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4 Attorneys for Plaintiffs

**FILED**  
LOS ANGELES SUPERIOR COURT

MAR 26 2013

JOHN A. CLARKE, CLERK  
BY AMBER LIVES, DEPUTY

D91 Rafael Ongkeko

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

BC503995

11 MATTHEW NGO, a minor, by and through his  
12 guardian ad litem, NELLA VALENCIA,  
VINCENT NGO, NELLA VALENCIA,  
13 individually,

14 Plaintiffs,

15 vs.

16 KAISER FOUNDATION HEALTH PLAN, INC.,  
a Corporation, KAISER FOUNDATION  
HOSPITALS, a Corporation, SOUTHERN  
17 CALIFORNIA PERMANENTE MEDICAL  
GROUP, a Partnership, and DOES 1-250,  
18 inclusive,

19 Defendants.

Case No.

COMPLAINT FOR DAMAGES FOR  
MEDICAL MALPRACTICE:

- 1. Negligence
- 2. Negligence
- 3. Negligent Infliction of Emotional Distress
- 4. Negligent Infliction of Emotional Distress
- 5. Loss of Consortium

FSC-9/12/14  
TRIAL-9/26/14  
OSC-3/28/16

20 Plaintiffs, through counsel, allege:

21 1. The true names, identities or capacities, whether individual, associate,  
22 corporate or otherwise of Defendants DOES 1 through 250, inclusive, are unknown  
23 Plaintiffs, who therefore, sues said Defendants by such fictitious names  
24 names, identities or capacities of such fictitiously-designated Defendants are ascertained,  
25 Plaintiffs will ask leave of Court to amend the Complaint to insert said true names  
26 identities and capacities, together with the proper charging allegations.

27 2. Plaintiffs are informed and believe and thereon allege that each of the  
28 Defendants sued herein as a DOE is responsible in some manner for the events and

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RECEIVED: 03/26/13 02:45 PM  
DATE PAID: 03/26/13  
PAYMENT: \$55.00  
RECEIVED: 03/26/13 02:45 PM  
CHECK: \$55.00  
CASH: \$0.00  
CHARGES: \$0.00  
C.R.D.: \$0.00

CIT/CASE: BC503995  
LEA/DEF#:

1 happenings herein referred to, thereby legally causing the injuries and damages to the  
2 Plaintiffs as herein alleged.

3 3. All of the facts, acts, events and circumstances herein mentioned and  
4 described occurred in the County of LOS ANGELES, State of California, and all Defendants  
5 are residents of the County of LOS ANGELES, State of California, doing business in said  
6 County, State of California.

7 4. At all times herein mentioned, Defendants DOES 1 through 50, inclusive, were,  
8 and now are, physicians and surgeons, holding themselves out as duly licensed to practice  
9 their profession under and by virtue of the laws of the State of California and were, and now  
10 are, engaged in the practice of their profession in the State of California.

11 5. At all times herein mentioned, Defendants DOES 51 through 100, inclusive,  
12 were, and now are, registered nurses, nurse practitioners, nurse midwives, licensed  
13 vocational nurses, practical nurses, physician assistants, aids, technicians, attendants,  
14 students or other paramedical personnel, holding themselves out as duly able to practice  
15 their profession under and by virtue of the laws of the State of California and were, and now  
16 are, engaged in the practice of their profession in the State of California and acting as  
17 agents, employees and servants of some or all of the other Defendants within the course and  
18 scope of said agency or employment.

19 6. At all times herein mentioned, Defendants KAISER FOUNDATION HEALTH  
20 PLAN, INC., KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA  
21 PERMANENTE MEDICAL GROUP, and DOES 101 through 150, and each of them, were  
22 corporations, partnerships, joint ventures, or other entities organized and existing under the  
23 laws of the State of California, with their principal place of business situated in the State of  
24 California and other States.

