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Attorney for Plaintiff: ANGEL AREVALO

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 21 2014

A. Sanchez

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**SUPERIOR COURT OF THE SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP
IN AND FOR THE COUNTY OF RIVERSIDE**

CENTRAL JUDICIAL DISTRICT

RIC 1407185

ANGEL AREVALO

CASE NO.

Plaintiff,

**COMPLAINT FOR PROFESSIONAL
NEGLIGENCE; MEDICAL MALPRACTICE
RESULTING IN WRONGFUL DEATH**

-vs-

DR. BARBARA BLASKO, M.D.;
KAISER FOUNDATION HOSPITALS;
SOUTHERN CALIFORNIA PERMANENTE
MEDICAL GROUP; KAISER
FOUNDATION HEALTH PLAN, INC.;
KAISER PERMANENTE; DOES 1
TO 100

Defendants,

Luz Maria Melendez, Nominal
Defendant

FIRST CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE;

MEDICAL MALPRACTICE RESULTING IN WRONGFUL DEATH

AGAINST ALL DEFENDANTS BY PLAINTIFF ANGEL AREVALO

Plaintiff Alleges:

1. Plaintiff is ignorant of the true names and capacities,
whether individual, corporate, associate or otherwise, of defendants
sued herein as Does 1 through 100, inclusive, and therefore sues such

1 defendants by such fictitious names. Plaintiff will amend this
2 complaint to allege their true names and capacities when ascertained.
3 Plaintiff is informed and believes and thereon alleges that each of
4 the fictitiously named defendants herein is in some manner legally
5 responsible for the events and happenings described herein and caused
6 damages to Plaintiff as herein alleged.

7 2. Plaintiff is further informed and believes and thereon
8 alleges that at all relevant times herein, each of the defendants was
9 and is the agent, servant and employee of each of the other defendants
10 herein and that all of the things alleged to have been done by
11 defendants were done in the capacity of and as agent of the other
12 defendants.

13 3. Plaintiff is informed and believes and thereon alleges that
14 KAISER FOUNDATION HOSPITALS, is a corporation, doing business in
15 Riverside County.

16 4. Plaintiff is informed and believes and thereon alleges that
17 the KAISER FOUNDATION HEALTH PLAN, INC. is a corporation, doing
18 business in Riverside County.

19 5. Plaintiff is informed and believes and thereon alleges that
20 the SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC., is a
21 corporation, doing business in Riverside County.

22 6. Plaintiff is informed and believes and thereon alleges that
23 defendant Kaiser Permanente is a business entity, form unknown,
24 doing business in Riverside County.

25 7. Plaintiff is informed and believes and thereon alleges that
26 Dr. Barbara Blasko M.D. was acting in the course and scope of her
27 employment with the KAISER FOUNDATION HEALTH PLAN, INC., KAISER
28 FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP,
INC., KAISER PERMANENTE, and each of the defendants, at the time of

the negligent actions alleged herein.

1 8. Plaintiff is informed and believes and thereon alleges that
2 DR. BARBARA BLASKO, M.D. is an individual, who works at the KAISER
3 hospital located at 10800 Magnolia Avenue, Riverside, California,
4 92505.

5 9. The injuries upon which this action is based occurred as
6 a result of the actions of defendants and each of them which took place
7 at the Kaiser hospital located at 10800 Magnolia Avenue, Riverside,
8 California 92505.

9 10. At all times herein mentioned, the defendants, DR. BARBARA
10 BLASKO, M.D., and does 1 through 20, inclusive, and each of them, were,
11 and now are, physicians, surgeons, or other allied health personnel
12 holding themselves out to be duly licensed by the State of California
13 to practice medicine, surgery, and related medical and/or surgical
14 services in the State of California and to possess that degree of
15 skill, ability and expertise, knowledge, qualifications and learning
16 of similar practitioners in said community.

17 11. At all times mentioned herein, the defendants, KAISER
18 FOUNDATION HOSPITALS, KAISER FOUNDATION HEALTH PLAN, INC., SOUTHERN
19 CALIFORNIA PERMANENTE MEDICAL GROUP, KAISER PERMANENTE, and does 41
20 through 50, inclusive, and each of them were corporations,
21 co-joint-venturers, partnerships, associations, or other business
22 entities organized and existing under the laws of the State of
23 California and authorized to and doing business in the State of
24 California. Said defendants were the alter ego of each of the
25 remaining defendants, and among other things, said Defendants
26 consisted of, owned, were involved with and or operated a medical
27 facility open to members of the general public. Said defendants were
28 the masters and employers of defendants, DR. BARBARA BLASKO, M.D.,

and does 1 to 20, and 51 to 100, inclusive, who were at all times herein mentioned, acting within the course and scope of their employment, agency and or joint venture.

