

1 Greg A. Meyer (SBN 164418)
2 **LAW OFFICES OF GREG A. MEYER**
3 2300 Bell Executive Lane
4 Sacramento, CA 95825
5 Phone: (916) 929-6000
6 Facsimile: (916) 929-5137

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8 Attorneys for Plaintiff
9 **GEORGE STEFFANI**

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Superior Court Of California,
Sacramento
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cleurgans
By _____, Deputy
Case Number:
34-2013-00155445

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF SACRAMENTO**

13 **GEORGE STEFFANI,**
14 **Plaintiff,**

15 **vs.**

16 **LINDSAY H. RUSSELL, D.P.M.,**
17 **THE PERMANENTE MEDICAL**
18 **GROUP, INC., KAISER**
19 **FOUNDATION HOSPITALS and**
20 **DOES 1 - 10, INCLUSIVE,**

21 **Defendants.**
22 _____ /

CASE NO.

COMPLAINT FOR DAMAGES

**MEDICAL MALPRACTICE/
PERSONAL INJURY**

23 **FIRST CAUSE OF ACTION**

24 **PROFESSIONAL NEGLIGENCE/MEDICAL MALPRACTICE**

25 1. At all relevant times herein, defendant LINDSAY H. RUSSELL, D.P.M.
26 (hereinafter "DR. RUSSELL") was a doctor of podiatric medicine, was licensed to
27 practice in the State of California, is believed to have resided and practiced medicine in
28 Sacramento County, California, and provided podiatric medical care and services to the
public and to plaintiff GEORGE STEFFANI (hereinafter "MR. STEFFANI"). DR.
RUSSELL is also believed to be a shareholder and/or employee of defendant THE
PERMANENTE MEDICAL GROUP, INC.

1 2. At all relevant times herein, defendant THE PERMANENTE MEDICAL
2 GROUP, INC. (hereinafter "TPMG") is believed to be a medical business, whose specific
3 business form is currently unknown. TPMG is believed to have been licensed to do
4 business in California, with a subject place of business herein being in Sacramento, which
5 employed defendant DR. RUSSELL.

6 3. At all relevant times herein, defendant KAISER FOUNDATION
7 HOSPITALS (hereinafter "KFH") was an entity of unknown business form which is
8 believed to have owned and operated Kaiser South Sacramento Hospital providing
9 medical care and services to the public, and to plaintiff MR. STEFFANI herein.

10 4. Defendant Does 1 through 10, inclusive, are sued herein under fictitious
11 names because their true names, capacities and involvement, whether individual,
12 associate, corporate or governmental are not now known to plaintiff MR. STEFFANI
13 herein.

14 5. Plaintiff MR. STEFFANI is informed and believes, and on such
15 information and belief, alleges that each of said defendants was negligently, vicariously,
16 or otherwise legally responsible in some manner for the events and happenings herein
17 alleged, either as doctors, surgeons, nurses, other medical practitioners or a medical care
18 business, and that said defendants negligently acted or omitted to act, or otherwise acted
19 in such a manner as to incur legal responsibility, and such negligence or other activity
20 proximately caused the damages hereinafter set forth. Plaintiff MR. STEFFANI is
21 uncertain as to the manner or function of such defendants, and prays leave to amend this
22 complaint to insert herein the true names, capacities, functions, occupations, and
23 businesses of said defendants when the same are ascertained.

24 6. At all times herein mentioned, each and every defendant herein was the
25 agent, servant, employee, partner, joint venturer and/or franchisee of each of the other
26 defendants, and each was at all times acting within the course and scope of such agency,
27 service, employment, partnership, joint venture and/or franchise.

1 7. At all times herein, defendant DR. RUSSELL held himself out as a licensed
2 medical practitioner specializing in the field of podiatric care and surgery. DR.
3 RUSSELL represented to MR. STEFFANI's other health care practitioners and to other
4 patients, that he had that degree of knowledge, skill, expertise and training as a reputable
5 physician and could competently perform the medical services rendered to MR.
6 STEFFANI.

7 8. At all times herein, defendant TPMG, held itself out as a medical business
8 providing medical care and treatment to patients, including MR. STEFFANI. TPMG,
9 through its employees/shareholders, represented to MR. STEFFANI and other health care
10 practitioners that it had that degree of knowledge, skill, expertise and training as a
11 reputable medical business and could competently perform the medical services rendered
12 to MR. STEFFANI.

13 9. At all times herein, defendant KFH, held itself out as an owner/operator of
14 Kaiser South Sacramento Hospital and other medical facilities providing medical care and
15 treatment to patients, including MR. STEFFANI. KFH represented to MR. STEFFANI,
16 MR. STEFFANI's other health care practitioners and to other patients, that it had that
17 degree of knowledge, skill, expertise and training as a reputable medical facility
18 owner/operator and could competently provide the medical services rendered to MR.
19 STEFFANI.

20 10. On or about 5/21/12, plaintiff MR. STEFFANI suffered numerous injuries
21 in a motorcycle accident, including but not limited to his left leg. MR. STEFFANI was
22 transported by ambulance to Kaiser South Sacramento Hospital's Emergency Department
23 for medical care and treatment. MR. STEFFANI was admitted as a patient at said
24 facility. Between 5/21/12 and 9/4/12, MR STEFFANI underwent numerous medical
25 procedures and received extended care at said facility.

