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**FILED**  
**ALAMEDA COUNTY**  
**DEC 26 2012**  
CLERK OF THE SUPERIOR COURT  
By [Signature] Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA  
UNLIMITED JURISDICTION

KARI HAGUE,

Plaintiff,

vs.

KAISER FOUNDATION HEALTH  
PLAN, INC.; KAISER FOUNDATION  
HOSPITALS; THE PERMANENTE  
MEDICAL GROUP, INC.; THOMAS  
PATRICK ENGLISH, M.D.; and DOES 1  
Through 50, Inclusive,

Defendants.

) CASE NO. **RG12661240**

) **COMPLAINT FOR DAMAGES**  
) (Professional Negligence)

) **JURY TRIAL REQUESTED**

**PARTIES AND JURISDICTION**

1. Plaintiff KARI HAGUE is and has been at all relevant times a resident of Marin County, California.

2. Defendant KAISER FOUNDATION HEALTH PLAN, INC. is and has been at all relevant times a corporation, partnership, joint venture, or other entity organized and existing under the laws of the State of California, with its principal place of business situated in the County of Alameda, State of California.

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3. Defendant KAISER FOUNDATION HOSPITALS is and has been at all relevant times a duly organized California corporation, partnership, or other entity, existing under and by virtue of the laws of the State of California with its principal place of business located in the County of Alameda, State of California, which owned, operated, managed and controlled the Kaiser Santa Rosa Medical Center, a general hospital facility within the County of Sonoma, State of California, held out to the public at large and to the Plaintiff herein, as properly equipped, fully accredited, competently staffed by qualified and prudent personnel and operating in compliance with the standard of due care maintained in other properly equipped, efficiently operated and administered, accredited hospitals in said community commonly.

4. Defendant THE PERMANENTE MEDICAL GROUP, INC. is and has been at all relevant times a physician practice group duly organized as a corporation, partnership, or other entity under and by virtue of the laws of the State of California with its principal place of business located in the County of Alameda, State of California, and which at all relevant times was the employer of defendant THOMAS PATRICK ENGLISH, M.D., or a partnership of which defendant THOMAS PATRICK ENGLISH, M.D. was a member.

5. Defendant THOMAS PATRICK ENGLISH, M.D. is and has been at all relevant times a duly licensed and practicing doctor of medicine in the State of California and on information and belief has resided in Sonoma County at all times mentioned herein, including on or about March 5, 2012.

6. DOES 1-50 are the licensed physicians, or other professional medical staff, nurses, physicians assistants, attendants, or any other medical staff that negligently assisted Defendant THOMAS PATRICK ENGLISH, M.D. with Plaintiff's care and treatment that took place at the Kaiser Sana Rosa Medical Center in Santa Rosa, CA on or about March 5, 2012.

## FACTS

7. On or about March 5, 2012, plaintiff KARI HAGUE sought treatment at the Emergency Department of the Kaiser Santa Rosa Medical Center for diagnosis and treatment of



1 abdominal pain and other symptoms, which ultimately were correctly diagnosed as the result of  
2 acute appendicitis.

3 8. Later on the same date, plaintiff consented to and was prepared for a laparoscopic  
4 appendectomy to be performed by Defendant THOMAS PATRICK ENGLISH, M.D., assisted  
5 by medical staff and physicians employed by defendants KAISER FOUNDATION HEALTH  
6 PLAN, INC.; KAISER FOUNDATION HOSPITALS; THE PERMANENTE MEDICAL  
7 GROUP, INC., and DOES 1 Through 50, Inclusive.

8 9. On or about March 5, 2012, plaintiff underwent what was originally intended to  
9 be a laparoscopic appendectomy.

10 10. During the course of the laparoscopic appendectomy, plaintiff's left iliac vein was  
11 lacerated by a trocar that was inserted into her body by the defendants, causing bleeding and the  
12 loss of significant amounts of blood, estimated at the time to be approximately 1200 ml.

13 11. The blood loss caused by the injury to plaintiff's vein required her to receive one  
14 unit of donor blood that she would not have been required to receive otherwise.

15 12. In order to determine the source of the excessive bleeding, defendants were  
16 required to convert the plaintiff's surgery to a laparotomy, in which a large incision is made  
17 through the plaintiff's abdominal wall in order to access all or most of the patient's abdominal  
18 cavity.