25 7. Defendants KAISER FOUNDATION HEALTH PLAN, INC., KAISER  
26 FOUNDATION HOSPITALS, and DOES 151 through 200, inclusive, were at all times  
27 herein mentioned duly organized California corporations or hospitals existing under and by  
28 virtue of the laws of the State of California and other States; that said Defendant

1 corporations, hospitals and the remaining Defendants, and each of them, owned, operated,  
2 managed and controlled a general hospital facility within the County of LOS ANGELES,  
3 State of California, held out to the public at large and to the Plaintiffs herein, as properly  
4 equipped, fully accredited, competently staffed by qualified and prudent personnel and  
5 operating in compliance with the standard of due care maintained in other properly  
6 equipped, efficiently operated and administered, accredited hospitals in said community  
7 commonly known as KAISER PERMANENTE BALDWIN PARK.

8 8. At all times herein mentioned Defendants DOES 201 through 250 were doing  
9 business as a district or County hospital or clinic, and DOES 240-250, a hospital operated by  
10 a government entity or medical clinic or hospital, open to the public, or a medical facility or  
11 clinic, operated by a government entity open to the public rendering medical, surgical,  
12 hospital, diagnostic, nursing and other care to the general public for compensation. All of the  
13 acts complained of herein by Plaintiffs against said Defendants were done and performed by  
14 said Defendants by and through their duly authorized agents, servants and employees, each  
15 of whom and all of whom were at all times mentioned herein acting within the course,  
16 purpose, and scope of their said agency, service and employment, and whose conduct was  
17 ratified by all Defendants, and each of them.

18 9. Each Defendant ratified and affirmed the conduct of each other Defendant. Each of  
19 the Defendants was the agent, servant, and employee of the other Defendants.

20 10. Plaintiffs are informed and believe and upon such information and belief allege  
21 that at all times herein mentioned, Defendants and other Defendants named fictitiously,  
22 were the agents, servants, employees, joint-venturers, and copartners of their said co-  
23 Defendants and, as such, were acting within the course and scope of such agency, service,  
24 partnership, venture, and employment at all times herein mentioned; that each and every  
25 Defendant, as aforesaid, when acting as a principal, was negligent in the selection and hiring  
26 of each and every other Defendant, as its agent, servant, employee, joint-venturer and  
27 partner. Further, each and every Defendant ratified the conduct of the other Defendants.  
28

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&  
Associates

I.

PLAINTIFF MATTHEW NGO A MINOR, BY AND THROUGH HIS GUARDIAN AD LITEM NELLA VALENCIA, ALLEGES FOR A CAUSE OF ACTION FOR NEGLIGENCE AGAINST DEFENDANTS AND EACH OF THEM AS FOLLOWS:

11. Plaintiff MATTHEW NGO repeats and repleads each and every allegation contained each of the foregoing paragraphs, and incorporates the same herein by reference.

12. On or about the date of the filing of the complaint, NELLA VALENCIA was by order duly made and entered by the above entitled Court, appointed Guardian ad Litem of Plaintiff MATTHEW NGO a minor, born August 29, 2012.

13. At all times herein mentioned, and prior thereto, the Plaintiff was in the exclusive control of the Defendants, and each of them, and that at no time prior to the events, conduct, activities, care and treatment herein complained of did the Defendants herein, or any of them, obtain knowledgeable, informed consent for said care, treatment or conduct; that prior to the initiation of or performance of said care, treatment, procedure or conduct no opportunity was afforded the Plaintiff or any authorized agent of the Plaintiff to exercise voluntary, knowledgeable and informed consent to said care, treatment, procedure or conduct.

14. Prior to August 29, 2012, the date of MATTHEW NGO' birth, and thereafter, NELLA VALENCIA employed Defendants, and each of them, to diagnose and treat her condition of pregnancy and to do all things necessary for her care and the care of her baby, MATTHEW NGO including but not limited to, pre-delivery care, the delivery, and post-delivery care.

15. While minor Plaintiff MATTHEW NGO was under the sole and exclusive care and control of the Defendants, and each of them, Defendants, and each of them negligently, carelessly and unskillfully selected various hospitals and physicians and other health care provides, negligently delivered, examined, treated, cared for, diagnosed, operated upon, attended and otherwise handled and controlled the minor Plaintiff herein, thereby proximately causing injuries and damages to the minor Plaintiff.

