

FILED

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By _____ FRESNO SUPERIOR COURT

DEPUTY

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Attorney for Plaintiff,
Donna Pollock, an individual

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF FRESNO, B.F. SISK COURTHOUSE**

Donna Pollock, an individual,

Plaintiff,

v.

Kaiser Foundation Hospitals aka The
Permanente Medical Group; and DOES 1
through 100, inclusive,

Defendants.

CASE NO. : 14 CE CG 01347

UNLIMITED JURISDICTION

COMPLAINT FOR DAMAGES:

1. Negligence
2. Negligent Hiring

Complaint filed:

PLAINTIFF complains and alleges as follows:

GENERAL ALLEGATIONS

1. Plaintiff Donna Pollock (hereafter "Plaintiff") is and was a resident of the County of Fresno, State of California.
2. At all times herein mentioned, Defendant, Kaiser Foundation Hospitals aka The Permanente Medical Group is and was a business located in Fresno, California.
3. Plaintiff is ignorant of the true names and capacities, whether individual, partnership, corporate, or associate, of those Defendants fictitiously sued as DOES 1 through 100 inclusive, and so the Plaintiff sues them by those fictitious names. Plaintiff is informed and believes that each of the DOE Defendants reside in the State of California and are in some manner responsible for the conduct alleged herein. Upon discovering the true names and capacities of these fictitiously

named Defendants, Plaintiff will amend this complaint to show the true names and capacities of these fictitiously named Defendants.

4. Plaintiff is ignorant of the true names and capacities of the few separate and distinct principle shareholders and stockholders that have not respected the corporate Defendants' separate identity, and therefore sues them by the fictitious name of DOE 1 so that such shareholders and stockholders may be personally liable for the corporate Defendants' actions in order to redress fraud, protect the rights of third persons, or prevent a palpable injustice and allowing this Court to treat the corporate Defendants and DOE 1 as identical entities with identical obligations, if necessary. Upon discovering the true names and capacities of DOE 1, Plaintiff will amend this complaint to show the true names and capacities of DOE 1.
5. On, or about, May 11, 2012 Plaintiff was attempting to get to an appointment to exam a blood clot at Defendant's location. Specifically, 7300 N. Fresno, St., Fresno, California 93720.
6. When attempting to use the sidewalk, Plaintiff slipped on water left by the sprinkler system as well as tripped due to the curb being raised.
7. Plaintiff fell injuring her legs, back, head, face, and damaging her teeth.
8. This injury caused a great deal of pain, suffering, discomfort, stress, inconvenience, and embarrassment.

FIRST CAUSE OF ACTION

Negligence

(As against all Defendants)

9. Plaintiff realleges the information set forth in Paragraphs 1-8, as though fully set forth and alleged herein.
10. On, or about, May 11, 2012 Plaintiff had been going to Defendant's location for treatment of a blood clot.
11. Plaintiff had attempted to use Defendant's sidewalk, but due to water from the sprinkler system and a raised curb, Plaintiff slipped causing her to injure her legs, back, head, face, and teeth.
12. Plaintiff believes, and thereon alleges, Defendant carelessly and negligently controlled, operated, maintained, and/or inspected the premises in question. As a result, Plaintiff was injured.

- 1 13. Plaintiff believes, and thereon alleges, the dangerous control, operation, or maintenance was
2 known, or in the exercise of ordinary and reasonable care would have been known, to
3 Defendant in adequate time for a reasonable protection of, or warning to, Plaintiff. The willful
4 acts by Defendant in failing to protect Plaintiff regarding the danger posed rises to despicable
5 conduct. The obvious risk to others about the hidden hazardous conditions would create is
6 clearly evidence of conscious disregard by Defendant.
- 7 14. Plaintiff believes, and thereon alleges, Defendant owed Plaintiff, and the general public, a duty to
8 properly maintain its premises. In addition, Defendant owed a duty to conduct their activities, in a reasonably
9 safe manner. Defendant's breach of the above-described duties was malicious and/or the proximate, legal
10 and actual cause of Plaintiffs injuries.
- 11 15. Plaintiff believes, and thereon alleges, as a direct and proximate result of the malice and/or
12 negligence of Defendant, Plaintiff sustained serious injuries and damages hereinafter alleged
13 resulting from the fall on Defendant's property.
- 14 16. Plaintiff was hurt and injured in her health, strength and activity, sustained injury to her
15 body and shock and injury to her nervous system and person, all of which said injuries have
16 caused, and continue to cause, Plaintiff mental, physical, and nervous pain and suffering.
- 17 17. Plaintiff is informed, believes, and thereon alleges, that said injuries may result in some other disability to
18 Plaintiff, all to her general damage in the sum to be determined upon proof.
- 19 18. Further, as a direct and proximate result of Defendant's negligence, Plaintiff was required to, and
20 did employ, physicians to examine, treat and care for him. In addition, Plaintiff did incur incidental
21 expenses, and treatment of Plaintiff's injuries is still continuing. Plaintiff has incurred medical bills.
22 Plaintiff expects that there will be additional medical expenses, the exact amount of which is
23 unknown but will be proven at the time of trial.
- 24 19. Furthermore, as a direct and proximate result of Defendant's negligence, Plaintiff has received, and in the
25 future will continue to receive, medical care and treatment, in a sum unknown to Plaintiff at this time.
- 26 20. As a direct and proximate result of Defendant's negligence, Plaintiff is informed, believes, and
27 thereon alleges, that she has been, and will be, prevented from attending to her usual daily
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affairs and business for a period in the future. The exact damage as a result of this impediment is unknown at this time, but will be proven at trial.

