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ATTORNEY FOR (Name): Plaintiff, Isaac Perez, minor, by his GAL, Ruby Garcia

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Fresno

STREET ADDRESS: 1130 "O" Street

MAILING ADDRESS: Fresno, CA 93724

CITY AND ZIP CODE:

BRANCH NAME:

PLAINTIFF: Isaac Perez, minor, by and through his Guardian ad Litem,
Ruby Garcia,

DEFENDANT: Linda Fairbanks, Kaiser Permanente,

☒ DOES 1 TO 25, Inclusive

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

☐ AMENDED (Number):

Type (check all that apply):

☒ MOTOR VEHICLE

☐ OTHER (specify):

☐ 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:

14 CE CG 00220

1. Plaintiff (name or names): Isaac Perez, minor, by and through his Guardian ad Litem, Ruby Garcia

alleges causes of action against defendant (name or names): Linda Fairbanks, Kaiser Permanente

2. This pleading, including attachments and exhibits, consists of the following number of pages: 6

3. Each plaintiff named above is a competent adult

a. ☒ except plaintiff (name): Isaac Perez

(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.

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):

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):

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):

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 15 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): 16 to 25 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: PEREZ vs. LINDA FAIRBANKS

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): Loss of love, support, society, companionship of plaintiff's father, Decedent, Jorge Perez, Jr.

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: \$ 0.00

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):
GN 1- 3; MV 1-2; GN1-4.

Date: January 23, 2014

David M. Moeck, Esq.

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: PEREZ vs. LINDA FAIRBANKS

CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION—General Negligence

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): Isaac Perez, minor, by and through his Guardian ad Litem, Ruby Garcia,

alleges that defendant (name): Linda Fairbanks, Kaiser Permanente

☒ Does 1 to 25, 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): or about November 3, 2012

at (place): or near southbound State Route 43, north of Davis Avenue, County of Fresno, State of California

(description of reasons for liability):

1. At the time and place aforesaid, Defendants, and each of them, so negligently, carelessly, recklessly, wantonly, and unlawfully drove, operated, maintained, conducted, controlled and entrusted said vehicle as to directly and proximately cause the same to collide with Decedent, Jorge Perez, Jr.'s vehicle then and there while being operated by decedent as aforesaid.
2. As a direct and proximate result of the negligence, carelessness, recklessness, wantonness and unlawfulness of Defendants, and each of them, and the collision, as aforesaid, decedent sustained severe and serious injury to his person, and died, all to Plaintiff's damage in a sum within the jurisdiction of this Court and to be shown according to proof.
3. By reason of the foregoing, Plaintiff has suffered and will continue to suffer the loss of love, support, society, companionship of his father, Decedent, Jorge Perez, Jr.

SECOND

(number)

CAUSE OF ACTION—Motor Vehicle

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

Plaintiff (name): Isaac Perez, minor, by and through his Guardian ad Litem, Ruby Garcia,

MV-1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): or about November 3, 2012

at (place): or near southbound State Route 43, north of Davis Avenue, County of Fresno, State of California

MV-2. DEFENDANTS

a. ☒ The defendants who operated a motor vehicle are (names): Linda Fairbanksb. ☒ Does 1 to 4
☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):c. ☒ Does 5 to 9
☒ The defendants who owned the motor vehicle which was operated with their permission are (names): Linda Fairbanksd. ☒ Does 10 to 14
☒ The defendants who entrusted the motor vehicle are (names):e. ☒ Does 15 to 19
☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):f. ☒ Does 20 to 25
☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are ☐ listed in Attachment MV-2f ☐ as follows:☐ Does to

THIRD

(number)

CAUSE OF ACTION—General Negligence

Page 6

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): Isaac Perez, minor, by and through his Guardian ad Litem, Ruby Garcia,
alleges that defendant (name): Kaiser Permanente

☒ Does 1 to 25, 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): or about November 3, 2012
at (place): or near Kaiser Permanente in Fresno, California.

(description of reasons for liability):

1. Plaintiff believes, and thereon alleges that, on or about November 3, 2012, Defendant, Kaiser Permanente and employees of Kaiser Permanente, hereinafter referred to collectively as "Kaiser" examined Defendant, Linda Fairbanks at the Fresno Kaiser facility.
2. Plaintiff further believes, and thereon alleges, that Kaiser injected Defendant, Linda Fairbanks with narcotic medication on November 3, 2012 and/or administered narcotic medication to Defendant, Linda Fairbanks on or about the same date.
3. Plaintiff further believes, and thereon alleges, that Kaiser did not know that Defendant, Linda Fairbanks was already under the influence of prescription medication when they injected her with medication. As a result of being under the influence of the narcotic medication, Defendant, Linda Fairbanks caused a traffic accident with Decedent, Jorge Perez, Jr., killing him. It was negligent for Kaiser employees to have provided the medication to Defendant, Linda Fairbanks.
4. Plaintiff first learned about Kaiser's negligence in the fall of 2013 at Defendant, Linda Fairbanks' sentencing on criminal charges for the death of Jorge Perez, Jr. and his passenger.