

1 WILLIAM F. WRIGHT - SBN 109470  
Attorney at Law  
2 1731 J Street, Suite 250  
Sacramento, California 95814  
3 Telephone: (916) 442-8614  
Facsimile: (916) 442-5679

4 Attorney for Plaintiff Ruby Munguia  
5

**FILED**  
**Superior Court Of California,**  
**Sacramento**  
**03/12/2014**  
tsmith  
By \_\_\_\_\_, Deputy  
Case Number:  
**34-2014-00160196**

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 IN AND FOR THE COUNTY OF SACRAMENTO

10 RUBY MUNGUIA

11 Plaintiff,

12 vs.

13 KAISER FOUNDATION HOSPITALS, and  
DOES 1 through 20, inclusive,

14 Defendants.  
15

CASE NO:

**COMPLAINT FOR DAMAGES FOR  
PREMISES LIABILITY**

(Unlimited Civil Case)

16  
17 RECITALS

18 1. Defendant, Kaiser Foundation Hospitals, which does business as Kaiser Permanente,  
19 (hereinafter Kaiser) is a California corporation which operates hospitals in California, including one  
20 located at 6600 Bruceville Road, Sacramento, California 95823. The Kaiser hospital located at 6600  
21 Bruceville Road, Sacramento, California 95823 is known as Kaiser Permanente South Sacramento  
22 Medical Center.

23 2. That the true names or capacities, whether individual, corporate, associate, or  
24 otherwise, of defendants, DOES 1 through 20, inclusive, are unknown to plaintiff who therefore sues  
25 said defendants by such fictitious names. Plaintiff is informed and believes, and thereon alleges, that  
26 each of the defendants designated herein as a "Doe" is responsible in some manner, either  
27 intentionally, negligently, in strict liability, for breach of warranty, or otherwise, for the events and  
28

**Complaint for Damages for Premises Liability**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

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1 happenings herein referred to and caused injury and damages proximately thereby to plaintiff, as  
2 herein alleged. Plaintiff will amend this complaint to insert the true names and capacities of the  
3 fictitiously named defendants when ascertained. Does 1 through 20 along with the other defendants,  
4 engaged in conduct which created the unsafe condition described below which caused plaintiff's  
5 injuries.

6 3. At all times herein mentioned, each of the defendants was the agent and employee  
7 of each of the remaining defendants and was acting at all times within the purpose and scope of said  
8 agency and employment, and acting in concert.

9 4. The events which led to this action occurred on or about October 29, 2013, at Kaiser  
10 Permanente South Sacramento Medical Center.

11 5. Defendants, and each of them, owned, built, operated, maintained, leased, and  
12 controlled the first floor Recovery department of Kaiser Permanente South Sacramento Medical  
13 Center.

14 6. On or about October 29, 2013, at 6:00 p.m., plaintiff, Ruby Munguia was visiting her  
15 brother, Edward Vallejos, after he had surgery on his hand at Kaiser Permanente South Sacramento  
16 Medical Center. The patients on the recovery floor are divided by cubicles along a hallway.  
17 Plaintiff, Ruby Munguia went in to her brother's cubicle with her brother's wife Lorraine. Plaintiff,  
18 Ruby Munguia spent time visiting her brother. After visiting, plaintiff, Ruby Munguia and Lorraine  
19 left to go to the waiting room. As Plaintiff left the cubicle, she fell down after her foot hit a scale  
20 that was left in the hallway. When plaintiff, Ruby Munguia fell on the scale, she fractured her left  
21 knee in 3 places. The scale was in the hallway (an area frequented by visitors), due to defendants'  
22 negligence.

23 7. As a proximate result of this and other negligence of the defendants, and each of  
24 them, plaintiff Ruby Munguia was hurt and injured in plaintiff's health, strength and activity,  
25 sustaining injury to plaintiff's body, and shock and injury to plaintiff's nervous system and person,  
26 all of which said injuries have caused and continue to cause plaintiff great mental, physical and  
27 nervous pain and suffering, in an amount to be determined and according to proof at trial, within the  
28 jurisdiction of the Superior Court.

1 8. Because plaintiff, Ruby Munguia's left knee is weak from her injury, she has had to  
2 compensate with her right leg putting a lot of strain on her right leg. As a result, plaintiff, Ruby  
3 Munguia has developed a fracture on her right fibula.

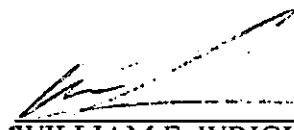
4 9. As a further proximate result of the said negligence of the defendants, and each of  
5 them, plaintiff was required to and did employ physicians and surgeons to examine, treat and care  
6 for her and plaintiff did and will incur medical and incidental expenses in the sum to be determined  
7 and according to proof, within the jurisdiction of the Superior Court.

8 10. As a further proximate result of the said negligence of the defendants, and each of  
9 them, plaintiff was prevented from attending to plaintiff's usual activities, and plaintiff is informed  
10 and believes and thereon alleges that she will thereby be prevented from attending to her usual  
11 activities for a period in the future, which has caused her emotional distress in and amount according  
12 to proof, within the jurisdiction of the Superior Court.

13 WHEREFORE, plaintiff Ruby Munguia prays for judgment against defendants, and  
14 each of them, as follows:

- 15 1. For general damages in an amount according to proof;
- 16 2. For medical and related expenses according to proof;
- 17 3. For prejudgment interest;
- 18 4. For costs of suit herein incurred;
- 19 5. For post-judgment interest; and
- 20 6. For such other and further relief as the court may deem proper.

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22  
23 DATED: March 11, 2014

  
24 WILLIAM F. WRIGHT  
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