

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1 CENTINELA. Said Defendants were employed by CENTINELA, and DOES 225-245. DOES
 2 283-295 were managing agents of CENTINELA and DOES 225-300. DOES 296-300 were
 3 health care professionals, including but not limited to licensed nurses and physical therapists,
 4 who were employed by or who contracted with CENTINELA to provide licensed health care
 5 services to patients admitted to CENTINELA.

6
 7 10. General statements of the factual allegations of wrongful conduct pled
 8 against BEVERLY and DOES 101 - 200 are set forth below. Based on these allegations,
 9 BEVERLY, and DOES 101 through 200 are included as defendants in the following causes of
 10 action: First Cause of Action for Dependent Adult Neglect/Abuse, Second Cause of Action for
 11 Negligence/ Professional Negligence/Wrongful Death, Third Cause of Action for Civil
 12 Penalties/Statutory Violations/Breach of Residents' Rights and Fourth Cause of Action for
 13 Negligent Infliction of Emotional Distress.

14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 GENERAL STATEMENT OF FACTS

11. Prior to the acts complained of herein, LOIS LACKEY was an active 73-year-old
 lady BEVERLY lived independently at home with her husband. She was a retiree from the US
 Postal Service as a quality control technician. She was able to perform all household chores and
 activities of daily living. She was the matriarch of her family and loved celebrating holidays,
 birthdays and all of her children and grandchildren's social and school events. She loved getting
 together often with friends and family. She especially loved helping people in her community
 and church. She was an ordained minister and spent countless hours donating her time and
 talents to charities and charitable services in the community. She was adored by her husband,
 children, grandchildren and friends.

ADMISSION TO CENTINELA MEDICAL CENTER HOSPITAL

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(July 6, 2016-July 13, 2016)

12. On or about July 6, 2016, MRS. LACKEY fell at home and suffered a fracture to her neck at C-2. She was admitted to CENTINELA for surgical repair of the fracture. On admission, she was noted to have no skin breakdown.

13. MRS. LACKEY was vulnerable and dependent on the staff for all of her basic needs because she had a fractured neck and limited mobility. Yet, while at CENTINELA, MRS. LACKEY was neither timely turned and repositioned nor kept clean and dry. When she entered the hospital, she was continent of urine and bowel. She was not assisted to use the bedside commode or the bedpan during her admission. As a result of the neglect of the nurses and staff at CENTINELA, MRS. LACKEY unnecessarily acquired avoidable decubiti on her sacrum which progressed by the time of her discharge.

ADMISSION TO KAISER WEST LOS ANGELES

(July 13, 2016-July 19, 2016)

14. On July 13, 2016, MRS. LACKEY was admitted to KWLA for further care and rehabilitation including physical therapy, occupational therapy and wound care. On admission, it was documented that she had skin breakdown. She was still vulnerable and dependent upon the nurses and staff for all of her needs because she was recovering from neck surgery and had limited mobility. Due to of her skin breakdown and dependent status, it was imperative that the KWLA staff keep her clean and dry, nourished, provided adequate wound care and turned and repositioned at least every two hours. Plaintiff were informed that MRS. LACKEY's sacral pressure sore was "not serious" at the time of admission to KWLA. Plaintiffs visited her on a daily basis for hours. They were informed that her wound was improving and that she was medically stable. The expectation was, that after aggressive rehabilitation, she would be discharged home. Unbeknownst to PLAINTIFFS, her pressure sore worsened while at KWLA

1 so that, by the time she was discharged to Rancho Los Amigos for aggressive rehabilitation on
2 July 19, 2016, it was a Stage II-III.

3 ADMISSION TO RANCHO LOS AMIGOS

4 (July 19, 2016-July 28, 2016)

5 15. On admission to Rancho Los Amigos, MRS. LACKEY was medically stable and her
6 kidney function was noted to be within normal limits. She was eating well and not considered a
7 high nutritional risk. She was willing and able to participate in the therapy no matter how hard
8 she had to work. She was evaluated as a good candidate for therapy and her prognosis was good
9 for returning home to live with her husband. MRS. LACKEY actively participated in the therapy
10 for approximately one week. However, because the therapy required sitting, stretching and
11 aggressive movement, her physicians and therapists determined that they could not provide the
12 needed therapy for fear that it would severely adversely affect her sacral pressure sore. They
13 therefore advised KAISER that they could not perform the necessary aggressive therapy and that
14 she would have to be discharged to a facility of KAISER's choosing. She was discharged on
15 7/28/16.
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17
18

19 ADMISSION TO BEVERLY WEST HEALTHCARE

20 (July 29, 2016-August 14, 2016)

21 16. MRS. LACKEY was transferred to BEVERLY on July 29, 2016. Unbeknownst to
22 MRS. LACKEY or her family, prior to her admission, the Department of Public Health had
23 received multiple complaints that BEVERLY patients had been neglected and that patients were
24 not being provided with the minimum care mandated by federal and state nursing home laws.
25 Specifically, BEVERLY was noted to have a high incidence of patients with decubitus ulcers.
26 DPH investigations not only substantiated many of the complaints filed with its office but DPH
27 investigations uncovered additional deficiencies in patient care which demonstrated the care
28

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1 provided by BEVERLY did not conform to even the minimum care requirements mandated by
2 federal and state law. Even after the owners and managing agents of BEVERLY (including
3 DOES 101-160) were notified of the prior complaints and deficiencies in patient care, they failed
4 to take action to ensure patients entrusted to their care in the future, including MRS. LACKEY,
5 would not be subjected to acts of mistreatment, neglect and/or abandonment.
6

7 17. MRS. LACKEY was admitted to BEVERLY under the care of its staff, including
8 licensed nurses, therapists, wound care nurses and certified nursing assistants. Her medical care
9 was provided by SCPMG physicians, physicians' assistants, nurse practitioners and DOES 141-
10 150. Pursuant to 22 CCR §72307 and 22 CCR §72113(a), as MRS. LACKEY's attending
11 physicians, said persons, DOES 141- 150 were required to supervise the care MRS. LACKEY
12 received at the facility. Additionally, pursuant to Health & Safety Code §1418. 81(c), DOES
13 141- 150 were statutorily required to be part of an interdisciplinary team, along with nursing
14 home staff, BEVERLY and its staff oversaw MRS. LACKEY's care at BEVERLY using a
15 "team approach" in assessing and planning her care. However, the actual nursing care and other
16 skilled services were to be monitored, directed and/or provided by employees of BEVERLY,
17 including the Administrator (DOES 121 - 130), the Director of Nursing (DOES 131 - 140), other
18 facility personnel (DOES 161 - 170) and the Medical Director (DOES 151 - 160).
19

20
21 18. Based on MRS. LACKEY's prior medical history and assessments performed on
22 her, Defendants BEVERLY and DOES 101 through 170 knew MRS. LACKEY's health and
23 safety would be put at great risk, especially because she was a vulnerable elderly person with
24 very limited mobility, if she was not provided with necessary supervision as well as needed
25 medical care and services. Said Defendants also knew that due to MRS. LACKEY's physical
26 condition, she was unable to provide for her own basic needs and was dependent on them for
27 meeting her basic needs, including but not limited to sufficient nutrition, hydration and hygiene
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1 as well as assistance to the bathroom, transfers and turning and repositioning, needed medical
2 care and health services. Nevertheless, not only were said care and services routinely withheld
3 from MRS. LACKEY but she was not provided with the minimum care mandated by federal
4 and/or state nursing home laws even though Defendants knew it was substantially certain MRS.
5 LACKEY would suffer injury due to the failure to provide the care and services she needed and
6 that was mandated by law. Moreover, the ongoing and repeated nature of Defendants' failure to
7 provide such care and services demonstrates Defendants acted with conscious disregard of the
8 high probability MRS. LACKEY would suffer injury as a result of their failure to provide the
9 care and services she needed and which was mandated by law.
10

11 **Failure to Provide Necessary Services to Prevent Malnutrition/Dehydration**
12

13 19. During the time MRS. LACKEY was a patient at BEVERLY, the Administrator
14 (DOES 121 - 130), the Director of Nursing (DOES 131 - 140), licensed physicians (DOES 141-
15 150), facility personnel (DOES 161 - 170), the Medical Director (DOES 151 - 160) as well as
16 SCPMG and DOES 141-150, knew MRS. LACKEY could not adequately feed or hydrate herself
17 and, therefore, was dependent on them, or BEVERLY staff under their supervision and control,
18 to provide her with necessary nutrition and hydration. Defendants also knew that it was
19 imperative to pay close attention to her nutritional intake to ensure she was getting sufficient
20 amounts of calories, protein and vitamins needed for her body to heal and fight infection.
21

22 20. However, MRS. LACKEY was not assisted with her meals and because she was
23 not provided with even the minimal amount of nutrition and hydration her body required, MRS.
24 LACKEY needlessly became severely dehydrated and malnourished and lost a significant
25 amount of weight unnecessarily. She was a type II diabetic and her blood sugar required close
26 monitoring. However, due to the poor nutrition, lack of nutrition and sugar-filled meals,
27 including supplements such as Ensure which is full of carbohydrates and sugar, MRS.
28

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1 LACKEY's blood sugar skyrocketed out of control. In addition, her potassium was critically
2 high and her kidneys began to fail.