1 16. Defendants KAISER FOUNDATION HOSPITALS, and DOES 151-200, failed  
2 and neglected to adequately select a competent medical staff and to periodically review the  
3 competency of its medical staff, and failed to adequately monitor its staff such that the minor  
4 Plaintiff was caused to, and did suffer injuries and damages as herein alleged.

5 17. As a legal result of the negligence of the Defendants, and each of them, the  
6 minor Plaintiff was injured in health, strength and activity, sustaining severe shock, and  
7 injury to the body, all of which said injuries have caused and continue to cause Plaintiff great  
8 physical, emotional, and nervous pain and suffering, and which said injuries Plaintiff is  
9 informed and believes, and thereon alleges, will result in loss of earnings, permanent  
10 disability, loss of enjoyment of life, and impairment of earning capacity all to Plaintiff's  
11 damage in a sum in excess of the jurisdiction of the Municipal Court.

12 18. As a further legal result of the negligence of the Defendants, and each of them,  
13 and the resulting injuries to the Plaintiff, said Plaintiff was compelled to, and did, incur  
14 expenses for medical and surgical attention, hospitalization, nursing, medication and  
15 incidentals for said Plaintiff in an amount unknown to Plaintiff at present.

16 19. As a further legal result of the negligence of the Defendants, and each of them,  
17 and of the resulting injuries, Plaintiff will be obliged to incur expenses for medical care and  
18 hospitalization for an indefinite period in the future and to pay for these expenses in the  
19 treatment and relief of injuries for medical and surgical attention, hospitalization, nursing,  
20 medication, and incidentals for said Plaintiff in an amount unknown to Plaintiff at present.

21 20. As a further legal result of the negligence of the Defendants, and each of them,  
22 Plaintiff will suffer a decreased earnings and earning capacity in the future and future  
23 earnings to Plaintiff's further damage in a sum unknown at present.

24 II.

25 PLAINTIFF NELLA VALENCIA ALLEGES FOR A SEPARATE AND DISTINCT  
26 CAUSE OF ACTION FOR NEGLIGENCE AGAINST DEFENDANTS AND EACH  
27 OF THEM:

28 21. Plaintiff NELLA VALENCIA repeats and repleads each and every allegation

1 contained in each of the preceding paragraphs and incorporates the same herein by  
2 reference.

3 22. At all times herein mentioned, the Plaintiff was in the exclusive control of the  
4 said Defendants and that at no time prior to the events, conduct, activities, care and  
5 treatment herein complained of did the said Defendants obtain knowledgeable, informed  
6 consent for said care, treatment or conduct; that prior to the initiation of or performance of  
7 said care, treatment, procedure or conduct no opportunity was afforded the Plaintiff or any  
8 authorized agent of the Plaintiff to exercise voluntary, knowledgeable and informed consent  
9 to said care, treatment, procedure or conduct.

10 23. Prior to August 29, 2012, the date of MATTHEW NGO's birth, and thereafter,  
11 NELLA VALENCIA employed said Defendants, to diagnose and treat her condition of  
12 pregnancy and to do all things necessary for her care, including, but not limited to, pre-  
13 delivery care, the delivery and post-delivery care.

14 24. While Plaintiff NELLA VALENCIA was under the sole and exclusive care and  
15 control of the said Defendants, Defendants, negligently, carelessly and unskillfully delivered,  
16 examined, treated, cared for, diagnosed, operated upon, attended and otherwise handled and  
17 controlled the Plaintiff herein, thereby proximately causing injuries and damages to  
18 Plaintiff.

19 25. As a legal result of the negligence of the Defendants, and each of them,  
20 Plaintiff was injured in her health, strength and activity, sustaining severe shock, and injury  
21 to Plaintiff's body, all of which said injuries have caused and continue to cause Plaintiff great  
22 physical, emotional, and nervous pain and suffering, and which said injuries Plaintiff is  
23 informed and believes, and thereon alleges, will result in loss of earnings, permanent  
24 disability, loss of enjoyment of life, and impairment of earning capacity all to Plaintiff's  
25 damage in a sum in excess of the jurisdiction of the Municipal Court.