SECOND CAUSE OF ACTION

Negligent Hiring

(As against all Defendants)

21. Plaintiff realleges the information set forth in Paragraphs 1-20, as though fully set forth and alleged herein.

22. Plaintiff is informed, believes, and thereon alleges, Defendant hired an employee or contractor to maintain the premises in question prior to the date of Plaintiff's accident.

23. Plaintiff is informed, believes, and thereon alleges, Defendant's employee or contractor did not take proper precautions to maintain the premises and comply with all safety procedures. This employee or contractor allowed a dangerous condition to exist in causing a hazard through the handling of the premise in question maintenance.

24. Plaintiff is informed, believes, and thereon alleges, by hiring this employee or contractor, Defendant recognized, or should have recognized, that the work would create a risk of physical harm to persons unless precautions were taken. Defendant should have known that not complying with proper safety procedures would cause an accident.

25. Plaintiff is informed, believes, and thereon alleges, Defendant did not exercise reasonable care to provide, in some manner, for the taking of the precautions in order to avoid the risk of physical harm likely to be created when hiring, or keeping, this employee or contractor.

26. As a direct and proximate result of the negligence of Defendant and their employee or contractor, Plaintiff sustained serious injuries and damages hereinafter alleged resulting from the fall.

27. Plaintiff was hurt and injured in her health, strength and activity, sustained injury to her body and shock and injury to her nervous system and person, all of which said injuries have caused, and continue to cause, Plaintiff mental, physical, and nervous pain and suffering.

28. Plaintiff is informed, believes, and thereon alleges, that said injuries may result in some other disability to Plaintiff, all to her general damage in the sum to be determined upon proof.

1 29. Further, as a direct and proximate result of Defendant's negligence, Plaintiff was required to, and
2 did employ, physicians to examine, treat and care for him. In addition, Plaintiff did incur incidental
3 expenses, and treatment of Plaintiff's injuries is still continuing. Plaintiff has incurred medical bills.
4 Plaintiff expects that there will be additional medical expenses, the exact amount of which is
5 unknown but will be proven at the time of trial.

6 30. Furthermore, as a direct and proximate result of Defendant's negligence, Plaintiff has received, and in the
7 future will continue to receive, medical care and treatment, in a sum unknown to Plaintiff at this time.

8 31. As a direct and proximate result of Defendant's negligence, Plaintiff is informed, believes, and
9 thereon alleges, that she has been, and will be, prevented from attending to her usual daily
10 affairs and business for a period in the future. The exact damage as a result of this impediment
11 is unknown at this time, but will be proven at trial.

12 Demand for Jury Trial


13 Plaintiff hereby formally demands a trial by jury.

14 WHEREFORE, Plaintiff prays for the following relief:

- 15 1. For general damages in an amount according to proof, but in excess of the minimum
16 jurisdiction of this court;
- 17 2. For all general and special damages to compensate Plaintiff for any past and future
18 medical care and treatment, inconvenience, incidental expenses, suffering, and related
19 damages;
- 20 3. For loss of property;
- 21 4. For all interest as allowed by law;
- 22 5. For all costs and disbursements incurred in this suit;
- 23 6. For such other and further relief as the Court deems just and proper.

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26 Dated: April 25, 2014

Law Office of Scott Barbag

27 By: 
28 Scott Barbag
Attorney for Plaintiff