

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Kay Rha, in propria persona</b> 1240 Scott Blvd. Santa Clara, 95050  TELEPHONE NO: 408-246-0301 FAX NO. (Optional): 408-246-5131 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>plaintiff</b>	FOR COURT USE ONLY  <div style="text-align: right;"><b>UCS</b></div>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</b> STREET ADDRESS: 191 N. First st. MAILING ADDRESS: 191 N. First St. CITY AND ZIP CODE: Santa Clara, 95050 BRANCH NAME: Downtown Courthouse-Civil Division	FILED Santa Clara Co 03/06/13 9:17am David H. Yamasaki Chief Executive Office By: jcaonsuyen DTSCIV R#201300023192
PLAINTIFF: <b>KAY RHA</b>  DEFENDANT: <b>KAISER PERMANENTE; KAISER FOUNDATION HOSPITALS; and</b> <input checked="" type="checkbox"/> DOES 1 TO <b>500</b> , inclusive	CK \$435.00 TL \$435.00 Case: 1-13-CV-242284 <div style="text-align: right;"><b>J. Cao-Notary</b></div>
<b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b> <input type="checkbox"/> <b>AMENDED (Number):</b> Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): <b>med malp</b>	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	CASE NUMBER:  <div style="text-align: center;"><b>113CV242284</b></div>

1. **Plaintiff (name or names):** Kay Rha  
 alleges causes of action against **defendant (name or names):**  
**Kaiser Permanente; Kaiser Foundation Hospitals; and Does 1 to 500, inclusive**
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.

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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): **Kaiser Foundation**
- (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 to 500, inclusive 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): 1 to 500, inclusive 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):

medical malpractice

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):

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):

GN; medical malpractice

Date: 03/04/2013

Kay Rha

Kay Rha  
 (TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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First                      **CAUSE OF ACTION—General Negligence** Page 4  
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Kay Rha

alleges that defendant (name): Kaiser Permanente; Kaiser Foundation Hospitals; and

☒ Does 1 to 500, inclusive

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 03/06/2012

at (place): Kaieser Permanente Medical Center, 19000 Homestead Rd., Cupertino, CA 95014

(description of reasons for liability):

#### MEDICAL MALPRACTICE

As a health care provider, Defendant(s) owed duty to Plaintiff for reasonable care in caring for a patient, taking into account the mental and physical condition of the patient, and in selecting and maintaining, and ensuring the competence of its staff.

As a health care provider, Defendant was obligated to have and use the learning, skill, and care ordinarily possessed by nurses and medical staff in the same or similar capacity, and under similar circumstances.

Defendant was and is liable for the negligent acts of its nursing staff under the theory of respondeat superior.

Defendant failed to use reasonable care under circumstances in caring for Plaintiff, and its patient, all causing Plaintiff undue suffering.

Defendant failed to use reasonable care in hiring, supervising, and monitoring its nursing staff, all causing Plaintiff undue suffering.

Plaintiff was injured and endured undue pain and suffering as a result of the acts and omissions of Defendant, and had negligence been absent on the part of the Defendant, Plaintiff would not have suffered the injuries and would have obtained a better result.

As a result of the aforementioned injuries, Plaintiff has been damaged in a sum according to proof, but not exceeding \$250,000.00, including, but not limited to, medical expenses, loss wages, expected future medical expenses, emotional distress, pain, and suffering.

As a further direct and proximate result of said negligence of Defendant, Plaintiff has been obliged to incur hospital, medical, and related expenses, the exact amounts of which are not ascertained at this time, compounding Plaintiff's damages.

At the said time and place, as aforesaid, Defendant, so negligently, carelessly, recklessly, wantonly, and unlawfully treated, provided medical care, monitoring, examination, diagnosis, and other medical services so as to directly and proximately cause pain to Plaintiff.