26 26. As a further legal result of the negligence of the Defendants, and each of them,  
27 and the resulting injuries to the Plaintiff, said Plaintiff was compelled to, and did, incur  
28 expenses for medical and surgical attention, hospitalization, nursing, medication and

1 incidentals for said Plaintiff in an amount unknown to Plaintiff at present.

2 27. As a further legal result of the negligence of the Defendants, and each of them,  
3 and of the resulting injuries, Plaintiff will be obliged to incur expenses for medical care and  
4 hospitalization for an indefinite period in the future and to pay for these expenses in the  
5 treatment and relief of injuries for medical and surgical attention, hospitalization, nursing,  
6 medication, and incidentals for said Plaintiff in an amount unknown to Plaintiff at present.

7 28. As a further legal result of the negligence of the Defendants, and each of them,  
8 Plaintiff NELLA VALENCIA has suffered loss of earnings and will suffer a decreased  
9 earning capacity in the future and future earnings to Plaintiff's further damage in a sum  
10 unknown at present.

11 III.

12 PLAINTIFF NELLA VALENCIA ALLEGES FOR A SEPARATE AND DISTINCT  
13 CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF EMOTIONAL  
14 DISTRESS AGAINST DEFENDANTS AND EACH OF THEM AS FOLLOWS:

15 29. Plaintiff NELLA VALENCIA repeats and repleads each and every allegation  
16 contained in the preceding paragraphs and incorporates the same herein by reference.

17 30. At all times herein mentioned, NELLA VALENCIA was the mother of MATTHEW  
18 NGO the minor Plaintiff, and was and is under a duty to care for the minor child herein.  
19 Plaintiff NELLA VALENCIA employed said Defendants to care for and treat herself and her  
20 minor child, MATTHEW NGO during the pregnancy.

21 31. At all times mentioned, said Defendants were under a legal duty to Plaintiff  
22 with respect to the care and treatment of the child, MATTHEW NGO while the child was a  
23 patient in the said hospital and under the care of the said Defendants. Said Defendants  
24 treated and cared for both the minor and NELLA VALENCIA during the labor and delivery  
25 of NELLA VALENCIA and thereafter.

26 32. At all times mentioned, there existed a close relationship between Plaintiff  
27 NELLA VALENCIA and MATTHEW NGO namely, mother and child, and said Defendants  
28 were aware of this close relationship when they agreed to care for the child. It was

1 foreseeable that Plaintiff NELLA VALENCIA would be damaged directly by negligent acts or  
2 omissions to act and committed upon the child. Said Defendants were aware that Plaintiff  
3 NELLA VALENCIA was concerned about the physical well being of her child when  
4 Defendants agreed to treat both the child and mother.

5 33. It was reasonably foreseeable and easily predictable that any acts of  
6 negligence by these Defendants that would injure the child would lead to serious emotional  
7 distress in Plaintiff NELLA VALENCIA. Because the risk of harm to the Plaintiff was  
8 reasonably foreseeable and easily predictable, Defendants owed Plaintiff a duty to exercise  
9 due care in diagnosing, caring for, and treating Plaintiff's child, MATTHEW NGO. This is  
10 especially true as Defendants agreed to and did treat both NELLA VALENCIA and  
11 MATTHEW NGO at the same time.

12 34. Said Defendants in disregard of the probability that their actions would cause  
13 severe emotional distress, in failing to provide the necessary medical treatment to Plaintiff  
14 NELLA VALENCIA and her child, caused Plaintiff NELLA VALENCIA severe emotional  
15 distress arising from the abnormal event of participating in a negligent delivery and  
16 reacting to the tragic outcome with fright nervousness and shock, grief, anxiety, worry,  
17 mortification, shock, humiliation and indignity.

18 35. These damages for emotional distress accrued separately, consist of different acts,  
19 and at separate times, from Plaintiff NELLA VALENCIA's previous cause of action for  
20 negligence from which she suffered physical injuries and pain and suffering during the  
21 negligently conducted labor and delivery.

22 36. As a further legal result of the negligence of the Defendants, and of the  
23 resulting injuries, Plaintiff will be obliged to incur expenses for medical care and  
24 hospitalization for an indefinite period in the future and to pay for these expenses in the  
25 treatment and relief of injuries for medical and surgical attention, hospitalization, nursing,  
26 medication, and incidentals for said Plaintiff in an amount unknown to Plaintiff at present.

