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**FILED**  
Superior Court of California  
County of Los Angeles

AUG 18 2014

Sherril R. Carter, Executive Officer/Clerk  
By Shaunya Bolden Deputy

Attorney for Plaintiffs:

AMRAM HAVIVY, MARIA ELENA ORNELAS both in their individual capacity and as heirs to TIFFANY HAVIVY under Code of Civil Procedure §377.60.

**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

AMRAM HAVIVY, an individual on his own behalf and as a parent and decedent to TIFFANY HAVIVY; MARIA ELENA ORNELAS, an individual on her own behalf and as a parent and decedent to TIFFANY HAVIVY,

Plaintiffs,

vs.

KAISER PERMANENTE, a business entity, form unknown; KAISER FOUNDATION HOSPITALS, INC., a business entity, form unknown; SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC., a business entity, form unknown; KAISER PERMANENTE GLENDALE MEDICAL OFFICES a business entity, form unknown; CHILDREN'S HOSPITAL OF ORANGE COUNTY, a business entity, form unknown; Dr. NICK ANAS, an individual; Dr. JAMES CAPPON, an individual; Dr. JASON COOK, an individual; Dr. JASON KNIGHT, an individual; Dr. PATTY LIAO, an individual; Dr. JULIETTE HUNT, an individual; Dr. WILLIAM LOUDON, an individual; Dr. ADAM SCHWARZ, an individual; Dr. MICHAEL G. MUHONEN, an individual; Dr. ANTHONY CHERIN, an individual; Dr. PAUL LUBINSKY, an individual; Dr. DORIS WALDRON, an individual; Dr. ROBERT M. COOPER, an individual; Dr. LISA A. MILLER, an individual; Dr. JERRY C. CHENG, an individual; LESLIE D. CAHAN, an individual and DOES 1-100, inclusive,

Defendants.

Case No.:

**BC555158**

**COMPLAINT FOR:**

- 1) **PROFESSIONAL NEGLIGENCE: MEDICAL MALPRACTICE**
- 2) **WRONGFUL DEATH**
- 3) **BREACH OF FIDUCIARY DUTY**
- 4) **CONSTRUCTIVE FRAUD**
- 5) **INTENTIONAL CONCEALMENT**
- 6) **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS—Direct**
- 7) **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS—Bystander**

**DEMAND FOR JURY TRIAL**

RECEIPT #: CCH465980083  
DATE PAID: 08/18/14 03:17 PM  
PAYMENT: \$1,000.00 310  
RECEIVED:  
CHECK: \$0.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$0.00

RECEIPT #: CCH465980082  
DATE PAID: 08/18/14 03:17 PM  
PAYMENT: \$435.00 310  
RECEIVED:  
CHECK: \$0.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$435.00

CIT/CASE: BC555158  
LEA/DEF#:

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LEA/DEF#:

1 Come(s) now Plaintiffs AMRAM HAVIVY, an individual, and MARIA ELENA  
2 ORNELAS, an individual, (hereinafter "Plaintiffs") complaining and alleging as follows:

3 **INTRODUCTION**

4 This action for damages is brought by Plaintiffs, parents of TIFFANY HAVIVY  
5 ("TIFFANY"), a now-deceased minor, against various health care providers. On behalf of  
6 themselves, and/or their deceased minor daughter TIFFANY, Plaintiffs herein allege seven  
7 causes of action against named Defendant providers.

8 **PARTIES, JURISDICTION AND VENUE**

9 1. Plaintiff AMRAM HAVIVY ("Amram Havivy") is, and at all times relevant to this  
10 action was, an individual residing in the state of California. Plaintiff was the biological and legal  
11 father of TIFFANY HAVIVY, a minor, now deceased. Plaintiff has standing to bring the causes  
12 of action set forth herein. See e.g., California Code of Civil Procedure Section 377.60.

13 2. Plaintiff MARIA ELENA ORNELAS ("Maria Ornelas") is, and at all times relevant to  
14 this action was, an individual residing in the State of California. Plaintiff was the biological and  
15 legal mother of TIFFANY HAVIVY, a minor, now deceased. Plaintiff has standing to bring the  
16 cases of action set forth herein. See e.g., California Code of Civil Procedure Section 377.60.

17 3. Defendant KAISER PERMANENTE ("KAISER") is, and at all times relevant to this  
18 action was, a business entity, form unknown, doing business in the State of California, County of  
19 Los Angeles.

20 4. KAISER FOUNDATION HOSPITALS, INC., ("KAISER HOSPITALS") is, and at all  
21 times relevant to this action was, a business entity, form unknown, doing business in the State of  
22 California, County of Los Angeles.

23 5. SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC.  
24 ("SCPMG") is, and at all times relevant to this action was, a business entity, form unknown,  
25 doing business in the State of California, County of Los Angeles.