3 21. BEVERLY's Administrator (DOES 121 - 130), the Director of Nursing (DOES 131
4 - 140), facility personnel (DOES 161 - 170), the Medical Director (DOES 151 - 160) as well as
5 well as SCPMG and DOES 141-150, knew MRS. LACKEY was becoming increasingly
6 malnourished and dehydrated but said Defendants continually failed to follow MRS. LACKEY's
7 patient care plan or reassess her condition and implement a new care plan based on her
8 worsening condition. As a result, MRS. LACKEY became confused, malnourished and
9 dehydrated. Her sacral pressure ulcer significantly worsened. She developed a severe urinary
10 tract infection which went undiagnosed and untreated for days, causing MRS. LACKEY
11 excruciating pain and confusion which contributed to her inability to eat or drink.

12 22. Additionally, in violation of 42 CFR 483.10(b)(1)&(11), 22 CCR §72311(a) and/or
13 22 CCR §72527(a)(3), Defendants failed to report MRS. LACKEY's deteriorating and changing
14 condition, including her nutrition and hydration status to her doctors or family. In further
15 violation of 42 CFR 483.20(k)(ii), neither MRS. LACKEY's doctors nor her family was asked to
16 participate in an IDT care plan meeting to ensure she was receiving the treatment and services
17 she required to stay properly nourished and hydrated.

18 23. As a result of Defendants' continual failure to provide MRS. LACKEY with
19 necessary nutrition and hydration, she unnecessarily became more and more dehydrated and
20 malnourished, causing further skin breakdown.

21 Failure to Assist with Personal Hygiene

22 24. Pursuant to Health & Safety Code §1599.1(b), patients in nursing homes must be
23 provided care which shows evidence of good personal hygiene. In this case, because of the
24 physical restrictions MRS. LACKEY had when she was admitted to BEVERLY, facility staff,

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1 including DOES 101-170 and/or BEVERLY employees under their supervision and control,
2 knew MRS. LACKEY needed daily assistance with personal hygiene care.

3 25. Nevertheless, while MRS. LACKEY was a patient in BEVERLY, she was not
4 regularly bathed nor was she regularly provided clean changes of clothes. MRS. LACKEY was
5 repeatedly kept in a hospital gown all day. On repeated occasions, her teeth were not cleaned nor
6 was her hair groomed. Plaintiffs repeatedly questioned BEVERLY as to why MRS. LACKEY
7 was not being showered. Despite their repeated complaints, she was showered only once during
8 the 15 days she was a resident. Additionally, MRS. LACKEY's room and the surrounding area
9 constantly smelled of urine and excrement. Her complaints were ignored. When Plaintiffs tried
10 to summon help for MRS. LACKEY, the nurses and CNAs told them that they were overworked
11 and that there were not enough nurses or CNAs assigned to care for all of the patients. MRS.
12 LACKEY was also forced to wait for long periods of time to be cleaned or assisted to the
13 bathroom. Nurses and CNAs told Plaintiffs that they could not get to her for hours. During her
14 admission, MRS. LACKEY became increasingly incontinent because nobody would help her to
15 the bathroom or assist her with a bedpan. On several occasions, when a nurse or CNA would put
16 her on a bedpan, she was left sitting on it, in pain for long periods of time.

17 26. As a result of Defendants' failure to assist MRS. LACKEY with personal hygiene as
18 mandated by federal and/or state nursing home laws, MRS. LACKEY needlessly suffered severe
19 emotional distress and embarrassment as well as associated physical discomfort related to the
20 failure of BEVERLY staff to provide him with the assistance he required with hygiene care.

21 **Failure to Observe MRS. LACKEY's Right of Privacy / Right to a Dignified**
22 **Existence**
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1 27. 22 CCR §72527(a)(11) and 42 CFR §483.10 mandate nursing home patients be
2 treated with dignity and respect and that nursing home personnel may not violate their patients'
3 rights to privacy or rights of self-determination.

4 28. Nevertheless, Defendants and/or BEVERLY personnel under their supervision and
5 control repeatedly failed to treat MRS. LACKEY with dignity and respect and repeatedly
6 violated her rights of privacy and self-determination causing her severe emotional distress. She
7 was humiliated and became depressed. She had never suffered from depression. Yet she was so
8 neglected and abused at BEVERLY that she became depressed and was prescribed an anti-
9 depressant.
10

11 **Failure to Respond to Call Lights**

12 29. Pursuant to 22 CCR §72315(m) all patient call lights must be answered promptly.
13 In this case, when the call light was activated, the nursing staff, including DOES 161-170 either
14 failed to answer the call light promptly or failed to respond at all, causing MRS. LACKEY to be
15 forced to defecate and urinate in her bed and lie in excrement for prolonged periods of time,
16 causing her a great deal of humiliation and lack of dignity in violation of her patient rights as set
17 forth in 22CCR §72527(a)(23).
18

19 **Failure to Prevent Spread of Infection**

20 30. At the time MRS. LACKEY was admitted to BEVERLY, the owners and managers
21 of the facility as well as its personnel and DOES 101 - 170 knew the facility and/or patients in
22 the facility were infected with life-threatening bacterial infections easily passed from patient to
23 patient if necessary infection procedures are not implemented or followed. Nevertheless,
24 Defendants consistently failed to implement and/or follow well-established infectious disease
25 safety precautions to prevent the infection from spreading (e.g., washing hands, wearing gloves,
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1 processing dirty linens safely, etc.). MRS. LACKEY's pressure ulcers became severely infected
2 and she went into kidney failure.

3 31. Additionally, even though the owners and managing agents of BEVERLY and
4 DOES 101 - 170) knew BEVERLY staff was consistently failing to implement and/or follow
5 infectious disease safety precautions established in the nursing home industry, said owners and
6 managing agents took no action to ensure proper infection procedures were actually implemented
7 and followed at the facility.

8
9 32. In this case, Defendants knew that because MRS. LACKEY had developed open
10 sores and she was particularly susceptible to contracting a bacterial infection which would cause
11 her to suffer extreme physical pain and mental distress. Nevertheless, Defendants failed to take
12 any action to ensure that safety precautions were implemented by facility staff during their care
13 and treatment of MRS. LACKEY. Friends and family who visited MRS. LACKEY at
14 BEVERLY observed that the nurses and nurses' assistants consistently went from patient to
15 patient and room to room without washing their hands and without wearing gloves. They would
16 repeatedly comment as to how filthy the facility was and how horribly it smelled.

17
18 33. Because safety precautions were not implemented and/or were consistently
19 disregarded, MRS. LACKEY became infected with a bacterial infection. Additionally, because
20 the staff ignored obvious signs that MRS. LACKEY had contracted an infection it unnecessarily
21 worsened due to lack of care. Plaintiffs and MRS. LACKEY requested her physicians to transfer
22 her back to an acute care facility where she could be provided with good care to heal her wounds
23 and control her blood sugars and potassium. Her pleas and those of Plaintiffs were ignored and
24 they were told by SCPMG staff that there was nothing further that could be done in an acute care
25 setting that they were already not doing and failed and refused to transfer her to an acute hospital
26 before her condition became so critical that she died.
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Failure to Conduct Care Plan Meetings / Inform of Total Health Status

1
2 34. MRS. LACKEY was physically infirm and was totally dependent and reliant on
3 Defendants to provide her with all the necessities of life (food, clothing, shelter, medicine,
4 medical treatment, activities, bathing, toileting, etc.) in conformity with state and federal nursing
5 home laws. Accordingly, MRS. LACKEY's health and safety depended on Defendants'
6 integrity and fidelity to provide the care which the law required them to provide and which they
7 promised to provide. By virtue of the relationship between MRS. LACKEY and Defendants,
8 Defendants owed MRS. LACKEY a fiduciary duty to act with the utmost good faith and fairness
9 in all matters pertaining to her health, care and comfort and relating to the provision of services
10 needed for her care and treatment.
11

12
13 35. Despite all the significant changes in MRS. LACKEY's condition and the fact that
14 her overall health consistently deteriorated after being admitted to BEVERLY, in violation of 22
15 CCR §72527 and 42 CFR §483.10(b)(3), neither MRS. LACKEY nor her authorized
16 representative were kept advised of MRS. LACKEY's total health status. Nor were they asked to
17 participate in care plan meetings at BEVERLY as mandated by 42 CFR 483.20(k). Moreover, in
18 order to conceal the fact that MRS. LACKEY's condition had deteriorated, Defendants also
19 failed to report significant changes in MRS. LACKEY's deteriorating condition to her family or
20 doctors, as mandated by 42 CFR §483.10(b)(11) and/or 22 CCR §72311. In fact, Plaintiffs were
21 told that MRS. LACKEY was improving and that her wounds were healing, when they clearly
22 were not.
23

24
25 36. Consequently, MRS. LACKEY and her family members were prevented from taking
26 timely action to ensure that BEVERLY provided her with the care and services required by law
27 and which she needed for her health and safety.
28

Failure to Provide Sufficient Staff Properly Trained to Provide the Care Mandated by Law

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1 37. As recognized by the Legislature in Health & Safety Code §1337 and as a matter of
2 common knowledge within the nursing home industry, the quality of patient care is dependent on
3 the competence of the personnel who staff the facilities. Therefore, both Title 22 and Title 42 set
4 forth specific regulations regarding the type and amount of staff that must be provided as well as
5 the training nursing homes must provide to its staff.