27 37. As a further legal result of the negligence of the Defendants, Plaintiff has  
28 suffered loss of earnings and will suffer a decreased earning capacity in the future and



1 future earnings to Plaintiff's further damage in a sum unknown at present.

2 38. By reason of the negligence of said Defendants, Plaintiff NELLA VALENCIA  
3 suffered severe and serious emotional distress and shock and injury to her nervous system  
4 and body, all to her general damage in a sum within the jurisdiction of this Court and  
5 pursuant to *Burgess v. Superior Court* (1992) 2 Cal.4th 1064.

6 IV.

7 PLAINTIFF VINCENT NGO ALLEGES FOR A SEPARATE AND  
8 DISTINCT CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF  
9 EMOTIONAL DISTRESS AGAINST DEFENDANTS AND EACH OF THEM AS  
10 FOLLOWS:

11 39. Plaintiff VINCENT NGO repeats and repleads each and every allegation  
12 contained in all prior paragraphs and incorporates the same herein by reference.

13 40. At all times herein mentioned, Plaintiff VINCENT NGO was the father of  
14 MATTHEW NGO the minor plaintiff and husband of Plaintiff NELLA VALENCIA.

15 41. At all times mentioned, said Defendants were under a legal duty to the  
16 plaintiff with respect to the care and treatment of the minor MATTHEW NGO and his wife  
17 NELLA VALENCIA, while they were patients in the said hospital and under the care of the  
18 said Defendants.

19 42. That said defendants negligently caused injury to the plaintiff minor MATTHEW  
20 NGO and his wife plaintiff NELLA VALENCIA during her labor, as hereinafter alleged.

21 43. Plaintiff VINCENT NGO was present at the scene of the injury to his child and  
22 wife when it occurred and at that time and place in the labor room and other areas of the  
23 hospital, and had contemporaneous sensory awareness of the causal connection between the  
24 negligent conduct of the Defendants and was reasonably certain that his child was being  
25 injured from negligent and delayed medical care during labor and delivery. This negligent  
26 medical care was obvious to and within the common knowledge of the average layman.

27 44. Plaintiff was contemporaneously aware that his son was  
28 being injured during the labor and delayed delivery. As a result of witnessing his child and

1 wife being injured, Plaintiff suffered severe emotional distress

2 45. Said Defendants in disregard of the probability that their actions, in failing to  
3 provide the necessary medical treatment to MATTHEW NGO and his wife NELLA  
4 VALENCIA and child, were a substantial factor in causing Plaintiff VINCENT NGO to  
5 suffer severe emotional distress.

6 46. By reason of the negligence of said Defendants in failing to treat his wife and  
7 son timely, Plaintiff VINCENT NGO suffered severe and serious emotional distress and  
8 shock and injury to his nervous system and body, all to his general damage in a sum within  
9 the jurisdiction of this Court and pursuant to *Thing v. LaChusa* (1989) 48 Cal.3d 644.

10 47. As a further legal result of the negligence of the Defendants, and each of them,  
11 and of the resulting injuries, Plaintiff will be obliged to incur expenses for medical care and  
12 hospitalization for an indefinite period in the future and to pay for these expenses in the  
13 treatment and relief of injuries for medical and surgical attention, hospitalization, nursing,  
14 medication, and incidentals for said Plaintiff in an amount unknown to Plaintiff at present.

15 48. As a further legal result of the negligence of the Defendants, and each of them,  
16 Plaintiff has suffered loss of earnings and will suffer a decreased earning capacity in the  
17 future and future earnings to Plaintiff's further damage in a sum unknown at present.

18 V.

19 PLAINTIFF VINCENT NGO ALLEGES FOR A SEPARATE AND DISTINCT  
20 CAUSE OF ACTION FOR LOSS OF CONSORTIUM AGAINST DEFENDANTS AND  
21 EACH OF THEM AS FOLLOWS:

22 49. Plaintiff VINCENT NGO repeats and repleads each and every allegation  
23 contained in all prior paragraphs and incorporates the same herein by reference as to said  
24 Defendants and each of them.