26 6. KAISER PERMANENTE GLENDALE MEDICAL OFFICES, ("KAISER  
27 GLENDALE") is, and at all times relevant to this action was, a business entity, form unknown,  
28 doing business in the State of California, County of Los Angeles.

1 7. Defendant CHILDREN'S HOSPITAL OF ORANGE COUNTY ("CHOC") is, and at  
2 all times relevant to this action was, a business entity, form unknown, doing business in the State  
3 of California, County of Orange.

4 8. Defendant SAINT JOSEPH HOSPITAL ("SAINT JOSEPH") is, and at all times  
5 relevant to this action was, a business entity, form unknown, doing business in the State of  
6 California.

7 9. Defendant WILLIAM LOUNDON, M.D., is, and at all times relevant to this action  
8 was, an individual who, upon information and belief, is a health care provider pursuant to Cal.  
9 Civ. Code 3333.1(c)(1) and practices in the State of California.

10 10. Defendant ANTHONY CHERIN, M.D., is, and at all times relevant to this action  
11 was, an individual who, upon information and belief, is a health care provider pursuant to Cal.  
12 Civ. Code 3333.1(c)(1) and practices in the State of California.

13 11. Defendant JASON KNIGHT, M.D., is, and at all times relevant to this action was, an  
14 individual who, upon information and belief, is a health care provider pursuant to Cal. Civ. Code  
15 3333.1(c)(1) and practices in the State of California.

16 12. Defendant PAUL LUBINSKY, M.D., is, and at all times relevant to this action was,  
17 an individual who, upon information and belief, is a health care provider pursuant to Cal. Civ.  
18 Code 3333.1(c)(1) and practices in the State of California.

19 13. Defendant JAMES CAPPON, M.D., is, and at all times relevant to this action was, an  
20 individual who, upon information and belief, is a health care provider pursuant to Cal. Civ. Code  
21 3333.1(c)(1) and practices in the State of California.

22 14. Defendant ADAM SCHWARZ, M.D., is, and at all times relevant to this action was,  
23 an individual who, upon information and belief, is a health care provider pursuant to Cal. Civ.  
24 Code 3333.1(c)(1) and practices in the State of California..

25 15. Defendant JASON COOK, M.D., is, and at all times relevant to this action was, an  
26 individual who, upon information and belief, is a health care provider pursuant to Cal. Civ. Code  
27 3333.1(c)(1) and practices in the State of California.  
28

1 16. Defendant PATTY LIAO, M.D., is, and at all times relevant to this action was, an  
2 individual who, upon information and belief, is a health care provider pursuant to Cal. Civ. Code  
3 3333.1(c)(1) and practices in the State of California.

4 17. Defendant JULIETTE HUNT, M.D., is, and at all times relevant to this action was, an  
5 individual who, upon information and belief, is a health care provider pursuant to Cal. Civ. Code  
6 3333.1(c)(1) and practices in the State of California.

7 18. Defendant MICHAEL G. MUHONEN, M.D., is, and at all times relevant to this  
8 action was, an individual who, upon information and belief, is a health care provider pursuant to  
9 Cal. Civ. Code 3333.1(c)(1) and practices in the State of California.

10 19. Defendant DORIS WALDRON, M.D., is, and at all times relevant to this action was,  
11 an individual who, upon information and belief, is a health care provider pursuant to Cal. Civ.  
12 Code 3333.1(c)(1) and practices in the State of California.

13 20. Defendant ROBERT M. COOPER, M.D., is, and at all times relevant to this action  
14 was, an individual who, upon information and belief, is a health care provider pursuant to Cal.  
15 Civ. Code 3333.1(c)(1) and practices in the State of California.

16 21. Defendant NICK ANAS, M.D., is, and at all times relevant to this action was, an  
17 individual who, upon information and belief, is a health care provider pursuant to Cal. Civ. Code  
18 3333.1(c)(1) and practices in the State of California.

19 22. Defendant LISA A. MILLER, M.D., is, and at all times relevant to this action was, an  
20 individual who, upon information and belief, is a health care provider pursuant to Cal. Civ. Code  
21 3333.1(c)(1) and practices in the State of California.

22 23. Defendant JERRY C. CHENG, M.D., is, and at all times relevant to this action was,  
23 an individual who, upon information and belief, is a health care provider pursuant to Cal. Civ.  
24 Code 3333.1(c)(1) and practices in the State of California.

25 24. Defendant LESLIE D. CAHAN, M.D., is, and at all times relevant to this action was,  
26 an individual who, upon information and belief, is a health care provider pursuant to Cal. Civ.  
27 Code 3333.1(c)(1) and practices in the State of California.

1 25. Plaintiffs are unaware of the true names or capacities of Defendants sued in this  
2 action as Does 1 through 100, inclusive, and who are sued by such fictitious names. Plaintiffs  
3 will amend this Complaint to allege said names and capacities when the information has been  
4 ascertained. Plaintiffs are informed and believe and on that basis allege that each of the  
5 fictitiously named Defendants is legally responsible in some manner for the acts or omissions  
6 alleged and the injuries and damages claimed in this Complaint, or in some manner claims an  
7 ownership, security, or other interest in the real property that is the subject of this action.