12. At all times mentioned herein, Defendants, Does 51 to 100, Inclusive, and each of them, were paramedics, aides, attendants, technicians, nursing or medical personnel, acting as agents, employees, or servants of some or all of the Defendants, within the course and scope of said agency and employment.

13. Defendants, DR. BARBARA BLASKO, M.D., and does 1 through 20, and each of them, at all times herein mentioned, held themselves out to the public at large and to Al Arevalo, in particular, as fully qualified physicians and surgeons, duly licensed to practice their profession in the State of California and exercising prudent, reasonable judgment and care in their treatment of patients and in the selection, employment and control of qualified, trained, experienced nurses, nurse practitioners, nursing personnel, orderlies, assistants, aides, and employees under their supervision, control, direction, responsibility and authority while performing services and caring for patients including, but not limited to, the decedent Al Arevalo.

14. Defendant, KAISER FOUNDATION HOSPITALS, KAISER FOUNDATION HEALTH PLAN, INC., SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, KAISER PERMANENTE, and defendant does 41 through 50, at all times herein mentioned, owned, operated, managed, controlled and administered a general medical facility in the Central District of this court and held itself out to the public at large, and to Al Arevalo in particular, as a properly equipped, fully accredited, competently staffed medical facility with qualified and prudent personnel, and operating in compliance with the standard of care maintained in other

properly and efficiently operated and administered, accredited
medical facilities in the Southern California medical community and
offering full, competent, and efficient medical, surgical,
laboratory, x-ray, paramedical and other services to the general
public and to Al Arevalo; and said defendant, KAISER FOUNDATION
HOSPITALS, KAISER FOUNDATION HEALTH PLAN, INC., SOUTHERN CALIFORNIA
PERMANENTE MEDICAL GROUP, KAISER PERMANENTE, and each of the
defendants, administered, governed, controlled, managed and directed
all the necessary functions, activities and operation of said medical
facility including its nursing care, training of interns, residents
and house staff, and the activities of physicians and surgeons and
all employees acting within said medical facility.

15. At all times mentioned herein, decedent Al Arevalo was
under the exclusive control of the defendants and each of them and
at no time prior to the events, conduct, activity, care and treatment
as herein complained of did the defendants, or one or more of them,
obtain Al Arevalo's knowledgeable, informed consent for said care,
treatment, or conduct; that prior to the initiation of the performance
of said care, procedures, or conduct, neither Al Arevalo, nor any
authorized agent of Al Arevalo exercised voluntary, knowledgeable,
and/or informed consent for said care, treatment or conduct.

16. On or about July 24, 2013, Al Arevalo was treated at the
emergency department of the Kaiser hospital located at 10800
Magnolia, Riverside, California. He was suffering terrible pain in
his trunk, left leg numbness and a sore throat. Dr. Barbara Blasko
M.D. was his treating doctor. Dr. Blasko examined him, diagnosed him
with throat pain and discharged him with instructions to take
Ibuprofen. Al Arevalo died on July 25, 2013, only a few hours after
he was discharged by Dr. Blasko. His cause of death was

hemopericardium due to ruptured dissecting aortic aneurysm due to
1 hypertensive cardiovascular disease. Dr. Barbara Blasko M.D.
2 negligently treated and misdiagnosed Al Arevalo which resulted in his
3 death only a few hours after she discharged him.

4 17. When the above described actions took place, the
5 Defendants, DR. BARBARA BLASKO, M.D., KAISER FOUNDATION HOSPITALS,
6 KAISER FOUNDATION HEALTH PLAN, INC., SOUTHERN CALIFORNIA PERMANENTE
7 MEDICAL GROUP, KAISER PERMANENTE, and each of them, undertook said
8 employment and undertook and agreed to care for and treat Al Arevalo,
9 and to do all things necessary and proper in connection therewith,
10 and said Defendants, and each of them thereafter entered into such
11 employment individually and by and through their employees and
12 agents.