25 50. At all times herein mentioned, NELLA VALENCIA and VINCENT NGO were  
26 married and are husband and wife.

27 51. As a direct and proximate result of the aforesaid conduct of Defendants, and  
28 each of them, and the resultant injuries to Plaintiff NELLA VALENCIA, Plaintiff VINCENT

1 NGO has suffered and is reasonably certain to suffer in the future the loss of consortium,  
2 love, companionship, comfort, affection, society, solace, moral support, enjoyment of sexual  
3 relations and physical assistance in the operation and maintenance of the home, causing  
4 damage in a sum in excess of the jurisdiction of the Municipal Court.

5 WHEREFORE, Plaintiffs pray for damages against the Defendants, and each of them,  
6 as follows:

7 FOR THE CAUSE OF ACTION FOR NEGLIGENCE FOR PLAINTIFF MATTHEW  
8 NGO A MINOR:

- 9 1. General damages, according to proof;
- 10 2. Past and future medical expenses, according to proof;
- 11 3. For loss of future earning and earning capacity, according to  
12 proof;
- 13 4. Costs of suit incurred herein, and
- 14 5. For such other and further relief as to the Court appears just and proper.

15 FOR THE CAUSE OF ACTION FOR NEGLIGENCE FOR PLAINTIFF NELLA  
16 VALENCIA:

- 17 1. General damages, according to proof;
- 18 2. Past and future medical expenses, according to proof;
- 19 3. For loss of past and future earning and earning capacity, according to proof;
- 20 4. Costs of suit incurred herein, and
- 21 5. For such other and further relief as to the Court appears just and proper.

22 FOR THE CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF EMOTIONAL  
23 DISTRESS FOR PLAINTIFF NELLA VALENCIA:

- 24 1. General damages, according to proof;
- 25 2. Special damages, according to proof;
- 26 3. Costs of suit incurred herein, and
- 27 4. For such other and further relief as to the Court appears just and proper.

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FOR THE CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS FOR PLAINTIFF VINCENT NGO:

- 1. General damages, according to proof;
- 2. Special damages, according to proof;
- 3. Costs of suit incurred herein, and
- 4. For such other and further relief as to the Court appears just and proper.

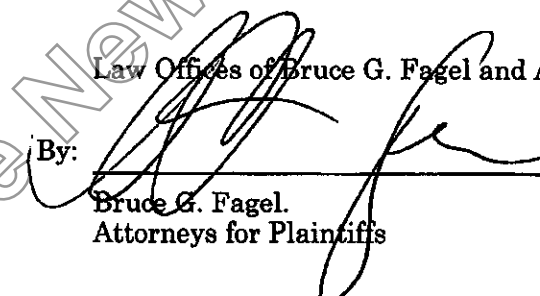
FOR THE CAUSE OF ACTION FOR LOSS OF CONSORTIUM FOR PLAINTIFF  
VINCENT NGO:

- 1. General damages, according to proof;
- 2. Special damages, according to proof;
- 3. Costs of suit incurred herein, and
- 4. For such other and further relief as to the Court appears just and proper.

DATED: March 13, 2013

Law Offices of Bruce G. Fagel and Associates

By:

  
\_\_\_\_\_  
Bruce G. Fagel.  
Attorneys for Plaintiffs

Law Offices  
of  
Bruce G. Fagel  
&  
Associates

FOR COURT USE ONLY

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

Bruce G. Fagel, State Bar No. 103674  
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TELEPHONE NO.: (310) 281-8700 FAX NO.: (310) 281-5656

ATTORNEY FOR (Name): Plaintiffs

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 North Hill Street  
MAILING ADDRESS: Los Angeles, California 90012  
CITY AND ZIP CODE:

BRANCH NAME: LASC Stanley Mosk

CASE NAME: MATTHEW NGO, a minor GAL NELLA VALENCIA v  
KAISER FOUNDATION HEALTH PLAN, INC.

