

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): BARRY WESTER, ESQ. (#103588) WESTER LAW FIRM 101 Larkspur Landing Circle, Suite 227 Larkspur, CA 94939 TELEPHONE NO.: (415) 461-8220 FAX NO. (Optional): (415) 461-8125 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY FILED Clerk of the Superior Court NOV 26 2013 By <u><i>J. Wood</i></u> DEPUTY CLERK
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO STREET ADDRESS: 600 Union Avenue MAILING ADDRESS: CITY AND ZIP CODE: Fairfield, CA 94533 BRANCH NAME:	
PLAINTIFF: RIKESHA DUDLEY DEFENDANT: KAISER PERMANENTE MEDICAL CENTER and DOES I through X, inclusive	
☐ DOES 1 TO COMPLAINT—Personal Injury, Property Damage, Wrongful Death ☐ AMENDED (Number): Type (check all that apply): ☐ MOTOR VEHICLE ☒ OTHER (specify): Premises Liability ☐ Property Damage ☐ Wrongful Death ☒ Personal Injury ☐ Other Damages (specify):	
Jurisdiction (check all that apply): ☐ ACTION IS A LIMITED CIVIL CASE Amount 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	CASE NUMBER: FCS042699

1. **Plaintiff (name or names):** RIKESHA DUDLEY

alleges causes of action against defendant (name or names): KAISER PERMANENTE MEDICAL CENTER
and DOES I through X, inclusive

2. This pleading, including attachments and exhibits, consists of the following number of pages: 4
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:

DUDLEY v. KAISER PERMANENTE MEDICAL CENTER

CASE NUMBER:

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 Medical Center

- (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): I through V 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): VI through X 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):

SHORT TITLE:

DUDLEY v. KAISER PERMANENTE MEDICAL CENTER, et al.

CASE NUMBER:

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):

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):

Date: November 21, 2013

BARRY WESTER

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

CASE NUMBER:

DUDLEY v. KAISER PERMANENTE MEDICAL CENTER, et al.

FIRST
(number)

CAUSE OF ACTION- Premises Liability

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

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

Prem.L-1. Plaintiff (name): RIKESHA DUDLEY

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): November 30, 2011 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury)

On or about November 30, 2011, defendants KAISER PERMANENTE MEDICAL CENTER, and DOES I through X, and each of them, so negligently and carelessly owned, maintained, controlled, managed, operated and failed to inspect the premises of their Vallejo, California facility, so as to create and cause a dangerous condition of property, to wit, a hyperdermic needle on the floor. Defendants, and each of them, knew or, in the existence of reasonable care and diligence, should have known, said condition created a hazard. Due to said negligence, plaintiff stepped on the hyperdermic needle, and it became stuck in her foot, causing her to sustain serious personal injuries.

Prem.L-2. ☒ **Count One-Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
KAISER PERMANENTE MEDICAL CENTER

☒ Does I to X

Prem.L-3. ☐ **Count Two-Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

☐ Does toPlaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three-Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does to

a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

☒ Does I to X

b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are
☐ described in attachment Prem.L-5.b ☐ as follows (names):