6
7 38. Nevertheless, the owners and managing agents of BEVERLY did not provide the
8 amount of staff mandated by Title 22 or Title 42. Moreover, BEVERLY's staff was not
9 provided the training mandated by law and certainly was not properly trained to provide the care
10 required by MRS. LACKEY.

11 39. Because BEVERLY failed to provide a sufficient number of nursing personnel who
12 were appropriately trained to provide the care required by MRS. LACKEY, she was not provided
13 with the care required by law and which was necessary for her health and safety. As a result,
14 MRS. LACKEY endured prolonged and unnecessary physical pain and mental suffering.

15 **Fraudulent/Inaccurate/Incomplete Charting**

16
17 40. In violation of 42 CFR §483.75(l), BEVERLY's records concerning MRS.
18 LACKEY were not complete or accurate. Additionally, neither the notes of the nursing
19 assistants nor the licensed nurses complied with 22 CCR §72547(a)(5). Facility personnel
20 consistently failed to document the true status of MRS. LACKEY's skin, sores,
21 nutrition/hydration and/or the infections which she contracted at BEVERLY. As a result, MRS.
22 LACKEY was denied needed medical care because other healthcare professionals and service
23 providers detrimentally relied on the fraudulent, inaccurate and/or incomplete records in
24 evaluating and ordering care and services and, based on those records, did not order necessary
25 care and services that would have been ordered had the records been true, accurate and complete.

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Failure to Report Abuse And/or Neglect

41. Pursuant to 42 CFR §483.13, "all alleged violations involving mistreatment, neglect, or abuse, including injuries of an unknown source" must be "reported immediately to the administrator of the facility." Further "the facility must have evidence that all alleged violations are thoroughly investigated" and the "results of all investigations must be reported to the administrator or his designated representative and to other officials (including to the State survey and certification agency)...." Additionally, federal and state laws require that all acts of abuse and/or neglect of a nursing home patient be reported to the Department of Public Health. BEVERLY and/or its managing agents failed to investigate complaints of mistreatment, abuse and neglect. BEVERLY and DOES 1 through 170 failed to comply with these laws.

Failure to Transfer to Emergency Room

42. Despite the fact that MRS. LACKEY developed severely infected pressure sores, multiple severe urinary tract infections, kidney failure and elevated potassium, which required that she be sent to the hospital on an emergent basis, the staff delayed in reporting MRS. LACKEY's symptoms to her physicians and once the physician's knew of the change in condition, MRS. LACKEY was still not transferred. The nursing notes revealed symptoms and changes of conditions which were not reported to MRS. LACKEY' doctor or family.

43. By the time MRS. LACKEY was discharged and transferred back to KWLA, she was in a seriously debilitated condition, from which she never recovered.

44. All of the above acts and omissions of Defendants, and/or their employees/agents, which caused MRS. LACKEY to suffer extreme and unnecessary emotional and physical pain and suffering, were caused, in part, by the failure of BEVERLY and DOES 101 through 170, to provide even the minimal amount of staff mandated by law, the failure to provide its staff with the training mandated by law, the failure to hire staff that was qualified to provide the services

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1 needed by MRS. LACKEY, the failure to establish and implement policies and procedures
2 mandated by federal and state nursing home laws and the failure to provide sufficient financial
3 resources so that BEVERLY staff could provide the care and services mandated by federal and
4 state nursing home laws.

5 **Officers, Directors, Owners, Managing Agents and Employees of BEVERLY**
6
7 **(and DOES 101 - 140)**

8 45. At all times herein mentioned, BEVERLY and DOES 101-140 were and are
9 residents of, or were doing business in, the County of Los Angeles, State of California.

10 46. Said Defendants, and all the employees and agents of Defendants, had care or
11 custody of MRS. LACKEY and were her "care custodians" as defined by Welf. & Inst. Code
12 §15610.17.
13

14 47. Each Defendant and/or employee/agent of Defendants, who provided services to
15 MRS. LACKEY at BEVERLY, a licensed skilled nursing home, had a duty to provide the care
16 and services mandated by federal and state nursing home laws set forth in 42 CFR 483.1 et. seq.,
17 Title 22 of the California Code of Regulations and the California Health & Safety Code and to
18 require others under their supervision to do the same.
19

20 48. At all times herein, Defendant, BEVERLY, and each DOE of DOES 101 - 120, were
21 long term care facilities as defined in Welf.& Inst. Code §15610.47 and/or were 24-four-hour
22 health facilities as defined by Health & Safety Code §1250 which was owned, administrated,
23 operated and managed by Defendants, DOES 101 - 151. Defendants, DOES 101 - 120, were also
24 licensees of BEVERLY. Defendants, DOES 101 - 120 were officers, managing agents and/or
25 members of the Board of Directors or other governing board of BEVERLY and DOES 101 -
26 120. Each said Defendant was involved in the administration, operation, management and/or
27 supervision of the patients and employees of BEVERLY as well as the management and
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1 supervision of the care and custody provided to MRS. LACKEY at BEVERLY. Said
2 Defendants employed the personnel working at BEVERLY and said Defendants are vicariously
3 liable for the acts and omissions of their employees/agents, as permitted by law.

4 49. At all times herein, Defendants, DOES 121 - 130 were Administrators of
5 BEVERLY. Said Defendants were charged with the general administration of BEVERLY, had
6 authority and responsibility to organize and carry out the day-to-day functions of the facility, and
7 had responsibility to establish and implement policies and procedures to govern the facility. Said
8 Defendants were also involved in the management and supervision of patients at BEVERLY and
9 were "care custodians" of MRS. LACKEY, as that term is defined by Welf. & Inst. Code
10 §15610.17, while she was a patient in the facility. Said Defendants were managing agents of
11 BEVERLY and DOES 101 - 170 and all other persons/entities who employed facility personnel
12 or managed BEVERLY.
13

14 50. At all times herein, Defendants, DOES 131 - 140, were Directors of Nursing of
15 BEVERLY. Said Defendants had administrative authority, responsibility and accountability for
16 all nursing services within the facility and had responsibility to establish and implement policies
17 and procedures to govern BEVERLY. Said Defendants were also involved in the management
18 and supervision of patients at BEVERLY and were "care custodians" of MRS. LACKEY, as that
19 term is defined by Welf. & Inst. Code §15610.17, while she was a patient in the facility. Said
20 Defendants were managing agents of BEVERLY and DOES 101 - 170 and all other
21 persons/entities who employed facility personnel or managed BEVERLY.
22

23 51. At all times herein, DOES 161 - 170 were "care custodians" of MRS. LACKEY as
24 defined in Welf. & Inst. Code §15610.17 and/or otherwise had custody of MRS. LACKEY and/or
25 provided care and services to her while she was in BEVERLY. Said Defendants were employees
26 and/or agents of BEVERLY and/or the Defendants identified above who owned, operated or
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1 managed the facility. Said Defendants were managing agents of BEVERLY, DOES 101 - 170
2 and all other persons/entities who employed facility personnel or managed BEVERLY.

3 52. At all times herein, Defendants, DOES 151 - 160, were Medical Directors of
4 BEVERLY. Each said Defendant was responsible for standards, coordination, surveillance and
5 planning for improvement of medical care at BEVERLY, for implementation of resident care
6 policies at the facility, for the coordination of medical care in the facility and for reviewing and
7 evaluating BEVERLY's administrative and patient care policies and procedures. Said
8 Defendants were "care custodians" of MRS. LACKEY as defined in Welf. & Inst. Code
9 §15610.17 and/or otherwise had custody of MRS. LACKEY and/or provided care and services to
10 her while she was a patient at BEVERLY. Said Defendants were managing agents of BEVERLY
11 and DOES 161 - 170 and all other persons/entities who employed facility personnel or managed
12 BEVERLY.
13
14

15 **Wrongful Conduct of BEVERLY and DOES 101-200**

16 53. In accordance with a premeditated plan of promoting their own personal, business
17 and/or financial interests over the health and safety of elderly/dependent adult patients in their
18 custodial care, Defendants, BEVERLY and DOES 101 - 170, consistently exhibited a deliberate
19 and total disregard of the high probability that BEVERLY patients, including MRS. LACKEY,
20 would suffer great physical and emotional harm as follows:

21 a. Notwithstanding the fact that Defendants knew federal and state nursing
22 homes laws set forth the minimal amount of care which the Legislature determined is necessary
23 to protect the health, safety and dignity of nursing home patients and that the lives of BEVERLY
24 patients would be at grave risk if said laws/regulations and patient rights were not complied with,
25 Defendants routinely failed to comply with said laws/regulations stated herein, BEVERLY failed
26 to comply with the following nursing home laws/regulations: Failed to ensure the orders of
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MRS. LACKEY's physicians were carried out (CCR §72301); failed to ensure MRS. LACKEY's attending physician examined her "as needed" but "at least every 30 days" (CCR §72307; 42 CFR §483.40); failed to monitor and record all of MRS. LACKEY's physical and mental conditions and report all "marked adverse changes" and all "significant changes" therein to her attending physician and legal representative (CCR §72311; 42 CFR §483.10(b)(11)); failed to monitor and accurately record MRS. LACKEY's weight, height and intake/output fluids to ensure she was obtaining adequate nourishment and hydration (CCR §72311, §72315); failed to ensure MRS. LACKEY did not develop pressure sores" unless "unavoidable" and failed to provide her with "necessary treatment and services to promote healing, prevent infection and prevent new sores from developing" (42 CFR §483.25; see also CCR §72315(f)); failed to establish, implement and continually reassess MRS. LACKEY's care plan to ensure her care needs were being met (42 CFR §483.20; CCR §72311); failed to provide "necessary care and services to attain or maintain the highest practicable physical, mental and psychosocial well-being" of MRS. LACKEY (42 CFR §483.25); failed to ensure MRS. LACKEY's drug regimen was reviewed as necessary by a licensed pharmacist and that all irregularities were reported to MRS. LACKEY's attending physician and the Director of Nursing (42 CFR §483.60); failed to respond to her call lights in a prompt fashion (CCR §72315(m)); failed to maintain accurate records regarding MRS. LACKEY's physical and mental condition and her activity level (CCR §72543(f), §72547, 42 CFR §483.75); failed to treat MRS. LACKEY with consideration and respect in full recognition of her rights of individuality and not to subject him to physical and/or emotional abuse (CCR §72315, §72527; 42 CFR §483.15); failed to ensure LOIS LACKEY maintained acceptable parameters of nutritional status, including body weight and protein levels unless not possible (42 CFR §483.25(i)); failed to provide MRS. LACKEY with sufficient fluids to maintain proper hydration and health (42 CFR §483.25(j)); failed to provide MRS. LACKEY

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1 with necessary respiratory care (483.25(k)); failed to provide MRS. LACKEY with equal access
2 to quality care regardless of the source paying for her care, e.g., Medicare, Medi-Cal, private
3 pay, etc. (42 USC 1396r(c)(4), 42 USC 1395i(c)(4)); failed to ensure MRS. LACKEY's
4 activities of daily living did not diminish unless unavoidable and that she was given appropriate
5 treatment to maintain or improve his abilities (42 CFR §483.25 (a)).
6

7 b. Notwithstanding the fact that Defendants knew BEVERLY was
8 required to maintain staffing levels in compliance with the minimum staffing levels mandated by
9 federal and state law so its patients could receive at least the minimal amount of nursing home
10 care required by law, Defendants failed to maintain staffing levels in compliance with the law
11 and, as a result, patients at BEVERLY, including MRS. LACKEY, were not provided with the
12 care and services they required to meet even their basic health and safety needs.
13

14 c. Notwithstanding the fact that Defendants knew that Health & Safety Code
15 §1262.7(a) and 22 CCR §72515 prohibited BEVERLY from admitting or retaining a patient
16 unless BEVERLY could provide the care needed by that patient, Defendants admitted and/or
17 retained MRS. LACKEY in the facility even though they knew BEVERLY did not have a
18 sufficiently qualified staff to provide MRS. LACKEY with even the minimal amount of care she
19 needed for his health and safety.
20

21 d. Although Defendants knew the quality of patient care in BEVERLY
22 was dependent upon the competence of its nursing staff and that nursing home laws (Health &
23 Safety Code §§1263, 1337, 1337.1, 1337.3, 1337.5, 22 CCR §§72501 and 72517) had
24 established the minimum amount of training BEVERLY was required to provide to its nursing
25 staff, Defendants failed to provide such training knowing nursing personnel at BEVERLY were
26 not properly trained and/or qualified to attend to even the basic needs of patients at BEVERLY,
27 including MRS. LACKEY.
28

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1 e. Defendants knew, via prior patient complaints and lawsuits, as well as
2 prior state and/or Federal investigations, that facility employees had consistently neglected
3 BEVERLY patients and that such neglect had become a known pattern of conduct.
4 Nevertheless, Defendants consistently failed to reasonably investigate said complaints and/or to
5 make a good faith effort to correct known deficiencies in patient care.
6

7 f. Defendants knew 22 CCR §72521, §72523, §72319, §72321, §72405,
8 §72415, §72425, §72435 and 42 CFR 483.13(c) required them to establish, implement and
9 review the policies and procedures of BEVERLY to ensure facility staff had adequate guidance
10 as to the care they were required to provide to comply with the minimal standards of care set
11 forth by nursing home laws. Nevertheless, Defendants failed to establish, implement and/or
12 review said policies and procedures and, as a result, BEVERLY staff did not provide MRS.
13 LACKEY with even the minimal care mandated by federal and state nursing home laws.
14

15 54. BEVERLY's budget, which was approved by Defendants, BEVERLY and DOES
16 101 through 160, was so completely inadequate and unrealistic that BEVERLY personnel were
17 unable to provide the nursing hours, care and services needed by MRS. LACKEY and which
18 were mandated by federal and state nursing home laws. Adherence to said budget was enforced
19 by the officers, directors, administrators and managing agents of BEVERLY, including
20 Defendant DOES 101 - 160.
21

22 55. Defendants' failure to comply with federal and state nursing home laws was part of
23 a business and corporate wide strategy that was encouraged, mandated and directed by
24 Defendants, BEVERLY and DOES 101 - 160.
25

26 **Defendants Providing Physician Services at BEVERLY**
27 **(DOES 141 - 160)**
28

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1 56. At all times herein, Defendants and DOES 141 - 160, agreed to provide physician
2 and custodial care services to MRS. LACKEY while she was admitted to BEVERLY. Based on
3 information and belief it is alleged that said DOE Defendants also acted in the capacity of a
4 Medical Director of BEVERLY and owed the duties and responsibilities of a Medical Director as
5 set forth herein. Said Defendants were employees or agents of Defendants, BEVERLY and
6 DOES 101 - 160. DOES 171 - 180 were physician assistants or nurse practitioners who
7 provided physician services to MRS. LACKEY at BEVERLY. Said Defendants were employees
8 or agents of Defendants, DOES 141 - 160. Each said Defendant had care or custody of MRS.
9 LACKEY while she was in the facility and were "care custodians" of MRS. LACKEY as
10 defined by Welf.& Inst. Code §15610.17.
11
12

13 Wrongful Conduct of DOES 141 - 160 and 171-180

14 57. According to federal and state laws/regulations which were enacted to establish the
15 duties and minimal standards of care that must be adhered to by those providing physician
16 services to nursing homes patients, Defendants, SCPMG and DOES 141-160 and 171-180 and/or
17 their employees/agents, owed the following duties to MRS. LACKEY while she was a resident
18 of BEVERLY: To be responsible for MRS. LACKEY's medical treatment in BEVERLY (CCR
19 §72085(b)); to determine level of care needed by MRS. LACKEY (CCR §72303(b)(4)); to be
20 responsible for the "continuing supervision" of MRS. LACKEY in BEVERLY and to evaluate
21 her "as needed" but no less than "every 30 days" (CCR §72307). Additionally, pursuant to the
22 statutorily mandated patient rights set forth in 22 CCR §72527(a), said Defendants had a duty to
23 fully inform MRS. LACKEY and her representatives of her "total health status" and afford her
24 the opportunity to participate on an ongoing basis in her total plan of care including the
25 identification of medical, nursing and psychosocial needs. Additionally, pursuant to 42 USC
26 §1396r(b) and §1395i-3(b), said Defendants were statutorily required to participate in preparing
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1 and reviewing MRS. LACKEY's plan of care that was to be designed to provide MRS.
2 LACKEY with services and activities to attain or maintain her "highest practicable physical,
3 mental, and psychosocial well-being." Further, as part of MRS. LACKEY's "interdisciplinary
4 team", said Defendants were required to participate in reviewing MRS. LACKEY's nursing
5 home care plan promptly after each significant change in MRS. LACKEY's physical or mental
6 condition to ensure that necessary care was being provided to address each change in condition
7 (42 CFR §483.20).
8

9 58. In this case, Defendants, SCPMG and DOES 141-160 and 171-180 and/or their
10 employees/agents, knew MRS. LACKEY was totally dependent on them and BEVERLY staff to
11 monitor her condition and provide the care and services she needed for her health and safety,
12 including the care and services mandated by federal and state nursing home laws. Nevertheless,
13 Defendants, SCPMG and DOES 141-160 and 171-180 and/or their employees/agents, breached
14 the statutory duties they owed to MRS. LACKEY pursuant to state and federal nursing laws and,
15 thereby, failed to provide even the minimal physician care and services which the legislature
16 determined was necessary to protect the health and safety of nursing home patients, including
17 MRS. LACKEY, as follows:
18

19 a. In direct violation of 22 CCR §72085(b), Defendants repeatedly failed to
20 take responsibility for MRS. LACKEY's medical treatment and failed to determine the level of
21 care which she required for her physical and mental health needs. Instead, Defendants illegally
22 delegated such responsibility to non-physician facility personnel.
23