13 18. On or about July 24, and 25 of 2013, Defendants, DR. BARBARA
14 BLASKO, M.D., KAISER FOUNDATION HOSPITALS, KAISER FOUNDATION HEALTH
15 PLAN, INC., SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, KAISER
16 PERMANENTE, and each of them, individually and by and through their
17 employees and agents, negligently examined, diagnosed and treated Al
18 Arevalo.

19 19. As a result of the negligence actions described above Al
20 Arevalo died.

21 20. Angel Arevalo is the father of the decedent Al Arevalo.

22 21. At the time of Al Arevalo's death, Angel Arevalo was living
23 with Al Arevalo.

24 22. As a result of Al Arevalo's death, Plaintiff Angel Arevalo
25 has suffered the loss of Angel Arevalo's love, society,
26 companionship, comfort, moral advice, care and protection as well
27 personal services, support, advice and training. Plaintiff Angel
28 Arevalo has also been deprived of Al Arevalo's household services and

1 earning capacity. Plaintiff Angel Arevalo has also born the expense
2 of the funeral and burial expenses of Al Arevalo.

3 23. At the time of his death, Al Arevalo was not married and
4 had no children. Nominal defendant, Luz Maria Melendez is Al
5 Arevalo's mother.

6 24. The death of Al Arevalo was a direct, proximate and legal
7 result of the negligence of the defendants, and each of them.

8 25. The care and treatment Al Arevalo received from defendants,
9 and each of them, negligently failed to conform to the standard of
10 care both with respect to the care and treatment rendered to Al Arevalo
11 and with respect to providing to Al Arevalo information about the
12 risks and hazards, or other harmful consequences, that might follow
13 from the treatment, care or diagnosis.

14 26. At all times herein mentioned, the defendants, DR. BARBARA
15 BLASKO, M.D., KAISER FOUNDATION HOSPITALS, KAISER FOUNDATION HEALTH
16 PLAN, INC., SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, KAISER
17 PERMANENTE, and each of the defendants, individually and by and
18 through their employees and agents, negligently and carelessly failed
19 to properly ensure the character, quality, ability and competence of
20 individuals, including the remaining defendants, and each of them,
21 treating Al Arevalo for his health and as a proximate result thereof,
22 Al Arevalo was caused to, and did die, as herein alleged.

23 27. Defendants, and each of them, owed a duty to Al Arevalo to
24 do, among other things: provide medical care and treatment to him;
25 obtain informed consent; protect his records and documents, exercise
26 due care in screening, hiring, supervision, retaining employees,
27 agents and representatives acting on said Defendants' behalf; meeting
28 acceptable standards in continuing medical education; meeting
accepted standards for patient medical treatment; providing proper

1 medical care, treatment and services to Al Arevalo, all within the
2 applicable standards of care in the community.

3 28. Defendants, and each of them, breached their respective
4 duties of care and were negligent by, among other things, failing to
5 properly treat and diagnose Al Arevalo's symptoms, failing to obtain
6 informed consent, spoliation of records and documents, failing to
7 properly and adequately screen, hire, supervise, manage and retain
8 employees, agents, and representatives acting on defendants' behalf,
9 failing to meet accepted standards in continuing medical education,
10 failing to meet accepted standards for patient medical care and
11 treatment, and failing to provide proper medical services within the
12 applicable standard of care in the community.

13 29. As a direct and legal result of the negligent conduct of
14 the Defendants, and each of them, Al Arevalo died and plaintiff
15 suffered by way of the wrongful death of Al Arevalo.

16 30. In compliance with California Code of Civil Procedure
17 section 364, on July 8, 2014, Plaintiff served on the defendants, a
18 Notice of Intent to File Suit.