8 26. Plaintiffs are informed and believe and on that basis allege that at all times relevant to  
9 this action, unless otherwise stated, each Defendant, including those fictitiously named, was the  
10 agent, servant, employee, partner and/or joint venturer of each remaining Defendant, and was  
11 acting within the course and scope of such agency, employment, partnership and/or joint venture  
12 with the permission and consent or ratification of each remaining Defendant, in doing the things  
13 alleged in this Complaint.

#### 14 **FACTUAL BACKGROUND**

15 27. In early 2010, TIFFANY HAVIVY ("TIFFANY"), minor child of Plaintiffs,  
16 presented to a KAISER medical facility in the County of Los Angeles, California with  
17 symptomology that included intermittent paralysis, tremors, leg spasms, numbness, and impeded  
18 speech. TIFFANY was diagnosed with a brain tumor. TIFFANY's parents took her to KAISER  
19 more than six times before KAISER finally got around to actually conducting a scan that located  
20 the brain tumor in late 2011.

21 28. In early 2011, TIFFANY underwent brain surgery at a KAISER medical facility in  
22 order to conduct a biopsy of the tumor and remove tumor mass. KAISER staff were only able to  
23 remove an inconsequential quantity of tumor mass.

24 29. Upon information and belief, following the biopsy in 2011, KAISER diagnosed  
25 TIFFANY with an aggressive, rare form of cancer, known as Glioblastoma Multiforme Stage IV.  
26 At that time, the tumor was approximately 7 cm in diameter.

27 30. Upon information and belief, KAISER informed Plaintiffs that TIFFANY'S tumor  
28 was too large to remove, rendering her untreatable, and her prognosis terminal. The prognoses

1 was that, even with palliative care accompanied with curative treatment, TIFFANY would die  
2 within one to three months.

3 31. Upon information and belief, KAISER conducted an MRI on TIFFANY within three  
4 months of her terminal prognosis. The MRI showed that the tumor had shrunk dramatically  
5 and TIFFANY was nearly symptom free.

6 32. Upon information and belief, KAISER failed to inform or advise Plaintiffs about  
7 treatment options for TIFFANY's tumor, after it had significantly shrunk in size.

8 33. Upon information and belief, KAISER failed to explore, or perform, adequate further  
9 treatment once TIFFANY's tumor had shrunk. Instead, about four months after TIFFANY's  
10 tumor had shrunk, TIFFANY was sent home to resume her life as normal with no further  
11 treatment or monitoring suggested.

12 34. Upon information and belief, no further treatment or monitoring was suggested for  
13 TIFFANY's tumor until her symptoms returned, and Plaintiffs took her back to a KAISER  
14 medical faculty. Upon information and belief, an MRI scan conducted at the KAISER medical  
15 faculty revealed that TIFFANY's tumor had not only fully re-grown but had gotten larger than  
16 even the 7 cm mass it has been previously. Once again the KAISER medical professionals  
17 informed Plaintiffs that the tumor was too large to operate on. KAISER medical providers stated  
18 there was nothing more they could do for TIFFANY, and as a result, she was discharged and,  
19 again, given a terminal prognosis with only a few months to live.

20 35. In Mid 2012 Plaintiffs took TIFFANY for further evaluation to Rady Children's  
21 Hospital in San Diego ("RADY"). At that hospital, Defendant Dr. Michael Levy, M.D.,  
22 performed a total of seven surgeries on TIFFANY, which included an attempted tumor biopsy  
23 and a shunt placement on TIFFANY's head.

24 36. Upon information and belief, as a result of the surgeries, it was discovered that  
25 KAISER had previously misdiagnosed TIFFANY's tumor and that she, in fact, had an Atypical  
26 Teratoid Rhabdoid Tumor ("ATRT"). Unlike the prior diagnosis of Glioblastoma Multiforme  
27 Stage IV, ATRT is a more common form of childhood tumor. ATRT, likewise, has a much  
28 higher rate of survivability with proper diagnosis, treatment and monitoring.

1 37. In late 2012, TIFFANY's condition worsened substantially such that the Plaintiffs  
2 rushed her to the emergency room at SAINT JOSEPH HOSPITAL. The medical doctors,  
3 employees and/or agents at SAINT JOSEPH stabilized TIFFANY and informed her parents,  
4 Plaintiffs, that TIFFANY had less than 24 hours to live.