24 b. After illegally delegating responsibility to determine the level of care
25 which MRS. LACKEY needed to be provided for her physical and mental health needs, as
26 mandated by law, Defendants also failed to supervise the care provided to MRS. LACKEY, in
27 direct violation of 22 CCR §72307 and 22 CCR §72113(a).
28

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1 c. In violation of 22 CCR §72307, Defendants repeatedly failed to evaluate
2 MRS. LACKEY as significant changes in her condition required and repeatedly ignored requests
3 from facility staff and/or MRS. LACKEY's family to evaluate him and give appropriate orders
4 for her medical care. Accordingly, Defendants abandoned LOIS LACKEY (as defined by Welf.
5 & Inst. Code §15610.05) by means of desertion or willful forsaking of MRS. LACKEY under
6 circumstances in which a reasonable person would have provided care.
7

8 d. In blatant violation of 22 CCR §72527(a)(3), Defendants repeatedly and
9 fraudulently failed to inform MRS. LACKEY, or her authorized representative, of her total
10 health status. As a result, MRS. LACKEY's true health status and her health needs were
11 concealed from him and his legal representatives and Defendants, thereby, demonstrated a
12 conscious disregard for MRS. LACKEY's statutory patient rights as set forth in 22 CCR §72527.
13

14 e. In violation of 22 CCR §72527(a)(3), Defendants repeatedly failed to
15 afford MRS. LACKEY or her legal representative the opportunity to participate in developing
16 MRS. LACKEY's care plan. As a result, certain care was provided to her which was not
17 consented to and other care was not provided which was required to meet MRS. LACKEY's
18 basic health care needs. Each failure to permit MRS. LACKEY or her legal representative the
19 opportunity to participate in developing his care plan constituted a conscious disregard for MRS.
20 LACKEY's patient statutory rights set forth in 22 CCR §72527(a)(3).
21

22 f. In direct violation of 42 USC §1396r(b), 42 USC §1395i-3(b) and 42 CFR
23 §483.40(b), Defendants consciously failed to participate in preparing and reviewing MRS.
24 LACKEY's care plan. Consequently, he was not provided with even the minimal amount of care
25 required for her health and safety.
26

27 g. In violation of 42 USC §1396r(b), 42 USC §1395i-3(b) and 42 CFR
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1 §483.40(b), Defendants, consciously and repeatedly failed to review and/or revise MRS.
2 LACKEY's care plan after each significant change in her physical and mental condition.
3 Therefore, BEVERLY staff did not provide the care which MRS. LACKEY required and, as a
4 result, MRS. LACKEY was forced to endure prolonged and unnecessary physical and mental
5 pain and suffering.

6
7 59. Additionally, after MRS. LACKEY developed a severe infection, SCPMG and
8 DOES 141-160 AND 171-180 did not evaluate MRS. LACKEY as needed and failed to order
9 timely transfer to the acute hospital when her needs were obviously not being met at BEVERLY.

10 60. Further, prior to and during the time MRS. LACKEY was a patient in BEVERLY,
11 Defendants, SCPMG and DOES 141 - 160 and 171-180, knew the California Department of
12 Public Health had cited BEVERLY for serious deficiencies in patient care in violation of federal
13 and/or state laws as follows: Failing to provide care to prevent development of pressure sores;
14 failing to provide care in accordance with the patient's care plan; failing to answer call lights,
15 failing to inform the patient's doctor and family of significant changes in condition; failing to
16 follow doctor's orders; failing to provide hygiene care; failing to maintain patient assessments
17 completed by appropriate staff; failing to develop patient care plans that meet all the patient's
18 needs with appropriate timetables and measurable actions; failing to provide the care set forth in
19 patient care plans; failing to provide patients who could not care for themselves with help in
20 eating and drinking; failing to provide care and services to patients to ensure they maintain an
21 appropriate quality of life; failing to get lab tests to meet the needs of residents; failing to have a
22 program to keep infection from spreading; failing to ensure that staff members wash their hands
23 to keep infection from spreading; failing to keep medical records that meet professional
24 standards; failing to provide social services to help each patient achieve the highest possible
25 quality of life; failing to provide patients with well-balanced diets; failing to give patients

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1 sufficient fluid to keep them healthy and prevent dehydration, failing to provide sufficient
2 staffing levels.

3 61. Defendants also knew MRS. LACKEY was showing signs of suffering from the
4 same type of patient abuse and neglect for which the Department of Public Health had
5 previously cited BEVERLY. Nevertheless, said Defendants continued to fail to supervise the
6 care MRS. LACKEY was receiving at BEVERLY as required by 22 CCR §72307 and 22 CCR
7 §72113(a). Defendants also failed to report the signs of said neglect to the appropriate
8 governmental agency as required under the Elder/Dependent Adult Abuse/Neglect Act.
9

10 62. As a result of said Defendants' continued and repeated failure to provide MRS.
11 LACKEY with even the minimal amount of physician care, services and supervision which the
12 law required them to provide, MRS. LACKEY's patient rights were violated and she suffered
13 needless physical pain and mental suffering and death.
14

15 **GENERAL ALLEGATIONS RE ALL DEFENDANTS and DOES**

16 63. At all times herein mentioned, Defendants, and each of them, were and are
17 residents of, or were doing business in, the County of Los Angeles, State of California.
18

19 64. All Defendants, and all the employees and agents of Defendants, had care or custody
20 of MRS. LACKEY and were her "care custodians" as defined by Welf. & Inst. Code §15610.17.
21

22 65. At all times herein mentioned each Defendant was the agent, servant, partner,
23 employee and joint venturer of each of the remaining Defendants, and each Defendant was at all
24 times acting within the course and scope of said agency, employment and joint venture with the
25 permission and consent of each co-Defendant, except for the time when any arbitration contract
26 with regard to LOIS LACKEY's admissions to BEVERLY was signed.
27

28 66. All corporate Defendants are, and at all times herein mentioned were, corporations
doing business in the State of California. Furthermore, all corporate Defendants are, and at all

times mentioned herein were, the alter-egos of each and every other Defendant and there exists, and at all times herein mentioned has existed, a unity of interest and ownership between said Defendants such that any separateness between them has ceased to exist in that the defendants have completely controlled, dominated, managed, and operated the corporate defendants and have intermingled the assets of each to suit their convenience. Further, the corporate defendants are, and at all times mentioned herein were, mere shells, instrumentalities and conduits through which Defendants carried out their business in the corporate name while exercising complete control and dominance of the business such that individuality or separateness did not exist.

67. At all times herein mentioned, each Defendant authorized and/or ratified the acts of all employees, agents and co-Defendants under their supervision and/or control.

Other Unknown Healthcare Providers

(DOES 215 - 225)

68. Defendants, DOES 215 - 225, and/or their employees or agents, provided professional healthcare services to MRS. LACKEY prior to, during and/or after his admissions to CENTINELA, K.W.L.A. and/or BEVERLY. Said Defendants are directly liable and/or vicariously liable for acts of neglect, abuse and/or negligence/professional negligence which contributed to the cause of MRS. LACKEY's injuries and resulting death.

General Allegations re DOE Defendants

69. The facts linking the fictitiously designated Defendants with the causes of action alleged herein and/or the true names and capacities, whether individual, corporate, partnership, or otherwise of Defendants, DOES 1 through 225, are unknown to Plaintiff at this time, who therefore sues said Defendants by such fictitious names and will seek to amend this Complaint to show their true names and/or capacities when ascertained. Said Defendants are sued as principals and/or agents, servants and employees of said principals who were performing acts

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1 within the course and scope of their authority and employment. Each and every Defendant
2 designated herein as a "DOE" is responsible in some actionable manner for the events and
3 happenings referred to herein which proximately caused the injuries and damages alleged.

4 **FIRST CAUSE OF ACTION FOR DEPENDENT ADULT**

5 **ABUSE/NEGLECT (SURVIVAL ACTION) ALLEGED BY PLAINTIFFS JERU**
6 **ROBERT LACKEY, DESIREE HALL and VANESSA LACKEY JACKSON, AS**
7 **SUCCESSORS IN INTEREST AND HEIRS OF LOIS LACKEY, AGAINST**
8 **DEFENDANTS, CENTINELA, BEVERLY, KWLA AND DOES 101 THROUGH**
9 **300**

10
11 70. Plaintiffs reallege and incorporate herein by this reference, as though fully set forth,
12 each and every allegation contained in paragraphs 1 through 69 above.

13
14 71. At all times herein mentioned, LOIS LACKEY, a resident of the State of California,
15 was a member of the class of persons intended to be protected by the Elder Abuse and
16 Dependent Adult Civil Protection Act (Welf. & Inst. Code §15600 et. seq.). LOIS LACKEY
17 was 72 years old at the time of these events, an elderly person as defined by Welfare &
18 Institutions Code §15610.23 and was totally dependent on Defendants for all of her needs due to
19 physical disabilities caused by her fractured neck at level C-2 and the subsequent development of
20 severe, infected pressure sores and other, infections as well as kidney insufficiency and a critical
21 potassium level. MRS. LACKEY was admitted as an inpatient to CENTINELA, KWLA and
22 BEVERLY which were 24 hour health care facilities as defined in Health & Safety Code §1250.
23 MRS. LACKEY was born in 1943.

