

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Linda Loureiro  
Manuel Loureiro  
4837 Faith Home Road #177  
Ceres, CA 95307

TELEPHONE NO.: (209) 556-0330

FAX NO. (Optional): ( ) -

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): In Pro Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Stanislaus

STREET ADDRESS: 801 10th Street

MAILING ADDRESS: 801 10th Street

CITY AND ZIP CODE: Modesto, CA 95354

BRANCH NAME: City Towers

PLAINTIFF: Linda Loureiro; Manuel Loureiro

DEFENDANT: Bradley Jerome Glenn, M.D.; Kaiser Permanente

☒ DOES 1 TO 10**COMPLAINT-Personal Injury, Property Damage, Wrongful Death**☐ AMENDED (Number):

Type (check all that apply):

☐ MOTOR VEHICLE ☒ OTHER (specify): Professional Negligence☐ Property Damage ☐ Wrongful Death☒ Personal Injury ☐ Other Damages (specify):

Jurisdiction (check all that apply):

☐ ACTION IS A LIMITED CIVIL CASEAmount demanded ☐ does not exceed \$10,000☐ exceeds \$10,000, but does not exceed \$25,000☒ ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)☐ ACTION IS RECLASSIFIED by this amended complaint☐ from limited to unlimited☐ from unlimited to limited

FOR COURT USE ONLY

JAN 31 2013

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CASE NUMBER:

680991

1. Plaintiff (name or names): Linda Loureiro; Manuel Loureiro

alleges causes of action against defendant (name or names): Bradley Jerome Glenn, M.D.; Kaiser Permanente

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):(1) ☐ a corporation qualified to do business in California(2) ☐ an unincorporated entity (describe):(3) ☐ a public entity (describe):(4) ☐ a minor ☐ an adult(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed(b) ☐ other (specify):(5) ☒ other (specify):b. ☐ except plaintiff (name):(1) ☐ a corporation qualified to do business in California(2) ☐ an unincorporated entity (describe):(3) ☐ a public entity (describe):(4) ☐ a minor ☐ an adult(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed(b) ☐ other (specify):(5) ☐ other (specify):☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE:

Loureiro v. Glenn

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4. ☐ Plaintiff (*name*):  
is doing business under the fictitious name (*specify*):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

- a. ☒ except defendant (*name*):

Kaiser Permanente

- (1) ☒ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (*describe*):  
(4) ☐ a public entity (*describe*):  
(5) ☐ other (*specify*):

- c. ☐ except defendant (*name*):

- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (*describe*):  
(4) ☐ a public entity (*describe*):  
(5) ☐ other (*specify*):

- b. ☐ except defendant (*name*):

- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (*describe*):  
(4) ☐ a public entity (*describe*):  
(5) ☐ other (*specify*):

- d. ☐ except defendant (*name*):

- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (*describe*):  
(4) ☐ a public entity (*describe*):  
(5) ☐ other (*specify*):

☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

- a. ☒ Doe defendants (*specify Doe numbers*): 1-5 were the agents or employees of other named defendants and acted within the scope of that agency or employment.  
b. ☒ Doe defendants (*specify Doe numbers*): 6-10 are persons whose capacities are unknown to plaintiff.

7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (*names*):

8. This court is the proper court because

- a. ☐ at least one defendant now resides in its jurisdictional area.  
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.  
d. ☐ other (*specify*):

9. ☐ Plaintiff is required to comply with a claims statute, and

- a. ☐ has complied with applicable claims statutes, or  
b. ☐ is excused from complying because (*specify*):