5 38. Soon after the bleak diagnosis, TIFFANY was transferred to the CHOC, where  
6 medical providers, including but not limited to Defendants Loudon, Cherin, Lubinsky, Knight,  
7 Hans, Schwartz, and Cappon, were involved in TIFFANY's treatment and monitoring. Upon  
8 information and belief, these medical providers failed to adequately treat TIFFANY, and instead,  
9 aggressively campaigned to have TIFFANY undergo a tracheostomy, which is a surgical  
10 procedure to create an opening into the windpipe. Upon information and belief, the Defendants'  
11 recommended that TIFFANY undergo this procedure with their own self-interest in mind  
12 because, CHOC wanted to discharge TIFFANY, who was in critical condition. Upon  
13 information and belief, immediately following the tracheostomy, CHOC would be able to  
14 discharge TIFFANY and have her die at home. Plaintiffs refused to consent to the tracheostomy.  
15 In response, CHOC threatened to obtain and filed to obtain a court order to perform the  
16 Tracheostomy on TIFFANY.

17 39. Upon information and belief, while receiving care at CHOC, health providers were  
18 desperate to have TIFFANY discharged and threatened to make it so TIFFANY's medical  
19 insurance was cancelled, thus making Plaintiffs responsible for all of TIFFANY's medical costs,  
20 if they would not consent to procedures designed, not to cure or treat TIFFANY, but to make her  
21 eligible for discharge.

22 40. Upon information and belief, while treated by medical providers at the CHOC, the  
23 agents and doctors responsible for TIFFANY's care, treatment and monitoring, also failed to  
24 keep accurate records of changes and improvements to TIFFANY's health and alter the form of  
25 treatment accordingly. As an example, when TIFFANY was transferred to CHOC, and in  
26 critical condition, CHOC and its doctors located a bone-like protrusion in TIFFANY's head.  
27 Within several days at CHOC, Doctor Knight informed Plaintiffs that the protrusion had  
28 disappeared, but failed to make a record of this change, nor communicate this change in

1 TIFFANY's condition to other medical personnel. Upon information and belief, the lack of  
2 adequate medical recording negatively impacted the care and treatment TIFFANY received.

3 41. In early 2013, while still under the care and treatment of CHOC, TIFFANY's  
4 condition vastly improved and TIFFANY was alive (not brain dead).

5 42. In Spring of 2013, the CHOC doctors again began pressuring the Plaintiffs to consent  
6 to a tracheostomy for TIFFANY. Due to fears that CHOC wanted to perform the procedure so  
7 that they could discharge TIFFANY, Plaintiffs refused to consent unless CHOC and its medical  
8 providers agreed allow TIFFANY to remain at CHOC. CHOC and its medical professionals  
9 entered into such an agreement with Plaintiffs and the procedure was performed. After the  
10 procedure, however, CHOC and its medical professionals started pressuring the Plaintiffs to  
11 leave the hospital, despite the agreement and TIFFANY's improving condition.

12 43. Soon after the trachcostomy, TIFFANY's condition rapidly deteriorated.

13 44. In Summer of 2013, TIFFANY died while still a patient of the CHOC.

14 **FIRST CAUSE OF ACTION**

15 **PROFESSIONAL NEGLIGENCE**

16 **(Against all Defendants, and Does 1 through 100)**

17 45. Plaintiffs reallege and incorporate by reference each and every allegation as set forth  
18 in paragraphs 1 through 44, as though fully set forth herein.

19 46. Plaintiffs, as parents of deceased minor, TIFFANY, have standing to bring this cause  
20 of action, which survive TIFFANY's death and pass to TIFFANY's parents as her successor in  
21 interest or personal representatives. See CCP 377.20, 377.30 *et seq.*

22 47. The Defendants named herein were health care providers within the meaning of Cal.  
23 Civ. Code sec. 333.1(c)(1) and provided services that were within the scope of services for which  
24 they were licensed, and which were not within any restriction imposed by the licensing in agency  
25 or licensed hospital.

26 48. The medical doctor Defendants owed TIFFANY, as their patient, various duties,  
27 including but not limited: the duty to render treatment in a manner consistent with the applicable  
28



1 standard/s of care and the duty to adequately inform the patient about treatment or procedures,  
2 and the material risks inherent in that treatment or procedure.

3 49. The hospital Defendants owed TIFFANY, as their patient, various duties, including  
4 but not limited to: the duty to use reasonable care in caring for TIFFANY, taking into account  
5 her mental and physical condition, the duty to select and maintain, and ensuring, the competence  
6 of its staff, including its doctors, nurses, and other medical providers.

7 50. In the course of providing professional services to TIFFANY, the Defendants  
8 engaged in negligent acts and/or omissions, as detailed previously, which were the proximate  
9 cause of personal injury to, and resulted in the subsequent death of, TIFFANY. These acts  
10 and/or omissions include, but are not limited to: late diagnostic of TIFFANY's brain tumor,  
11 misdiagnosis of TIFFANY's brain tumor, failing to adequately supervise TIFFANY's treatment  
12 and/or monitor TIFFANY's tumor after the tumor had regrown for the second time; failing to  
13 advise TIFFANY's parents, as her guardians, of treatment options, risks, and other information  
14 material to allow Plaintiffs to make an informed choice about whether to accept or decline  
15 procedures; failing to use reasonable care in caring for TIFFANY.