**FILED**

LOS ANGELES SUPERIOR COURT

MAR 26 2013

JOHN A. CLARKE, CLERK

BY AMBER HAVES, DEPUTY

CASE NUMBER:

BC503995

JUDGE:

DEPT:

**CIVIL CASE COVER SHEET**

Unlimited (Amount demanded exceeds \$25,000)  Limited (Amount demanded is \$25,000 or less)

**Complex Case Designation**

Counter  Joinder  
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

**Auto Tort**

Auto (22)  
 Uninsured motorist (46)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
 Product liability (24)  
 Medical malpractice (45)  
 Other PI/PD/WD (23)

**Non-PI/PD/WD (Other) Tort**

Business tort/unfair business practice (07)  
 Civil rights (08)  
 Defamation (13)  
 Fraud (16)  
 Intellectual property (19)  
 Professional negligence (25)  
 Other non-PI/PD/WD tort (35)

**Employment**

Wrongful termination (36)  
 Other employment (15)

**Contract**

Breach of contract/warranty (06)  
 Rule 3.740 collections (09)  
 Other collections (09)  
 Insurance coverage (18)  
 Other contract (37)

**Real Property**

Eminent domain/Inverse condemnation (14)  
 Wrongful eviction (33)  
 Other real property (26)

**Unlawful Detainer**

Commercial (31)  
 Residential (32)  
 Drugs (38)

**Judicial Review**

Asset forfeiture (05)  
 Petition re: arbitration award (11)  
 Writ of mandate (02)  
 Other judicial review (39)

**Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)**

Antitrust/Trade regulation (03)  
 Construction defect (10)  
 Mass tort (40)  
 Securities litigation (28)  
 Environmental/Toxic tort (30)  
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

**Enforcement of Judgment**

Enforcement of judgment (20)

**Miscellaneous Civil Complaint**

RICO (27)  
 Other complaint (not specified above) (42)

**Miscellaneous Civil Petition**

Partnership and corporate governance (21)  
 Other petition (not specified above) (43)

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a.  Large number of separately represented parties
- b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c.  Substantial amount of documentary evidence
- d.  Large number of witnesses
- e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f.  Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

4. Number of causes of action (specify): 5

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015)

Date: March 25, 2013

Bruce G. Fagel, State Bar No. 103674

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

### CASE TYPES AND EXAMPLES

#### Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

#### Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability *(not asbestos or toxic/environmental)* (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

#### Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice *(not medical or legal)*  
Other Non-PI/PD/WD Tort (35)  
Employment  
Wrongful Termination (36)  
Other Employment (15)

#### Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract *(not unlawful detainer or wrongful eviction)*  
Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage *(not provisionally complex)* (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

#### Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*  
Unlawful Detainer  
Commercial (31)  
Residential (32)  
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

#### Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

#### Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

#### Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment *(non-domestic relations)*  
Sister State Judgment  
Administrative Agency Award *(not unpaid taxes)*  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

#### Miscellaneous Civil Complaint

RICO (27)  
Other Complaint *(not specified above)* (42)  
Declaratory Relief Only  
Injunctive Relief Only *(non-harassment)*  
Mechanics Lien  
Other Commercial Complaint Case *(non-tort/non-complex)*  
Other Civil Complaint *(non-tort/non-complex)*

#### Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition *(not specified above)* (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief from Late Claim  
Other Civil Petition

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

**This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.**

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL 15  HOURS /  DAYS

**Item II.** Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (95)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input checked="" type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE: **MATTHEW NGO, a minor GAL NELLA VALENCIA  
v KAISER FOUNDATION HEALTH PLAN, INC.**

CASE NUMBER

Non-Personal Injury/ Property  
Damage/ Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

Employment

Contract

Real Property

Unlawful Detainer



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v KAISER FOUNDATION HEALTH PLAN, INC.**

CASE NUMBER

Judicial Review

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: MATTHEW NGO, a minor GAL NELLA VALENCIA v  
KAISER FOUNDATION HEALTH PLAN, INC.

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

<b>REASON:</b> Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: 1011 Baldwin Park Boulevard		
CITY: Baldwin Park	STATE: CA	ZIP CODE: 91706			

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Los Angeles courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subs. (b), (c) and (d)].

Dated: March 25, 2013

  
(SIGNATURE OF ATTORNEY/FILING PARTY)

Richard Akemon, State Bar No. 53057

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.