

**LAW OFFICE OF PETER R. NASMYTH, JR.  
A PROFESSIONAL CORPORATION**

PETER R. NASMYTH, JR., Bar No: 195067  
269 West Bonita Avenue, Suite C  
Claremont, California 91711

Telephone Number: (909) 626-4157

Attorney for: Plaintiff JANET PACELLI

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES**

JANET PACELLI,

Plaintiff,

vs.

MICHAEL ABRAHAM ALEMAN, M.D., an individual; KAISER FOUNDATION HEALTH PLAN, INC., a California corporation; KAISER FOUNDATION HOSPITALS, a business entity of unknown form; SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, a business entity of unknown form; and DOES 1 through 50, inclusive,

Defendants.

CASE NO: **20STCV14314**

COMPLAINT FOR DAMAGES:  
WRONGFUL DEATH (MEDICAL  
MALPRACTICE)

Plaintiff JANET PACELLI ("Plaintiff") alleges as follows:

1. At all times mentioned herein, Defendants MICHAEL ABRAHAM ALEMAN, M.D., ("ALEMAN"), an individual, KAISER FOUNDATION HEALTH PLAN, INC., a California corporation, and KAISER FOUNDATION HOSPITALS and SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, business entities of unknown form (hereinafter collectively referred to as "KAISER"), were physicians and surgeons licensed to practice medicine and perform surgery under the laws of the State of California and were engaged in the practice of medicine in California. Defendant ALEMAN was at all times mentioned in this complaint, employed by Defendant KAISER.

1           2. Plaintiff is the surviving daughter of ELEANOR MURACA (“the Decedent”), and she  
2 is entitled to assert a cause of action for wrongful death pursuant to *Code of Civil Procedure*  
3 section 377.60(a).

4           3. Plaintiff is ignorant of the true names and capacities of defendants sued herein as  
5 DOES 1 through 50, inclusive, and therefore sues these defendants by such fictitious names.  
6 Plaintiff will amend this complaint to allege their true names and capacities when ascertained.  
7 Plaintiff is informed and believes and thereon alleges that each of the fictitiously named  
8 defendants is negligently responsible in some manner for the occurrences herein alleged, and that  
9 Plaintiff’s injuries as herein alleged were proximately caused by the negligence of these  
10 defendants.

11           4. At all times mentioned herein, DOES 1 through 50, and each of them, were  
12 physicians, medical assistants, nurses and caregivers for Defendant.

13           5. At all times herein mentioned, Defendants DOES 1 through 50, and each of them,  
14 were the agents and employees of Defendant, and in doing the things hereinafter alleged, were  
15 acting in the scope of their agency and employment and with the permission and consent of  
16 Defendant.

17                               **FIRST CAUSE OF ACTION**

18                               **(WRONGFUL DEATH -- MEDICAL MALPRACTICE – AGAINST**  
19                               **ALL DEFENDANTS)**

20           6. Plaintiff realleges, refers to, and incorporates by reference as if set forth fully herein  
21 Paragraphs 1 through 5 of this complaint.

22           7. On December 11, 2015, Decedent underwent a CT scan of her abdomen, which  
23 identified a “mass”, and she was informed by Defendant ALEMAN that “everything looks OK”.

24           8. On May 8, 2017, Decedent presented to Defendant ALEMAN for a potential urinary  
25 tract infection, and he performed a urine test, and placed her on antibiotics.

26           9. On May 11, 2017, one of Defendant KAISER’s nurses telephoned Decedent and told  
27 her it was not a urinary tract infection, and to stop taking the antibiotics.  
28

1           10. Thereafter, Decedent had additional appointments with Defendant ALEMAN during  
2 May of 2017 due to ongoing problems with pain during urination. Defendant ALEMAN  
3 performed cystoscopies and placed medicine in her bladder. During one of these appointments,  
4 Decedent explained to Defendant ALEMAN that what she was experiencing was not normal, and  
5 she requested that he perform some type of diagnostic procedure. Defendant ALEMAN ordered  
6 a CT scan of her abdomen, which revealed a mass in her bladder.

7           11. On June 8, 2017, Decedent underwent surgery to biopsy the mass. Decedent stayed  
8 all night in ICU, and she was released home on June 9, 2017 with a catheter.