16 51. As a direct and proximate result of Defendants' acts and/or omissions, TIFFANY  
17 suffered personal injury, and ultimately, death. The Plaintiffs, as the surviving parents of the  
18 minor TIFFANY, hereby pray for damages in excess of the jurisdictional limit of this court,  
19 according to proof.

## 20 SECOND CAUSE OF ACTION

### 21 WRONGFUL DEATH

22 (Against all Defendants and Does 1 through 100)

23 52. Plaintiffs reallege and incorporate paragraphs 1 through 51, as though fully set forth  
24 herein.

25 53. Plaintiffs are the natural parents, and therefore the heirs, successors in interests,  
26 and/or personal representatives, of minor TIFFANY. As such, Plaintiffs have standing to  
27 maintain this cause of action pursuant to Cal. Code Civ. Proc. sect. 377.60.  
28

1 54. Upon information and belief, TIFFANY's death was caused by the wrongful acts  
2 and/or omissions, or neglect, by the defendant health care providers as herein alleged.

3 55. As a direct and proximate result of the foresaid, Plaintiffs, as the parents of  
4 TIFFANY, have been deprived of TIFFANY's love, care, comfort, and society to their general  
5 damages as well as funeral costs and other related damages according to proof at trial.

6 **THIRD CAUSE OF ACTION**

7 **BREACH OF FIDUCIARY DUTY**

8 (Against Defendants KAISER PERMANENTE, KAISER FOUNDATION HOSPITALS,  
9 INC., SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC., KAISER  
10 PERMANENTE GLENDALE MEDICAL OFFICES, DR. DORIS WALDRON, DR.  
11 ROBERT M. COOPER, AND LISA A. MILLER, JERRY C. CHENG and Does 1 through  
12 100)

13 56. Plaintiffs reallege and incorporate by reference paragraphs 1 through 55 above, as  
14 though fully set forth herein.

15 57. By virtue of their "healthcare provider/patient" relationship, Defendants has a  
16 fiduciary duty to TIFFANY to act with the utmost good faith and her best interests.

17 58. Defendants breached their fiduciary duty to decedent as alleged above. By virtue of  
18 the foresaid, Defendants acted recklessly, oppressively, and intentionally in breach of their duties  
19 as healthcare providers.

20 59. As a direct and legal result of the foresaid TIFFANY HAVIVY died.

21 **FOURTH CAUSE OF ACTION**

22 **CONSTRUCTIVE FRAUD**

23 (Against Defendants KAISER PERMANENTE, KAISER FOUNDATION HOSPITALS,  
24 INC., SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC., KAISER  
25 PERMANENTE GLENDALE MEDICAL OFFICES, DR. DORIS WALDRON, DR.  
26 ROBERT M. COOPER, AND LISA A. MILLER, JERRY C. CHENG and Does 1 through  
27 100)

28 60. Plaintiffs reallege and incorporate by reference paragraphs 1 through 59, as though  
fully set forth herein.

1 61. By virtue of their "healthcare provider/patient relationship" with TIFFANY  
2 HAVIVY, Defendants and each one of them owed a fiduciary duty to TIFFANY HAVIVY to  
3 disclose all medical records in their entirety. This fiduciary duty also required that other medical  
4 professionals treating TIFFANY HAVIVY were entitled to receiving her medical records in their  
5 entirety.

6 62. Defendants intentionally breached the aforesaid duty to disclose all medical records  
7 in their entirety. Said breach was intentional and motivated by Defendants desire to sabotage  
8 Plaintiff's claims set forth in this Complaint.

9 63. In denying Plaintiffs and possibly other medical professionals, full access to  
10 TIFFANY HAVIVY'S medical records, Defendants acted despicably and with recklessness,  
11 oppression, and malice. By virtue of the foresaid, Defendants, and each of them, have acted with  
12 fraud and an assessment of punitive damages in a sum according to proof at trial, is justified and  
13 appropriate.

#### 14 **FIFTH CAUSE OF ACTION**

#### 15 **INTENTIONAL CONCEALMENT**

16 (Against Defendants KAISER PERMANENTE, KAISER FOUNDATION HOSPITALS,  
17 INC., SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC., KAISER  
18 PERMANENTE GLENDALE MEDICAL OFFICES, DR. DORIS WALDRON, DR.  
19 ROBERT M. COOPER, AND LISA A. MILLER, JERRY C. CHENG and Does 1 through  
20 100)

21 64. Plaintiffs reallege and incorporate by reference each and every allegation of all  
22 preceding Paragraphs as though fully set forth herein.

23 65. Plaintiff Amram Havity sought to obtain his beloved daughter's medical records  
24 from Kaiser's Medical Records Department, the only department Plaintiff is aware he can order  
25 medical records from.