19 13. Once the source of plaintiff's blood loss was identified as the left iliac vein, the  
20 bleeding had already ceased, but before the plaintiff's surgical incisions could be closed she was  
21 subjected to an intraoperative x-ray because the defendants had lost count of the medical devices  
22 and other materials that had been used during her surgery.

23 14. Had plaintiff's laparoscopic surgery been completed without complication, she  
24 most likely would have been released less than 24 hours of its completion, after a single night's  
25 stay.

26 15. Due to the need for medical monitoring and recovery from her blood loss,  
27 plaintiff KARI HAGUE was not released from the Kaiser Santa Rosa Medical Center until  
28 March 10, 2012, five days after her surgery.

1           16. As a result of the aforementioned medical error and blood loss, plaintiff suffered  
2 injuries and complications, some of which are permanent, including but not limited to anemia,  
3 dizzy spells, gastrointestinal dysfunction and discomfort, severe pain at the point of incision,  
4 nerve irritation, numbness and pain in her lower extremities, and scarring and disfigurement  
5 over a large area of her lower abdomen.

6  
7                           **CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE**  
8                           **(Against All Defendants)**

9           17. Plaintiff refers to and incorporates Paragraphs 1-16 as though fully set forth  
10 herein.

11           18. At all times mentioned herein, Defendant THOMAS PATRICK ENGLISH, M.D  
12 and on information and belief each of DOES 1-50 were duly licensed and practicing physicians  
13 who were holding themselves out to be duly licensed to practice medicine in the State of  
14 California and to possess that degree of skill, expertise and ability and learning of similar  
15 physicians in said community.

16           19. At all times mentioned herein, certain of DOES 1-50 were professionally trained  
17 and licensed health providers other than physicians who on information and belief were duly  
18 licensed to perform their duties in rendering medical services and held themselves out to be duly  
19 licensed in the state of California to perform such acts, and to possess that degree of skill,  
20 expertise and ability and learning of similar medical professionals in their surrounding  
21 community.

22           20. Each of the Defendants at all times mentioned herein were the agents and  
23 employees of each other and were acting within the scope and purpose of said agency and  
24 employment relationship.

25           21. The treatment Plaintiff received at the Kaiser Santa Rosa Medical Center from  
26 defendants THOMAS PATRICK ENGLISH, M.D and DOES 1-50 on or about March 5, 2012  
27 fell below the standard of care required of physicians in their community in that the laparoscopic  
28 trocar should not have been inserted in such a way as to lacerate a major blood vessel, and would



1 not have done so but for such Defendants' negligence. Had the medical services that were  
2 rendered been performed during this time up to the standard of care for such medical providers  
3 in the nearby community, the trocar would not have caused the injuries alleged.

4 22. As a direct and proximate result of the negligence of the Defendants, and each of  
5 them, as aforesaid, Plaintiff suffered injuries to her body, nervous system, and person, and was  
6 caused to suffer general damages in an amount to be proved at trial.

7 23. As a direct and proximate result of the negligence of the Defendants, and each of  
8 them, as in part foresaid, Plaintiff was required to and did employ physicians and other medical  
9 professionals to provide medical services that would not have been required but for the injuries  
10 suffered during the March 5, 2012 surgery. Plaintiff has incurred medical expenses as a result of  
11 this treatment, and is informed and believed that she will incur more such expenses, both in an  
12 amount to be proved at trial.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff prays for judgment as follows against all Defendants named herein:

- 15 a. For special, compensatory, consequential, incidental and all other allowable  
16 economic damages in a sum according to proof at trial;  
17 b. For general damages, and all other allowable economic damages in a sum  
18 according to proof at trial;  
19 c. For pre-judgment and post-judgment interest as allowed by law;  
20 d. For cost of suit herein incurred; and  
21 e. For such other and further relief as the Court may deem proper.

22 DATED: December 21, 2012

BRENT, FIOL & NOLAN LLP

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24  
25 By: 

26 David L. Fiol  
27 Attorneys for Plaintiff Kari Hauge  
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DATED: December 21, 2012

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

Attorneys for Plaintiff Kari Hauge