

CIV-180802-CIV-DS1819921-CASEEN-102302



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NEW FILE

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

AUG 02 2018

BY Paula Rogers  
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CORINNE HAMMOND

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO**

CORINNE HAMMOND, an individual;

Plaintiff,

vs.

KAISER FOUNDATION HEALTH PLAN, INC., a  
California corporation, and DOES 1 to 100,  
inclusive;

Defendants.

CIVDS 1819921  
CASE NO: \_\_\_\_\_

**COMPLAINT FOR:**

1. Medical Malpractice
2. Wrongful Death

**And Request for Damages**

**[DEMAND FOR TRIAL BY JURY]**

**#435-180802**

**COMES NOW** Plaintiff CORINNE HAMMOND (hereinafter "Plaintiff"), and alleges as follows:

1. Plaintiff CORINNE HAMMOND was and is an individual who is a resident of the State of California, living in the County of Adelanto, in the State of California.
2. Plaintiff is the surviving heir of JAMES MADISON HAMMOND, deceased.
3. Defendant KAISER FOUNDATION HEALTH PLAN, INC. (hereinafter referred to as "KAISER") is a corporation or business entity of unknown form, doing business in the County



COMPLAINT FOR DAMAGES

**ORIGINAL**

1 of San Bernardino, California at 2295 South Vineyard Ave. Ontario, California 91761, which is  
2 the location wherein the death and damages occurred.

3 4. The true names or capacities, whether individual, corporate, associate or  
4 otherwise of the Defendants designated herein as DOES 1 through 100, inclusive, and each of  
5 them, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names,  
6 and Plaintiff will ask leave to amend this Complaint at such time as the true names and/or  
7 capacities are ascertained. Plaintiff is informed and believes, and thereon alleges, that each of  
8 the Defendants designated herein as a DOE is negligently or otherwise responsible in some  
9 manner for the events and happenings herein referred to and negligently caused the injuries  
10 and damages to Plaintiff as herein alleged.

11 5. Plaintiff is informed and believes, and thereon alleges, that at all times herein  
12 mentioned, KAISER and DOES 1 to 100, inclusive, and each of them, were the owners, lessors,  
13 and/or managers of the Kaiser Permanente Ontario, located at 2295 South Vineyard Ave.  
14 Ontario, California 91761, (hereinafter referred to as "Kaiser Ontario.")

15 6. Venue in this Court is proper in that the cause of action occurred within this  
16 district, and/or at least one Defendant resides in this judicial district.

17 7. Jurisdiction in this court is proper in that the principal amount in controversy is  
18 in excess of \$25,000.00.

19 **FIRST CAUSE OF ACTION**  
20 **Medical Malpractice**

21 8. Plaintiff incorporates by reference herein, all of the allegations in paragraphs 1  
22 through 7 as though fully set forth herein.

23 9. On or about August 5, 2017, decedent JAMES MADISON HAMMOND (hereinafter  
24 referred to as "Decedent"), who was 62 years old, died at Kaiser Ontario, after being admitted  
25 for stomach pains, blockage, and gangrene, after having been discharged by KAISER on multiple  
26 occasions, since April 2017, for the same complaints, despite low vital signs. Decedent was  
27 taken in for surgery, shortly after being diagnosed with Gangrene, and died shortly thereafter.

28 10. Defendants, and each of them, undertook medical care and treatment and

1 rendered professional services in Plaintiff's care and treatment.

2 11. That in Plaintiff's examination, diagnosis, treatment and medical procedures,  
3 Defendants, and each of them, negligently failed to possess and to exercise that degree of  
4 knowledge and skill ordinarily possessed and exercised by other medical professionals,  
5 including but not limited to doctors, nurses, attendants, and the like, engaged in said profession  
6 in the same or similar locality as the said Defendants, and each of them.

7 12. As a direct and proximate result of Defendants' negligence, carelessness,  
8 recklessness, wantonness and unlawfulness, and each of them as aforesaid, Plaintiff sustained  
9 severe and serious injury to Plaintiff's person as set forth above, all to Plaintiff's damages in a  
10 sum within the jurisdiction of this Court and to be shown according to proof.

11 13. As a direct and proximate result of Defendants' conduct, and each of them, Plaintiff  
12 has been compelled to incur expenses as well as other special damages and in an amount to be  
13 shown according to proof, but in excess of \$25,000.00.  
14

15 **SECOND CAUSE OF ACTION**

16 **(Wrongful Death)**

17 14. Plaintiff incorporates herein by reference paragraphs 1 through 13, inclusive, as  
18 if fully set forth herein and with the same force and effect.

19 15. KAISER, and DOES 1 to 100, and each of them, so negligently managed,  
20 supervised, and trained their employees as to proximately cause decedent JAMES MADISON  
21 HAMMOND'S death. KAISER's actions fell below the medical standard of care, owed to  
22 Decedent, which is the direct and proximate cause of Decedent's death.

23 16. As a direct and proximate result of the conduct of the Defendant, decedent lost  
24 his life. Plaintiff has sustained economic damages consisting of (1) the value of lost financial  
25 and other support from decedent, (2) the value of gifts of benefits that the decedent would have  
26 provided, (3) the value of funeral and burial expenses, and (4) the reasonable value of  
27 household services that the decedent would have provided.  
28

17. As a further direct and proximate result of Defendant's negligence and the death of Decedent, Plaintiff has also sustained non-economic damages consisting of loss of the decedent's love, companionship, comfort, care, assistance, protection, affection, society, and moral support.

18. Plaintiff bring forth this action pursuant to California *Code of Civil Procedure* section 377.60 et seq.

**REQUEST FOR JURY TRIAL**

19. Plaintiff hereby requests a trial by jury on all claims for relief alleged in, and on all issues raised by, this Complaint.

**WHEREFORE**, Plaintiff prays as follows:

1. For all general and special damages, according to proof;
2. For all funeral, burial and other expenses according to proof;
3. For costs and pre-judgment interest;
4. For all of decedent's care and support according to proof;
5. For such other and further relief as the court may deem just and proper.

DATED: August 1, 2018

**CENTURY PARK LAW GROUP,  
A Professional Law Corp.**

By: \_\_\_\_\_

SAM TABIBIAN  
SHABNAM SARANI  
Attorneys for Plaintiff  
CORINNE HAMMOND