24
25 72. The conduct of Defendants, and/or the conduct of Defendants' employees/agents, as
26 alleged above, constituted statutory "neglect" of MRS. LACKEY as defined by Welf. & Inst.
27 Code §15610.57. Defendants and/or employees under their supervision, withheld essential care,
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1 treatment and medical services from MRS. LACKEY, including food, fluids, medicine and basic
2 nursing and/or palliative care. Additionally, said Defendants failed to exercise that degree of
3 care which a reasonable person in a like position would exercise, including but not limited to:
4 Failing to provide MRS. LACKEY with assistance in personal hygiene, failing to provide her
5 with sufficient nutrition to maintain her health, failing to provide even the minimal medical
6 and/or nursing care which she required for her health and safety, failing to properly protect MRS.
7 LACKEY from health and safety hazards and/or failing to take necessary measures to prevent
8 her from suffering from malnutrition and/or dehydration.

10 73. Defendants' conduct and/or the conduct of Defendants' employees/agents, as
11 alleged above, constituted statutory "abandonment" of MRS. LACKEY as defined by Welf. &
12 Inst. Code §15610.05). Said Defendants deserted and/or willfully forsook MRS. LACKEY
13 under circumstances in which a reasonable person would have continued to provide care to
14 MRS. LACKEY.

16 74. Defendants, and/or employees under the supervision and control of the defendants,
17 otherwise abused MRS. LACKEY by depriving her of goods and services (as defined in Welf. &
18 Inst. Code §15610.07) which were necessary to avoid physical harm or mental suffering to MRS.
19 LACKEY, including failing to provide proper medical and/or nursing care for her physical and
20 mental health needs; failing to protect MRS. LACKEY from known health and safety hazards;
21 failing to protect her from malnutrition and/or otherwise failing to provide MRS. LACKEY with
22 assistance which was necessary to secure his proper mental, emotional and physical health needs.

25 75. Defendants and Defendants' employees/agents breached the duties they owed to
26 MRS. LACKEY under the Elder/Dependent Adult Abuse/Neglect Act and the duties owed under
27 state and federal nursing home regulations and/or the established standard of care in the
28 healthcare community and failed to require others under their supervision and control to do so,

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1 even though said laws/regulations are minimum standards of care which were established to
2 protect elderly and physically disabled patients from unnecessary exposure to health and safety
3 hazards.

4 76. The acts, omissions and conduct of Defendants and/or their employees/agents, and
5 each of them, were reckless, willful, despicable, wanton, malicious, oppressive and in conscious
6 disregard of the rights and safety of MRS. LACKEY.

7 77. At all times herein mentioned, Defendants authorized, ratified, assisted and
8 encouraged the acts of each of their respective employees/agents as well as each co-Defendant in
9 this action by failing to establish and implement policies and procedures as mandated by law or
10 the established standard of care in the healthcare industry, by failing to reprimand and/or dismiss
11 employees who were not adequately qualified to provide care to patients in their custodial care,
12 by failing to sufficiently train/retrain employees as mandated by law and by failing to take other
13 reasonable actions to ensure that the dependent adult patients in their care and custody, including
14 MRS. LACKEY, were not neglected or abused in violation of the Elder/Dependent Adult
15 Abuse/Neglect Act.

16 78. Each of the above-described acts and/or omissions of Defendants, and/or their
17 employees/agents, were done recklessly, oppressively, maliciously and/or fraudulently with the
18 knowledge that said acts and/or omissions posed a serious danger to the dependent adult patients
19 entrusted to their care, including MRS. LACKEY, which the California Legislature recognized
20 are members of a "disadvantaged class" who are "vulnerable to abuse and incapable of asking
21 for help and protection" (Welf. & Inst.Code §15600). Nevertheless, Defendants deliberately and
22 continually disregarded the high probability that MRS. LACKEY's rights would be violated and
23 that he would suffer unnecessary pain and suffering.

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79. Defendants' by and through their managing agents, including but not limited to Administrators, Directors of Nursing and Medical Directors, authorized and/or ratified the neglectful acts of their employees which were done with their authorization and/or ratification. Said acts, as set forth above were done with a conscious disregard for the safety and welfare of patients, including LOIS LACKEY. In addition to authorizing and/or ratifying the neglectful acts of the facilities' employees, said managing agents, including but not limited to Administrators, Directors of Nursing and Medical Directors, committed direct acts of neglect which constituted recklessness, oppression, malice and fraud and/or were done with a conscious disregard for the health, welfare and safety of LOIS LACKEY as set forth in paragraphs 1-76, which are incorporated herein by reference.

80. Each of the above-described acts and/or omissions of Defendants, and/or their employees/agents, caused the injuries and damages alleged in the Prayer for Damages for this cause of action as set forth below.

**SECOND CAUSE OF ACTION FOR NEGLIGENCE/PROFESSIONAL
NEGLIGENCE/WRONGFUL DEATH ALLEGED BY PLAINTIFFS JEHU
ROBERT LACKEY, DESIREE HALL AND VANESSA LACKEY JACKSON, AS
HEIRS AND SUCCESSORS IN INTEREST OF LOIS LACKEY, AGAINST
DEFENDANTS, CENTINELA, KWLA, BEVERLY AND DOES 1-300.**

Healthcare Providers

(CENTINELA, KWLA, BEVERLY, and DOES 1 - 225

81. Plaintiffs reallege and incorporate herein by this reference, as though fully set forth, each and every allegation contained in paragraphs 1 through 80 above.

82. Defendants, CENTINELA, KWLA, BEVERLY, DOES 1-300 are believed to be licensed health care providers or said Defendants are vicariously liable for the acts of healthcare

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1 providers, as defined by MICRA and CCP §425.13. Within 90 days of the running of the one
2 year statute of limitations applicable to cases against health care providers, CCP §340.5,
3 Plaintiffs served notices of intent to commence this action pursuant to CCP §364 on all negligent
4 healthcare providers known at that time.

5 83. Defendants held themselves out as possessing and exercising that degree of
6 knowledge, learning and skill ordinarily possessed by other health care providers practicing in
7 the same field of health care, in the same or similar locality and under similar circumstances.

8 84. As set forth herein, MRS. LACKEY received professional health care services and
9 treatment from Defendants and/or their employees/agents.

10 85. During Defendants' care and treatment of MRS. LACKEY, Defendants and/or
11 Defendants' employees/agents failed to use the care and skill ordinarily exercised by reputable
12 members of the health care profession practicing in the same or similar locality under similar
13 circumstances. Further, Defendants failed to use reasonable diligence and their best judgment in
14 the exercise of skill and the application of learning, in an effort to accomplish the purpose for
15 which Defendants' services were sought by, or on behalf of, MRS. LACKEY.

16 86. The acts, omissions and conduct of Defendants include, but are not limited to, the
17 following: Failure to properly diagnose, assess, monitor, treat, evaluate, give orders and/or
18 follow orders regarding the care and treatment of LOIS LACKEY. Additionally, said
19 Defendants negligently failed to report neglect and/or abuse by others, which they reasonably
20 suspected, to proper administrative personnel or to proper governmental authorities.

21 **DOES 200 through 225**

22 87. It is unknown whether Defendants, DOES 200 through 225, were licensed
23 healthcare providers and/or employed healthcare providers who provided services to MRS.
24 LACKEY. To the extent they were licensed healthcare providers and/or employed licensed

health care providers, as defined by MICRA, then the allegations against healthcare providers as set forth above are hereby incorporated and alleged against the DOE Defendants. To the extent they were not licensed healthcare providers and/or did not employ licensed healthcare providers, as defined by MICRA, then the allegations against non-healthcare providers as set forth above are hereby incorporated and alleged against the DOE Defendants.

Damages

88. The acts, omissions, and conduct of Defendants, and each of them, and/or their employees/agents, caused or contributed to the cause of MRS. LACKEY's death on August 14, 2016 and caused the injuries and damages alleged below in the Prayer for Damages for this cause of action as set forth below. A true and correct copy of MRS. LACKEY's death certificate is attached hereto as Exhibit "1."

**THIRD CAUSE OF ACTION BY PLAINTIFFS JEHU ROBERT LACKEY,
DESIREE HALL AND VANESSA LACKEY HALL, AGAINST DEFENDANT
BEVERLY AND DOES 101 THROUGH 225 , AND EACH OF THEM, FOR
VIOLATION OF STATE AND/OR FEDERAL LAWS/REGULATIONS AND/OR
THE PATIENTS BILL OF RIGHTS (HEALTH & SAFETY CODE §1430, §1424
AND §1424.5)**

89. Plaintiffs reallege and incorporate herein by this reference, as though fully set forth, each and every allegation contained in paragraphs 1 through 88 above.