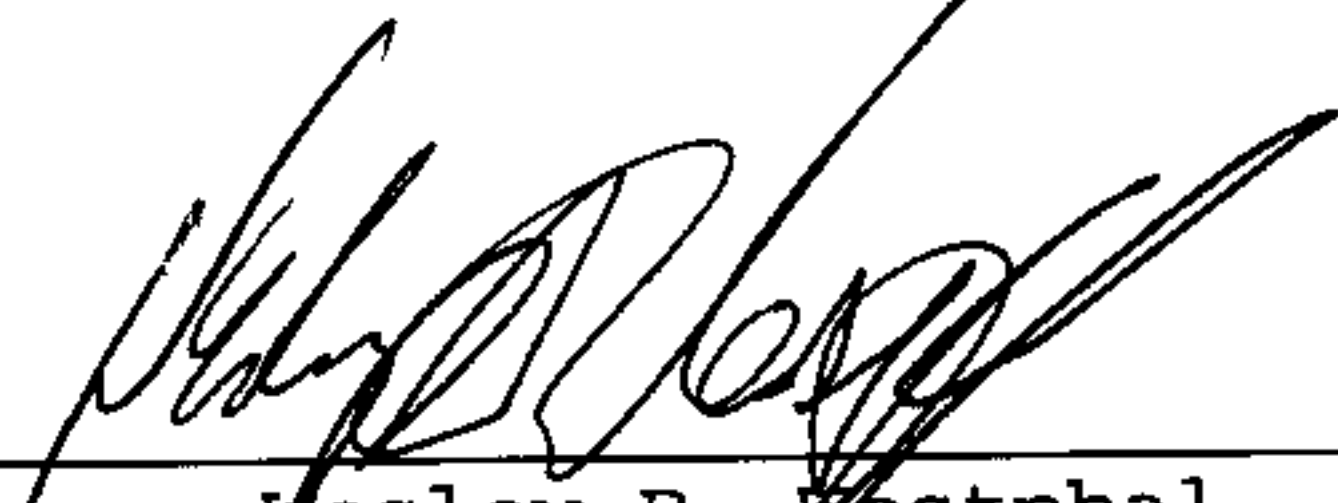
19 WHEREFORE, Plaintiff prays judgment against defendants, and
20 each of them, as follows:

- 21 (1) For non-economic damages within this court's jurisdiction;
22 (2) For costs of hospital and medical expenses according to
23 proof;
24 (3) For loss of earnings and earning capacity according to
25 proof;
26 (4) For economic damages to compensate Plaintiff for the
27 financial burden they have been placed under as a result of the
28 negligently performed tubal ligation.

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(5) For costs of suit herein incurred; and

(5) For such other and further relief as the Court may deem proper.



Wesley B. Westphal,
Attorney for Plaintiff

Courthouse News Service

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|---|---|---------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): WESLEY B. WESTPHAL (BAR NUMBER 150237) WESTPHAL LAW GROUP 1881 Commercenter East, Suite 210 San Bernardino, California 92408 TELEPHONE NO.: (909) 890-0465 FAX NO.: ATTORNEY FOR (Name): ANGEL AREVALO | FOR COURT USE ONLY | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE STREET ADDRESS: 4050 MAIN STREET MAILING ADDRESS: SAME CITY AND ZIP CODE: RIVERSIDE, CA 92501-3704 BRANCH NAME: RIVERSIDE BRANCH | <div style="font-size: 2em; font-weight: bold; transform: rotate(-5deg); display: inline-block;">RICO</div> <div style="font-size: 2em; font-weight: bold; transform: rotate(-5deg); display: inline-block; margin-left: 20px;">1407185</div> | |
| CASE NAME: AREVALO V. BLASKO | | |
| CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) | Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) | JUDGE: DEPT: |

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

| | | |
|---|--|--|
| Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input checked="" type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15) | Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|--|

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): ONE - MEDICAL MALPRACTICE
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 7/21/14

WESLEY B. WESTPHAL (BAR NUMBER 150237)
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
4050 Main Street - 2nd Floor
Riverside, CA 92501
www.riverside.courts.ca.gov

NOTICE OF DEPARTMENT ASSIGNMENT
AND CASE MANAGEMENT CONFERENCE (CRC 3.722)

AREVALO VS BLASKO

CASE NO. RIC1407185

This case is assigned to the Honorable Judge John D. Molloy in Department 10 for all purposes.

The Case Management Conference is scheduled for 01/21/15 at 8:30 in
Department 10.

The plaintiff/cross-complainant shall serve a copy of this notice on all defendants/cross-defendants
who are named or added to the complaint and file proof of service.

Any disqualification pursuant to CCP section 170.6 shall be filed in accordance with that section.

Requests for accommodations can be made by submitting Judicial Council form MC-410 no fewer than
five court days before the hearing. See California Rules of Court, rule 1.100.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I
am not a party to this action or proceeding. In my capacity, I am familiar with the practices and
procedures used in connection with the mailing of correspondence. Such correspondence is deposited
in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United
States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I
served a copy of the foregoing NOTICE on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

Date: 07/21/14

by:

ANNA B. SANCHEZ Deputy Clerk