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ALAMEDA COUNTY

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CLERK OF
THE SUPERIOR COURT
By Angelica Mendola, DeputyCASE NUMBER:
RG13707886

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Attorney for Defendant Harcheren Kang

IN THE SUPERIOR COURT OF THE STATE CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

UNLIMITED JURISDICTION

Case No.:

HARCHEREN KANG, spouse of the

deceased,

KANWARJIT KANG,

Plaintiff.

Vs.

KAISER FOUNDATION HEALTH PLAN,

INC. a corporation, JED A. KATZEL, M.D.,

NITI K. MANN, D.O. and DOES 1-25,

Inclusive,

Defendant.

COMPLAINT FOR DAMAGES FOR
WRONGFUL DEATH AND
PROFESSIONAL NEGLIGENCE

PLAINTIFF alleges:

1. Plaintiff Harcheren Kang is entitled to file an action for the wrongful death of Kanwarjit Kang, hereinafter "decedent" pursuant to Code of Civil Procedures Section 377.60 based on the relationship to decedent as follows:

NameRelationship to Decedent

Harcheren Kang

Spouse

2. At all times herein mentioned, Defendant Kaiser Foundation Health Plan, Inc. was, and is, a corporation duly organized and existing under the laws of the State of California with its principle place of business in Oakland, Alameda County, California.

3. At all times herein mentioned, Defendant Kaiser Foundation Health Plan, Inc. owned, operated, and managed a hospital known as Kaiser Hospital, Inc. in Santa Clara, Santa Clara County, California, pursuant to license duly issued by the California Department of Health, where it is engaged in the of business treating and supervising patients suffering from cancer.

4. At all times herein mentioned, Defendant Kaiser Foundation Health Plan, Inc. owned, operated, and managed a hospital known as Kaiser Hospital, Hayward in Hayward, Alameda County, California, pursuant to a license duly issued by the California Department of Health, where it is engaged in the business of treating and supervising patients suffering from cancer.

5. At all times herein mentioned, Defendant Jed A. Katzel M.D. was a physician and surgeon licensed to practice medicine and perform surgery under the laws of the State of California, and was engaged in the practice of medicine for the Defendant Kaiser Foundation Health Plan, Inc.

1 6. At all times herein mentioned, Defendant Niti K. Mann
2 D.O. was a physician and surgeon licensed to practice medicine
3 and perform surgery under the laws of the State of California,
4 and was engaged in the practice of medicine for Defendant Kaiser
Foundation Health Plan, Inc.

5 7. Plaintiff is ignorant of the true names and capacities
6 of Defendants sued herein as Does 1-25, inclusive, and therefore
7 sues these Defendants by such fictitious names. Plaintiff will
8 amend this complaint to allege their true names and capacities
9 when ascertained. Plaintiff is informed and believes and thereon
10 alleges that each of the fictitiously named Defendants is
11 negligently responsible in some manner for the occurrences
12 herein alleged, and that Plaintiff's injuries as herein alleged
13 were proximately caused by the negligence hereinafter alleged.

14 8. At all times herein mentioned, Defendants Jed A. Katzel
15 M.D. and Nita K. Mann, O.D. and Does 1-25 were the agents and
16 employees of Defendant Kaiser Foundation Health Plan, Inc., and
17 in doing the things herein mentioned, were acting within the
18 course and scope of their authority as such agents and employees
with the consent of their codefendant.

19 9. On September 11, 2012, Plaintiff entered Kaiser
20 Hospital, Santa Clara, for the purpose of treating Plaintiff for
21 lung cancer. At that time, Defendant, and each of them,
22 undertook to provide Plaintiff with such care and attendance as
23 Plaintiff might require while she was a patient in said
hospital.

24 10. On and between September 11, 2012 and October 5, 2012,
25 while Plaintiff was a patient in Kaiser Hospital, Santa Clara

1 and Kaiser Hospital, Hayward, California, Defendants, and each
2 of them, negligently and carelessly failed and refused to
3 provide chemo therapy treatments to Plaintiff to arrest the
4 progress of the disease even though Plaintiff requested the
5 same.

6 11. As a proximate result of the negligence of the
7 Defendant and each of them, and their subsequent failure and
8 refusal to treat and care for, and their abandonment of, the
9 decedent died on or about October 5, 2012 from lung cancer.

10 12. At and prior to the time of the decedent's death, the
11 Plaintiff lived with the decedent, and at all times prior to her
12 death, the decedent was a faithful, loving, and dutiful spouse
13 to Plaintiff.

14 13. As a proximate result of the negligence of the
15 Defendants and each of them alleged, and of the decedent's
16 death, the Plaintiff's been deprived of the decedent's society,
17 comfort, attention, services, and support to his damage.

18 14. As a further proximate result of the negligence of the
19 Defendants and each of them, herein alleged, and of the death of
20 the decedent, Plaintiff has incurred funeral and burial
21 expenses.

22 15. On October 1, 2013 Plaintiff gave Defendants written
23 notice of his intention to commence this action. A copy of the
24 notice is attached hereto as Exhibit A and made a part hereof.

25 SECOND CAUSE OF ACTION

(Survival Action Based on Negligence)

16. Plaintiff incorporates Paragraphs 1-15 inclusive, of
the First Cause of Action.

1 17. As a further proximate result of the negligence of the
2 Defendants as herein alleged, the decedent incurred expenses
3 prior to her death for medical treatment and related expenses to
4 her damage.

5 WHEREFORE, Plaintiff prays judgment as follows:

- 6 1. For general damages according to proof;
7 2. For funeral and burial expenses according to proof;
8 3. For medical and related expenses according to proof;
9 4. For interest on all economic damages in the legal amount
10 from October 5, 2012 to the date of judgment;
11 5. For costs of suit herein incurred; and
12 6. For such other and further relief as the court may deem
13 proper.

14 Law Offices of Ronald Z. Berki

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16 Ronald Z. Berki, Esq.

17 Attorney for Plaintiff: Harcheren Kang
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