90. Defendants BEVERLY and DOES 101 - 225, were licensees of BEVERLY and, as such, Defendants owed a duty to comply with the above-referenced federal and state laws/regulations which subjected them to civil damages and penalties as set forth in Health & Safety Code §1430 and §1424.5. Pursuant to Health & Safety Code §1430(a), if the state department has not taken action to correct violations of said laws/regulations, an action may be

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1 brought by any person acting for the interests of itself or the general public to recover civil
2 damages. Defendants, in fact, violated multiple nursing home laws/regulations as set forth above
3 and the state department has not taken action to correct violations of said laws/regulations.

4 Therefore, Plaintiffs seek the applicable statutory civil penalties/civil damages.

5
6 91. Health & Safety Code §1430(b) also permits recovery of civil damages for
7 violations of the Patients' Bill of Rights as set forth in the California Code of Regulations
8 §72527 which includes the following patient rights: The right to be fully informed of their rights
9 with proper written acknowledgment; the right to be fully informed by a physician of their total
10 health status and to participate in their plan of care; the right to receive all material information
11 concerning whether to accept or refuse any proposed treatment or procedure; the right to be free
12 from mental and physical abuse; the right to be treated with consideration, respect, dignity and
13 privacy; the right to be free from the improper use of restraints and/or other rights specified in
14 Health and Safety Code §1599.1.

15
16 92. Defendants unlawfully denied MRS. LACKEY said rights and violated other
17 laws/regulations without legal justification. Therefore, Plaintiffs seek the applicable statutory
18 civil penalties/civil damages. Pursuant to Health & Safety Code §1433, the remedies sought in
19 this cause of action are cumulative to any other remedies available to Plaintiffs under all other
20 causes of actions pled herein.

21
22 93. As a result of all of the above-described acts and/or omissions, Defendants are
23 liable for the damages alleged in the Prayer for Damages for this cause of action as set forth
24 hereinafter.

25
26 **FOURTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF EMOTIONAL**
27 **DISTRESS BROUGHT BY PLAINTIFFS JEHU ROBERT LACKEY, DESIREE HALL**
28

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and VANESSA LACKEY JACKSON, INDIVIDUALLY, AGAINST BEVERLY AND

DOES 81-225

94. Plaintiff incorporates each and every paragraph 1 through 93 herein as though fully set forth.

95. Plaintiff, JEHU ROBERT LACKEY was the legal husband of LOIS LACKEY. Plaintiffs, DESIREE HALL and VANESSA LACKEY JACKSON natural daughter of LOIS LACKEY. All enjoyed very close, loving relationships with her. Plaintiffs visited their mother for many hours per day at BEVERLY and observed her being severely neglected by the staff. They watched her being treated without dignity and respect, left lying in urine and feces for long periods of time, crying in distress while being ignored by the staff. They saw her suffer excruciating pain and humiliation and emotional distress as a result of the neglect of the BEVERLY nurses and CNAs. They advocated on his behalf to no avail. Each day when they visited, they found her sleeping with an untouched food tray out of her reach. Nobody was bothering to assist and encourage her to eat. The nutritional drinks provided were high in sugar and carbohydrates, inappropriate for a diabetic. LOIS LACKEY's complaints and their complaints fell on deaf ears. They begged for her to be discharged to an acute care facility. They pleaded for the physicians and staff to care for her wounds, her kidney failure, her out of control blood sugars and her critical potassium levels. They were repeatedly told she was doing well and that a transfer to a higher level of care was unnecessary. Plaintiffs felt helpless to care for her in such deplorable condition. They filed complaints and grievances to no avail. They continued to advocate for her, hour after hour. They knew something was horribly wrong. It broke their hearts to see her suffering, when six weeks before she was an active, productive, independent wife, mother and grandmother. They tried to be positive for her sake but cried after leaving the facility. They were afraid to leave her each night, fearing that the next day she

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1 wouldn't be there. When LOIS LACKEY was finally transferred to KWL A on August 14, 2016,
 2 it was too late. Her kidneys had shut down, her potassium level was critical. Her blood sugars
 3 were out of control. She suffered from malnutrition and dehydration and had a huge, gaping
 4 sacral wound which extended to her coccyx bone. She died the same dat. As a result of
 5 witnessing the neglect and abuse of their wife and mother, and her resulting injuries and
 6 suffering, Plaintiffs suffered severe emotional distress and will seek damages as set forth in the
 7 Prayer for this cause of action.
 8

9 PRAYER FOR DAMAGES

10 WHEREFORE, Plaintiffs, pray judgment against Defendants, and each of them, in an
 11 amount within the jurisdiction of the above-entitled court as follows:
 12

13 FIRST CAUSE OF ACTION FOR DEPENDENT ADULT ABUSE/NEGLECT 14 (SURVIVAL ACTION)

- 15 1. For general damages and attorneys' fees, according to proof, as permitted by
 16 Welf. & Inst. Code §15657;
- 17 2. For all special damages, including medical and related expenses according to
 18 proof;
 19
- 20 3. For all various and sundry expenses, both past and future, according to proof;
- 21 4. For interest, costs and other damages as permitted by law including, but not
 22 limited to, Civil Code §3288 and §3291 as well as CCP §1032 and §1033.5, according to
 23 proof;
 24
- 25 5. For such other and further relief as the Court may deem proper and just under the
 26 circumstances;
- 27 6. For punitive and exemplary damages against all Defendants identified in each of
 28 the first cause of action, according to proof and as permitted by law.

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**SECOND CAUSE OF ACTION FOR PROFESSIONAL
NEGLIGENCE/WRONGFUL DEATH**

1. For all special damages, including medical, burial and related expenses incurred by LOIS LACKEY or her estate, prior to or as a result of his death, according to proof and as permitted by law;

2. For all various and sundry expenses, according to proof;

3. For such other and further relief as the Court may deem proper and just under the circumstances;

4. For interest, costs and other damages allowed by law including, but not limited to, Civil Code §3238 and §3291 as well as CCP §1032 and §1033.5, according to proof.

5. For general damages for wrongful death as provided by law

**THIRD CAUSE OF ACTION FOR BREACH OF STATUTORY DUTIES
AND RESIDENT'S RIGHTS**

1. Civil damages/penalties pursuant to Health & Safety Code §1430 and §1424.5;

2. For interest, costs and other damages allowed by law including, but not limited to, Civil Code §3238, §3291 and §3345 as well as C.C.P. §1032 and §1033.5, according to proof;

3. For attorneys' fees pursuant to Health & Safety Code §1430;

4. For such other and further relief as the Court may deem proper and just under the circumstances.

5. For punitive and exemplary damages against all Defendants identified in this cause of action, according to proof and as permitted by law.

FOURTH CAUSE OF ACTION FOR NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS

1. For all various and sundry expenses, according to proof;

2. For such other and further relief as the Court may deem proper and just under the circumstances;

3. For interest, costs and other damages allowed by law including, but not limited to, Civil

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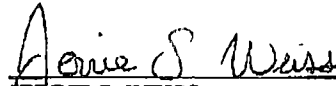
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1 Code §3288 and §3291 as well as CCP §1032 and §1033.5, according to proof.
2 4. For general damages for negligent infliction of emotional distress as provided by law

3 DATED: November 13, 2017

JERRIE S. WEISS LAW
INJURED PATIENT ADVOCATES



JERRIE S. WEISS
ATTORNEY FOR PLAINTIFFS
JEHU ROBERT LACKEY, DESIREE HALL and
VANESSA LACKEY JACKSON

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EXHIBIT '1'

11/15/2017

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STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC HEALTH

3052016179450		CERTIFICATE OF DEATH		3201619040380	
1. NAME OF DECEASED - (First, Middle, Last) LOIS		2. MIDDLE MARIE		3. LAST (Family) LACKEY	
4. DATE OF BIRTH 11/02/1943					
5. SEX 72					
6. RACE AFRICAN AMERICAN					
7. DATE OF DEATH 08/14/2016					
8. TIME OF DEATH 1950					
9. MARITAL STATUS MARRIED					
10. SOCIAL SECURITY NUMBER 500-80-9530					
11. PLACE OF BIRTH KS					
12. EDUCATION H.S. GRADUATE					
13. OCCUPATION CLERK					
14. POSTAL SERVICE POSTAL SERVICE					
15. YEARS IN OCCUPATION 27					
16. PRESENT ADDRESS 1528 W. 111TH ST.					
17. CITY LOS ANGELES					
18. COUNTY LOS ANGELES					
19. ZIP CODE 90047					
20. STATE CA					
21. NAME OF DECEASED'S SPOUSE JEHU R. LACKEY, HUSBAND					
22. NAME OF DECEASED'S SPOUSE JEHU					
23. NAME OF DECEASED'S SPOUSE HENRY					
24. NAME OF DECEASED'S SPOUSE EVELYN					
25. NAME OF DECEASED'S SPOUSE RUTH					
26. NAME OF DECEASED'S SPOUSE ALLEN					
27. DATE OF DEATH 08/15/2016					
28. PLACE OF DEATH 1528 W. 111TH ST., LOS ANGELES, CA 90047					
29. TYPE OF DEATH CR/RES					
30. NOT EMERGED NOT EMERGED					
31. PLACE OF DEATH KAISER FOUNDATION HOSPITAL - WEST LA					
32. ADDRESS OF LOCAL FLOOR 8041 CADILLAC AVE					
33. DATE OF DEATH 08/14/2016					
34. CAUSE OF DEATH BEQUELAE OF BLUNT TRAUMA					
35. WEEKS 2016-08238					
36. TYPE OF DEATH ARTERIOSCLEROTIC CARDIOVASCULAR DISEASE, RENAL FAILURE, HIGH CHOLESTEROL					
37. NO. OF DEATHS NO					
38. SIGNATURE AND TITLE OF DECEASED MARIO SAINZ					
39. SIGNATURE AND TITLE OF DECEASED MARIO SAINZ, DEPUTY CORONER					
40. SIGNATURE AND TITLE OF DECEASED MARIO SAINZ, DEPUTY CORONER					
41. SIGNATURE AND TITLE OF DECEASED MARIO SAINZ, DEPUTY CORONER					
42. SIGNATURE AND TITLE OF DECEASED MARIO SAINZ, DEPUTY CORONER					
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46. SIGNATURE AND TITLE OF DECEASED MARIO SAINZ, DEPUTY CORONER					
47. SIGNATURE AND TITLE OF DECEASED MARIO SAINZ, DEPUTY CORONER					
48. SIGNATURE AND TITLE OF DECEASED MARIO SAINZ, DEPUTY CORONER					
49. SIGNATURE AND TITLE OF DECEASED MARIO SAINZ, DEPUTY CORONER					
50. SIGNATURE AND TITLE OF DECEASED MARIO SAINZ, DEPUTY CORONER					