26 66. Defendants, and each of them, had a duty to disclose the above mentioned records to  
27 Plaintiffs Amram Havivy and Ornelas by virtue of their fiduciary relationship to TIFFANY  
28 HAVIVY as a healthcare provider/patient, and by virtue of the fact that without full disclosure of

1 TIFANNY HAVIVY'S medical records, Plaintiffs cannot examine and follow the series of  
2 events that lead to their daughter's death.

3 67. Plaintiff parent believed to have obtained all medical records pertaining to his  
4 daughter during her stay with Kaiser. When Plaintiff looked through the records he received  
5 from Kaiser's Medical Records Department, he noticed that the records contained a few major  
6 gaps in the medical entries. It is also possible that Kaiser was submitting this same, incomplete  
7 version of TIFFANY HAVIVY'S medical records to other medical professionals, thus depriving  
8 other medical professionals and TIFFANY HAVIVY the necessary information for adequate  
9 treatment,

10 68. The first gap in TIFFANY HAVIVY'S medical records takes place right after  
11 TIFFANY HAVIVY'S April 6, 2010 visit. There are no entries for seven months following this  
12 visit until November 24, 2010. During gap in TIFFANY HAVIVY'S medical records, Plaintiffs  
13 Amram Haviyy and Ornelas took TIFFANY HAVIVY to Kaiser medical facilities about three or  
14 four times.

15 69. The second gap in TIFFANY HAVIVY'S medical records takes place after  
16 TIFFANY HAVIVY'S December 9, 2010 Kaiser visit. There should be an entry for her  
17 December 20, 2010 visit, which is a critical visit, as that is when she underwent the brain scan  
18 that revealed she had a mass growing in her head.

19 70. The third gap in TIFFANY HAVIVY'S medical records takes place right after  
20 TIFFANY HAVIVY'S February 7, 2011 visit. There are no entries for another seven months  
21 following this visit until September 22, 2011. During gap in TIFFANY HAVIVY'S medical  
22 records Plaintiffs Amram Haviyy and Ornelas took TIFFANY HAVIVY to Kaiser medical  
23 facilities to receive brain scans. These visits are of major significance because on TIFFANY  
24 HAVIVY'S May 19, 2011 visit, her brain scans revealed that her tumor has significantly  
25 decreased in size. On TIFFANY HAVIVY'S August 29, 2011 visit, her brain scans revealed that  
26 her tumor has regrown, to a size larger than 7 centimeters.

1 71. The medical records that Plaintiff received also lacked any entries regarding phone  
2 calls made to and from TIFFANY HAVIVY'S doctors at Kaiser. The medical records contain  
3 no entry regarding the decreased and increased size of her tumor.

4 72. Plaintiffs Armam Havivy and Ornelas knew that there should have been more files in  
5 TIFFANY HAVIVY'S medical records as they had called her doctors and/or received their  
6 phone calls, and had taken her to above mentioned visits.

7 73. In an effort to clear up the matter, Plaintiff called the office of Dr. Lisa Miller on to  
8 request the files that were missing from TIFFANY HAVIVY'S medical records and also to  
9 request her notes on their telephone conversations. As of this date, Plaintiff has yet to hear from  
10 Dr. Miller.

11 74. Given that Plaintiffs beloved daughter was still a patient with Kaiser long after  
12 February 7, 2011, it follows that Kaiser has intentionally concealed files within her medical  
13 records that point to the decreased sized of her tumor, which should have been removed during  
14 this time. Without these records in her medical files, Kaiser hopes to downplay Plaintiff's  
15 Negligence claim and keep Plaintiff from pointing to evidence that commanded more aggressive  
16 treatment/surgery than Plaintiff's daughter was given.

17 75. Plaintiffs therefore seek damages according to proof at trial.

18 **SIXTH CAUSE OF ACTION**

19 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS – DIRECT VICTIM**

20 **(Against All Defendants)**

21 76. Plaintiffs reallege and incorporate by reference each and every allegation as set forth  
22 in paragraphs 1 through 75, as though fully set forth herein.

23 77. Plaintiffs are the natural parents, and therefore the heirs, successors in interests,  
24 and/or personal representatives, of minor TIFFANY. As such, Plaintiffs have standing to  
25 maintain this cause of action pursuant to Cal. Code Civ. Proc. sect. 377.60.

26 78. The Defendants, as medical providers, owed a duty to TIFFANY, their patient, as  
27 detailed throughout. The Defendants breached their duties to TIFFANY, in ways detailed herein,  
28 including but not limited to: engaging in acts and/or omissions that fall below the standard of

1 care; failing to monitor and treat TIFFANY; failure to keep adequate and complete medical  
2 records; and failure to as detailed throughout, and duty to use reasonable care in treating and  
3 caring for TIFFANY.