26 11. On 9/4/12, MR. STEFFANI was admitted to Kaiser South Sacramento
27 Hospital for an out-patient surgical removal of an external orthopedic fixation device on
28 his left leg/foot by defendant DR. RUSSELL. During said procedure, DR. RUSSELL

1 determined the fracture sites of MR. STEFFANI's fibula and medial malleolus appeared
2 to be stable with progressive healing. MR. STEFFANI was discharged with a
3 prescription for Oxycodone-Acetaminophen, instructions to discontinue his prescription
4 for Ciprofloxacin, and return in 7 - 10 days for a follow-up visit.

5 12. On 9/13/12, MR. STEFFANI was seen in follow-up with DR. RUSSELL
6 who noted objective findings for mild post-op edema, the flap appears stable with some
7 mild proximal edge necrosis, no signs of infection, some open edges, foot with some
8 external rotation on leg, no pain or clear signs of instability at ankle fracture site, and
9 some mild odor from wounds. DR. RUSSELL stated to MR. STEFFANI that he should
10 not have enclosed his foot/leg in the splint/cast following the surgery because of the
11 danger of infection. DR. RUSSELL obtained cultures from the wound sites and ordered
12 oral antibiotics as needed.

13 13. On or about 9/15/12, published findings for the cultures stated "HEAVY
14 GROWTH STAPHYLOCOCCUS AUREUS" with anaerobic culture findings stating
15 "MODERATE GROWTH MIXED GRAM POSITIVE ANAEROBES NOT
16 INCLUDING CLOSTRIDIUM SPECIES."

17 14. On 9/17/12, MR. STEFFANI was seen for a wound check with DR.
18 RUSSELL and an orthopedic nurse. DR. RUSSELL discussed the culture results and
19 ordered a prescription for Clindomycin, Percocet and Lactinex. MR. STEFFANI was
20 instructed to return to the clinic in follow-up in 7 - 10 days.

21 15. During an admission beginning 11/19/12, MR. STEFFANI was diagnosed
22 with acute osteomyelitis with acute inflammation in surrounding tissue. MR. STEFFANI
23 was instructed to continue with a negative pressure wound system vac. MR. STEFFANI
24 informed defendants he was having problems obtaining a wound vac system per the
25 doctors orders from an outside company due to uncertainty of payment and defendants
26 advised they were unable to help in this regard. Consequently, MR. STEFFANI was
27 unable to obtain a wound vac system and was not admitted to Kaiser South Sacramento
28 Hospital for wound vac care.

1 16. During approximately February 2013, upon defendants learning MR.
2 STEFFANI had been accepted for CMISP coverage, defendants notified MR. STEFFANI
3 he would need to seek medical care and treatment with a different health care provider.

4 17. MR. STEFFANI alleges the subject medical care and treatment provided to
5 himself by defendants, or lack thereof, was professionally negligent and caused
6 permanent serious injuries to himself.

7 18. From and after the time of their employment, defendants, and each of them,
8 so negligently failed to exercise the proper degree of knowledge and skill in examining,
9 diagnosing, treating, informing and caring for MR. STEFFANI, such that MR.
10 STEFFANI was caused to suffer the damages herein alleged.

11 19. As a proximate result of the negligence and other conduct of the defendants,
12 and each of them, MR. STEFFANI sustained serious permanent injuries. As a result,
13 MR. STEFFANI has suffered great physical and emotional pain and suffering.

14 20. As a further proximate result of the negligence and other conduct of the
15 defendants, and each of them, MR. STEFFANI has sustained injury to his health, strength
16 and activity, all of which injuries have caused, and continue to cause, great mental,
17 physical and nervous pain and suffering. MR. STEFFANI is informed and believes that
18 such injuries have resulted in permanent disability to himself. As a result of such injuries,
19 MR. STEFFANI has sustained general damages in an amount in excess of the minimum
20 jurisdiction of this court.

21 21. As a further result of the negligence and other conduct of the defendants,
22 and each of them, MR. STEFFANI has incurred, and may continue to incur medical
23 expenses, hospital expenses and wage losses, all to his special damage in a sum which is
24 not yet ascertained, but is in excess of the minimum jurisdiction of this court.

25 19. On September 4, 2013, pursuant to CCP §364, MR. STEFFANI mailed
26 defendants Lindsay H. Russell, D.P.M., The Permanente Medical Group, Inc., and Kaiser
27 Foundation Hospitals each a Notice Of Intent To Commence A Civil Action letter.

1 **WHEREFORE**, plaintiffs pray judgment as to all causes of action as follows:

2 **FIRST CAUSE OF ACTION**

- 3 1. For general damages, according to proof;
4 2. For current medical, hospital and related expenses, according to proof;
5 3. For future medical, hospital and related expenses; according to proof;
6 4. For current lost wages, according to proof;
7 5. For future lost wages, according to proof;
8 6. For prejudgment interest as permitted by law;
9 7. For costs of suit incurred herein;
10 8. For such other and further relief as the court may deem just and proper.

11 Dated: 11/25/13

LAW OFFICES OF GREG A. MEYER

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16 Greg A. Meyer
Attorneys for Plaintiff GEORGE STEFFANI
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