9           12. On June 12, 2017, Decedent was taken by Plaintiff to Defendant KAISER's  
10 emergency room, and she was sent home with antibiotics.

11           13. On June 15, 2017, Decedent presented to Defendant ALEMAN for removal of her  
12 catheter and one stent in her ureter.

13           14. On June 16, 2017, Decedent went back to Defendant KAISER's emergency room,  
14 because urine was leaking out of her. Decedent was admitted to Defendant KAISER's hospital  
15 on June 17, 2017 with a diagnosis of urosepsis. Decedent was discharged on June 22, 2017 with  
16 swollen feet and legs.

17           15. On June 22, 2017, Decedent was examined by Dr. Feng, head of the Urology  
18 Department at Defendant KAISER's Baldwin Park Medical Center. At no time did Defendant  
19 ALEMAN or any of Defendant KAISER's doctors or nurses advise Decedent of the results of  
20 her June 8, 2017 biopsy of the mass in her bladder.

21           16. On July 3, 2017, Decedent presented to City of Hope for a second opinion on her  
22 medical condition, but because City of Hope did not accept her medical insurance, she was  
23 referred to Defendant KAISER's Los Angeles Urology Department.

24           17. On July 7, 2017, after being examined at Defendant KAISER's Los Angeles Urology  
25 Department, Decedent was informed that she had cancer of the bladder, cancer of the left ureter,  
26 and possibly the left kidney.

1           18. In August of 2017, Decedent underwent surgery to remove her bladder, lymph nodes,  
2 and uterus. As a result, Decedent had to wear a permanent urostomy bag strapped to her  
3 abdomen.

4           19. As Decedent's physicians, nurses, and medical assistants Defendants ALEMAN,  
5 KAISER and DOES 1-50, and each of them, had a qualified fiduciary relationship with Decedent  
6 which required Defendants ALEMAN, KAISER and DOES 1-50, and each of them, to make a  
7 full and fair disclosure of all material facts related to Decedent's care, treatment, complications  
8 and prognosis to Decedent. In addition, as Decedent's physicians, nurses, and medical assistants,  
9 Defendants ALEMAN, KAISER and DOES 1-50, and each of them, had a duty of a professional  
10 to use such skill, prudence, and diligence as other members of his/her profession commonly  
11 possess and exercise.

12           20. From and after the time of employment, Defendants ALEMAN, KAISER and DOES  
13 1-50, and each of them, so negligently failed to exercise the proper degree of knowledge and  
14 skill in examining, diagnosing, treating and caring for Decedent -- including the failure to make a  
15 proper diagnosis of Decedent's condition.

16           21. As a proximate result of Defendants ALEMAN, KAISER and DOES 1-50, and each  
17 of their, negligence Decedent died on April 20, 2019.

18           22. As a further proximate result of Defendants' negligence, Plaintiff has sustained great  
19 mental and nervous pain and suffering. As a result of Decedent's injuries, Plaintiff has sustained  
20 general damages in an amount to be proven at trial, but within the jurisdiction of this Court.

21           24. As a further proximate result of Defendants' negligence, Plaintiff has incurred  
22 medical, hospital, and related expenses, all to her special damage in an amount to be proven at  
23 trial.

24           25. As a direct and legal result of the negligence of Defendants, and each of them,  
25 Plaintiff's mother died, and Plaintiff has suffered the loss of society, comfort, attention, and  
26 services of her mother.

1           26. On or about May 14, 2017, Plaintiff, pursuant to *Code of Civil Procedure* section  
2 364, caused to be served on Defendants ALEMAN and KAISER a notice of Plaintiff's intention  
3 to commence this action.

4  
5           WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as  
6 follows:

- 7           1. For general damages in an amount to be proven at trial;
- 8           2. For medical, hospital, and related expenses in an amount to be proven at trial;
- 9           3. For pecuniary damages according to proof;
- 10          4. For prejudgment and post-judgment interest at the legal rate on all damages awarded;
- 11          5. For costs of suit herein incurred; and
- 12          6. For such other and further relief as the Court may deem proper.

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16 Dated: April 14, 2020



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Peter R. Nasmyth, Jr., Attorney for  
Plaintiff JANET PACELLI