4 79. As a proximate cause of Defendants' actions or omissions, TIFFANY suffered  
5 serious and severe emotional distress that was substantial and endured until the date of her death.  
6 set forth above.

7 80. Plaintiffs therefore seek damages according to proof at trial.

8 **SEVENTH CAUSE OF ACTION**

9 **NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS - BYSTANDER**

10 **(Against All Defendants)**

11 81. Plaintiffs reallege and incorporate by reference each and every allegation as set forth  
12 in paragraphs 1 through 80, as though fully set forth herein.

13 82. Plaintiffs are the natural parents of minor, TIFFANY, who was treated by medical  
14 provider Defendants. As a result of the medical provider relationship with their patient,  
15 TIFFANY, the defendants owed TIFFANY a duty. As stated herein, Defendants breached their  
16 duties to TIFFANY which was the proximate cause of her injury and resulting death.

17 83. Upon information and belief, TIFFANY suffered personal injury and, ultimately  
18 death, as a result of the negligent acts and/or omissions of the Defendants. The Plaintiffs were  
19 present for TIFFANY's care and were aware, at the time, by direct sensory perception, of the  
20 events that was causing TIFFANY's injury and/or death.

21 84. As result of watching their minor daughter suffer and ultimately die due to  
22 Defendants' breach, Plaintiffs' suffer serious or severe emotional distress that is serious and  
23 enduring

24 85. Plaintiffs therefore seek damage according to proof at trial.

25 **WHEREFORE, PLAINTIFFS PRAY** for judgment as follows:

- 26 (i) For compensatory damages in an amount according to proof;  
27 (ii) For special and consequential damages in an amount according to proof;  
28 (iii) For reasonable Attorney fees in an amount according to proof;

1 (iv) For costs of suit; and

2 (v) For such other and further relief that the Court considers just and proper.

3  
4 DATED: August 18, 2014

BY: **SLATER LAW, APC**  
9663 Santa Monica Blvd., #609  
Beverly Hills, CA 90210

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9 Theodore Slater; Attorneys for Plaintiffs AMRAM  
10 HAVIVY and MARIA ELENA ORNELAS  
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Theodore Slater, SBN, 267479

Slater Law, APC

9663 Santa Monica Blvd., #609

Beverly Hills, California 91601

TELEPHONE NO.: 310-494-5756

FAX NO.: 818-804-3470

ATTORNEY FOR (Name): Plaintiffs, Amram Havivy and Maria E Ornelas

**FILED**  
FOR COURT USE ONLY  
Superior Court of California  
County of Los Angeles

AUG 18 2014

Sherri R. Carter, Executive Officer/Clerk

By Shamya Bolden Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 North Hill St.

MAILING ADDRESS: 111 North Hill St.

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Stanley Mosk Courthouse, Central District

CASE NAME:

Amram Havivy, et al. v. Keiser Permanente, et al.

CASE NUMBER:

BC 555158

## CIVIL CASE COVER SHEET

- ☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000 or less)

## Complex Case Designation

- ☐ **Counter** ☐ **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

- ☐ Auto (22)  
☐ Uninsured motorist (46)

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)  
☐ Product liability (24)  
☒ Medical malpractice (45)  
☐ Other PI/PD/WD (23)

## Non-PI/PD/WD (Other) Tort

- ☐ Business tort/unfair business practice (07)  
☐ Civil rights (08)  
☐ Defamation (13)  
☐ Fraud (16)  
☐ Intellectual property (19)  
☐ Professional negligence (25)  
☐ Other non-PI/PD/WD tort (35)

## Employment

- ☐ Wrongful termination (36)  
☐ Other employment (15)

## Contract

- ☐ Breach of contract/warranty (06)  
☐ Rule 3.740 collections (09)  
☐ Other collections (09)  
☐ Insurance coverage (18)  
☐ Other contract (37)

## Real Property

- ☐ Eminent domain/Inverse condemnation (14)  
☐ Wrongful eviction (33)  
☐ Other real property (28)

## Unlawful Detainer

- ☐ Commercial (31)  
☐ Residential (32)  
☐ Drugs (38)

## Judicial Review

- ☐ Asset forfeiture (05)  
☐ Petition re: arbitration award (11)  
☐ Writ of mandate (02)  
☐ Other judicial review (39)

## Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- ☐ Antitrust/Trade regulation (03)  
☐ Construction defect (10)  
☐ Mass tort (40)  
☐ Securities litigation (28)  
☐ Environmental/Toxic tort (30)  
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

## Enforcement of Judgment

- ☐ Enforcement of judgment (20)

## Miscellaneous Civil Complaint

- ☐ RICO (27)  
☐ Other complaint (not specified above) (42)

## Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)  
☐ 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. ☒ Large number of separately represented parties  
b. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve  
c. ☒ Substantial amount of documentary evidence  
d. ☒ Large number of witnesses  
e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
f. ☐ 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): 7