CERTIFIED COPY OF VITAL RECORD
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

This is a true certified copy of the record filed in the County of Los Angeles
Department of Public Health and it bears the Registrar's signature in purple ink.

Health Officer and Registrar VB

SEP 13 2016

This certificate is not valid unless prepared on an engraved border, displaying the date, seal and signature of the Registrar.

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CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): JERRIE S. WEISS LAW STATE BAR NO.: 73104 INJURED PATIENT ADVOCATES 100 EAST THOUSAND OAKS BLVD., STE. 229 THOUSAND OAKS, CA 91360 TELEPHONE NO.: (805) 590-2525 FAX NO.: (805) 312-7177 ATTORNEY FOR (Name): JEHU ROBERT LACKEY, ET. AL.		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles NOV 13 2017 Sherri R. Carter, Executive Officer/Clerk By <u>Ricardo Perez</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 NORTH HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, 90012 BRANCH NAME: CENTRAL		
CASE NAME: LACKEY vs. KAISER HEALTH PLAN, INC		CASE NUMBER: BC682552 JUDGE: DEPT:
CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less) Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort ☐ Auto (22) ☐ Uninsured motorist (46) Other PUPD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort ☐ Asbestos (04) ☐ Product liability (24) ☐ Medical malpractice (43) ☐ Other PUPD/W/D (23) Non-PUPD/W/D (Other) Tort ☐ Business tort/unfair business practice (07) ☐ Civil rights (08) ☐ Defamation (13) ☐ Fraud (16) ☐ Intellectual property (19) ☐ Professional negligence (25) ☐ Other non-PUPD/W/D tort (35) Employment ☐ Wrongful termination (36) ☐ Other employment (15)	Contract ☐ Breach of contract/warranty (06) ☐ Rule 3.740 collections (09) ☐ Other collections (08) ☐ Insurance coverage (18) ☐ Other contract (37) Real Property ☐ Eminent domain/inverse condemnation (14) ☐ Wrongful eviction (33) ☐ Other real property (26) Unlawful Detainer ☐ Commercial (31) ☐ Residential (32) ☐ Drugs (36) Judicial Review ☐ Asset forfeiture (05) ☐ Petition re: arbitration award (11) ☐ Writ of mandate (02) ☐ Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) ☐ Antitrust/Trade regulation (03) ☐ Construction defect (10) ☐ Mass tort (40) ☐ Securities litigation (28) ☐ Environmental/Toxic tort (30) ☐ Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment ☐ Enforcement of judgment (20) Miscellaneous Civil Complaint ☐ PICO (27) ☐ Other complaint (not specified above) (42) Miscellaneous Civil Petition ☐ Partnership and corporate governance (21) ☒ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. ☐ Large number of separately represented parties | d. ☐ Large number of witnesses |
| b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. ☐ Substantial amount of documentary evidence | f. ☐ Substantial postjudgment judicial supervision |

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): Elder Abuse/Neglect; Neg/Professional; Neg/Wrongful Death; Civil Penal / STATUTE

5. This case ☐ is ☒ is not a class action suit. VIOLATIONS/BREACH OF RESIDENTS RIGHTS & NEG INFLECTION

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 13, 2017

JERRIE S. WEISS

(TYPE OR PRINT NAME)

NOTICE

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
 Judicial Council of California
 CM-010 (Rev. July 1, 2007)

CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;
 Cal. Standards of Judicial Administration, std. 3.10
 www.courtinfo.ca.gov

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SHORT TITLE LACKEY vs KAISER HEALTH PLAN, INC	CASE NUMBER BC682552
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

Auto
TortOther Personal Injury/Property
Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	☐ A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	☐ A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Asbestos (04)	☐ A6070 Asbestos Property Damage	1, 11
	☐ A7221 Asbestos - Personal Injury/Wrongful Death	1, 11
	☐ A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	☐ A7210 Medical Malpractice - Physicians & Surgeons	1, 4, 11
	☐ A7240 Other Professional Health Care Malpractice	1, 4, 11
Other Personal Injury/Property Damage/Wrongful Death (23)	☐ A7250 Premises Liability (e.g., slip and fall)	1, 4, 11
	☐ A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11
	☐ A7270 Intentional Infliction of Emotional Distress	1, 4, 11
	☐ A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11

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SHORT TITLE: LACKEY vs KAISER HEALTH PLAN, INC	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	☐ A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	☐ A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	☐ A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	☐ A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	☐ A6017 Legal Malpractice ☐ A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	☐ A6026 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	☐ A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	☐ A6024 Other Employment Complaint Case ☐ A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/Warranty (08) (not Insurance)	☐ A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) ☐ A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) ☐ A6019 Negligent Breach of Contract/Warranty (no fraud) ☐ A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	☐ A6002 Collections Case-Seller Plaintiff ☐ A6012 Other Promissory Note/Collections Case ☐ A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	☐ A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	☐ A6009 Contractual Fraud ☐ A6031 Tortious Interference ☐ A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 6 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14)	☐ A7200 Eminent Domain/Condemnation Number of parcels: _____	2, 6
	Wrongful Eviction (33)	☐ A6023 Wrongful Eviction Case	2, 6
Real Property	Other Real Property (26)	☐ A6018 Mortgage Foreclosure ☐ A6032 Quiet Title ☐ A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer-Commercial (31)	☐ A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	☐ A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer	Unlawful Detainer- Post-Foreclosure (34)	☐ A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	☐ A6022 Unlawful Detainer-Drugs	2, 6, 11

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**CIVIL CASE COVER SHEET ADDENDUM
AND STATEMENT OF LOCATION**

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SHORT TITLE: LACKEY vs KAISER HEALTH PLAN, INC	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	☐ A6106 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	☐ A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	☐ A6151 Writ - Administrative Mandamus ☐ A6162 Writ - Mandamus on Limited Court Case Matter ☐ A6163 Writ - Other Limited Court Case Review	2, 8 2 2
	Other Judicial Review (39)	☐ A6150 Other Writ /Judicial Review	2, 8
	Antitrust/Trade Regulation (03)	☐ A6003 Antitrust/Trade Regulation	1, 2, 8
Provisionally Complex Litigation	Construction Defect (10)	☐ A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	☐ A6008 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	☐ A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	☐ A6033 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	☐ A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	☐ A6141 Sister State Judgment ☐ A6160 Abstract of Judgment ☐ A6107 Confirmation of Judgment (non-domestic relations) ☐ A6140 Administrative Agency Award (not unpaid taxes) ☐ A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax ☐ A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 8 2, 9 2, 8 2, 8 2, 8, 9
	RICO (27)	☐ A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	☐ A6030 Declaratory Relief Only	1, 2, 8
		☐ A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		☐ A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
		☐ A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
Miscellaneous Civil Complaints	Partnership Corporation Governance (21)	☐ A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	☐ A6121 Civil Harassment	2, 3, 9
☐ A6123 Workplace Harassment		2, 3, 9	
☐ A6124 Elder/Dependent Adult Abuse Case		2, 3, 9	
☐ A6190 Election Contest		2	
☐ A6110 Petition for Change of Name/Change of Gender		2, 7	
☐ A6170 Petition for Relief from Late Claim Law		2, 3, 8	
☐ A6100 Other Civil Petition		2, 9	

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**CIVIL CASE COVER SHEET ADDENDUM
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SHORT TITLE: LACKEY vs KAISER HEALTH PLAN, INC	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: 1. ☒ 2. ☒ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☒ 9. ☐ 10. ☐ 11.		ADDRESS: 555 East Hardy Street	
CITY: INGLEWOOD	STATE: CA	ZIP CODE: 90301	

Step 5: Certification of Assignment: I certify that this case is properly filed in the CENTRAL District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 892 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: NOVEMBER 13, 2017

Joie S. Weiss
 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.