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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):
- a. ☐ Motor Vehicle
  - b. ☒ General Negligence
  - c. ☐ Intentional Tort
  - d. ☐ Products Liability
  - e. ☐ Premises Liability
  - f. ☒ Other (*specify*):  
Loss of Consortium
11. Plaintiff has suffered
- a. ☒ wage loss
  - b. ☐ loss of use of property
  - c. ☒ hospital and medical expenses
  - d. ☒ general damage
  - e. ☐ property damage
  - f. ☒ loss of earning capacity
  - g. ☒ other damage (*specify*):  
loss of consortium, past and future general damages; past and future economic damages
12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- a. ☐ listed in Attachment 12.
  - b. ☐ as follows:
13. The relief sought in this complaint is within the jurisdiction of this court.
14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
- a. (1) ☒ compensatory damages
  - (2) ☐ punitive damages
- The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):
- (1) ☒ according to proof
  - (2) ☐ in the amount of: \$
15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

MANUEL LOUREIRO

Manuel Loureiro

Date: 1/31/13

Linda Loureiro

(TYPE OR PRINT NAME)

Linda Loureiro

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

## First Cause of Action – Professional Negligence

Against defendants Bradley Jerome Glenn, M.D. and Kaiser Permanente.

Dr. Glenn was a California-licensed physician/surgeon at all times relevant herein and employed by defendant Kaiser Permanente. At the time and date alleged herein Dr. Glenn agreed to perform the following surgery on plaintiff Linda Loureiro: a mediastinum lymph node biopsy. At all times relevant Dr. Glenn was an employee of Kaiser Permanente and said surgery was performed within the course and scope of his employment with Kaiser. The surgery on February 2, 2012, in Modesto, California, was to procure tissue to test.

While removing the tissue, Dr. Glenn had a duty to use the level of skill, knowledge, and care in diagnosis and treatment that other reasonably careful physician/surgeons would use in the same or similar circumstances but he failed to do so.

Defendant Kaiser Permanente had a duty to provide a doctor who would use the level of skill, knowledge, and care in diagnosis and treatment that other reasonably careful physician/surgeons would use in the same or similar circumstances but it did not provide such a doctor and a duty to supervise said employee.

As a result of Dr. Glenn's breach of his duty, he proximately caused a serious wound to the plaintiff Linda Loureiro including but not limited to internal bleeding and a collapsed lung. As a result, plaintiff Linda Loureiro was injured in her health, strength and activity and has sustained injury to her body and shock and injury to her nervous system and person and other damages alleged herein.

## Second Cause of Action – Loss of Consortium

Against defendants Bradley Jerome Glenn, M.D. and Kaiser Permanente.

Dr. Glenn was a California-licensed physician/surgeon at all times relevant herein and employed by defendant Kaiser Permanente. At the time and date alleged herein Dr. Glenn agreed to perform the following surgery on plaintiff Linda Loureiro: a mediastinum lymph node biopsy. At all times relevant Dr. Glenn was an employee of Kaiser Permanente and said surgery was performed within the course and scope of his employment with Kaiser. The surgery on February 2, 2012, in Modesto, California, was to procure tissue to test.

While removing the tissue, Dr. Glenn had a duty to use the level of skill, knowledge, and care in diagnosis and treatment that other reasonably careful physician/surgeons would use in the same or similar circumstances but he failed to do so.

Defendant Kaiser Permanente had a duty to provide a doctor who would use the level of skill, knowledge, and care in diagnosis and treatment that other reasonably careful physician/surgeons would use in the same or similar circumstances but it did not provide such a doctor and a duty to supervise said employee.

As a result of Dr. Glenn's breach of his duty, he proximately caused serious injury to the plaintiff Linda Loureiro including but not limited to internal bleeding and a collapsed lung. As a result, plaintiff Linda Loureiro suffered damages alleged herein.

Plaintiff Manuel Loureiro was married to plaintiff Linda Loureiro at all relevant times alleged herein. The injuries suffered by plaintiff Linda Loureiro by the above-described negligent conduct of the defendants proximately caused plaintiff Manuel Loureiro to suffer injury in that he has lost the love, companionship, comfort, care, assistance, protection, affection, society, moral support, and loss of the enjoyment of sexual relations with his wife plaintiff Linda Loureiro for which he seeks compensatory, general, and special damages.