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: 8/18/14

Theodore Slater

(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



## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

## Other PIPD/W (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (not asbestos or toxic/environmental) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PIPD/W (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PIPD/W (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PIPD/W

## Non-PIPD/W (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (not medical or legal)  
Other Non-PIPD/W Tort (35)

## Employment

Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (not unlawful detainer or wrongful eviction)  
Contract/Warranty Breach—Seller  
Plaintiff (not fraud or negligence)  
Negligent Breach of Contract  
Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (not provisionally complex) (18)  
Auto Subrogation  
Other Coverage

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case  
Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (non-domestic relations)  
Sister State Judgment  
Administrative Agency Award (not unpaid taxes)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (not specified above) (42)  
Declaratory Relief Only  
Injunctive Relief Only (non-harassment)  
Mechanics Lien  
Other Commercial Complaint Case (non-tort/non-complex)  
Other Civil Complaint (non-tort/non-complex)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (not specified above) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

SHORT TITLE:

Amram Havivy v. Kaiser Permanente

CASE NUMBER

**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

**This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.**

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 16 ☐ HOURS/ ☒ DAYS

**Item II.** Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input checked="" type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.

SHORT TITLE:

Amram Havivy v. Kaiser Permanente

CASE NUMBER

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Non-Personal Injury/Property Damage/ Wrongful Death Tort</b>	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2,3.
<b>Employment</b>	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
<b>Contract</b>	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
<b>Real Property</b>	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
<b>Unlawful Detainer</b>	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Amram Havivy v. Kaiser Permanente	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2., 8.
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2.
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6097 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
RICO (27)	<input type="checkbox"/> A5033 Racketeering (RICO) Case	1., 2., 8.	
Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6017 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
		<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.	
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
		<input type="checkbox"/> A6100 Other Civil Petition	2., 9.

SHORT TITLE: Amram Havivy v. Kaiser Permanente	CASE NUMBER
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**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

<b>REASON:</b> Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.  <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			<b>ADDRESS:</b> Kaiser Permanente Glendale Medical Offices 444 W. Glenoaks Blvd. Glendale, CA 91202
<b>CITY:</b> Glendale	<b>STATE:</b> CA	<b>ZIP CODE:</b> 91202	

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Los Angeles District of the Superior Court of California, County of Los Angeles (Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)).

Dated: Theodore Slater

(SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

03/18/2014

# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

KAISER PERMANENTE, a business entity, form unknown; KAISER FOUNDATION HOSPITALS, INC., a business entity, form unknown;

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

AMRAM HAVIVY, an individual on his own behalf and as a parent and decedent to TIFFANY HAVIVY,

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**FILED**  
Superior Court of California  
County of Los Angeles

AUG 18 2014

Sherri R. Carter, Executive Officer/Clerk

By Shaunya Bolden Deputy

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Stanley Mosk Courthouse  
111 North Hill St.  
Los Angeles, CA 90012

CASE NUMBER:  
(Número del Caso):

BC 555158

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Theodore Slater, SBN 267479, 9663 Santa Monica Blvd., #600, Beverly Hills, CA 90210, Ph: 310-494-5756

DATE:  
(Fecha)

AUG 18 2014

Clerk, by  
(Secretario)

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

SHAUNYA BOLDEN

## NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date):



SHORT TITLE: Amram Havivy v. Kaiser Permanente	CASE NUMBER:
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## INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.  
 → If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

☒ Plaintiff
 ☐ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

MARIA ELENA ORNELAS, an individual on her own behalf and as parent and decedent to TIFFANY HAVIVY

Courthouse News Service

08/18/2014

SHORT TITLE: Amram Havivy v. Kaiser Permanente	CASE NUMBER:
---	--------------

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☐ Plaintiff
 ☒ Defendant
 ☐ Cross-Complainant
 ☐ Cross-Defendant

SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, INC., a business entity, form unknown;  
 KAISER PERMANENTE GLENDALE MEDICAL OFFICES a business entity, form unknown;  
 CHILDREN'S HOSPITAL OF ORANGE COUNTY, a business entity, form unknown; Dr. NICK ANAS,  
 an individual; Dr. JAMES CAPPON, an individual; Dr. JASON COOK, an individual; Dr. JASON  
 KNIGHT, an individual; Dr. PATTY LIAO, an individual; Dr. JULIETTE HUNT, an individual; Dr.  
 WILLIAM LOUDON, an individual; Dr. ADAM SCHWARZ, an individual; Dr. MICHAEL G.  
 MUHONEN, an individual; Dr. ANTHONY CHERIN, an individual; Dr. PAUL LUBINSKY, an individual;  
 Dr. DORIS WALDRON, an individual; Dr. ROBERT M. COOPER, an individual; Dr. LISA A. MILLER,  
 an individual; Dr. JERRY C. CHENG, an individual; LESLIE D. CAHAN, an individual and DOES 1-100,  
 inclusive,

08/18/2014

Page 3 of 3

Page 1 of 1