

ORIGINAL

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FILED
Superior Court of California
County of Los Angeles

OCT 30 2014

Sherri R. Cane, Court Clerk
By:  Deputy
Native Holder

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

JAY ESPEJO, M.D., M.P.H.,

Plaintiff,

v.

SOUTHERN CALIFORNIA PERMANENTE
MEDICAL GROUP, a partnership; KAISER
FOUNDATION HEALTH PLAN, INC., a
corporation; KAISER FOUNDATION
HOSPITALS, INC., a corporation; JOSEPH
HUANG, M.D.; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO.:

BC 562 377

COMPLAINT FOR DAMAGES

1. Wrongful Termination
in Violation of Public Policy;
2. Whistleblower Retaliation
(Health & Safety Code § 1278.5);
3. Whistleblower Retaliation
(Labor Code § 1102.5)

DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, JAY ESPEJO, M.D., M.P.H., and on information and belief
complains and alleges as follows:

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RECEIPT #: CCH465980049
DATE PAID: 10/30/14 02:40 PM
PAID: \$435.00
RECEIVED:
CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

CIT/CASE: BC562377
LEA/DEF:

34 Michael Linfield

10/30/2014

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1 over Defendant SCPMG and a number of other corporate and partnership entities, such that
2 SCPMG's very existence as purported separate entity is a sham designed to perpetuate the myth
3 that KFHP is a legitimate "non-profit" corporation. Plaintiff is informed and believes that KFHP is
4 in fact a "for profit" enterprise regularly reporting its profitability publicly.

5 7. Plaintiff is informed and believes and thereon alleges that: KFHP's total dominance
6 over KFHP and SCPMG is evidence by the fact that KFHP and SCPMG's entire annual budget is set
7 by, controlled by, and approved by KFHP; all funds for KFHP and SCPMG's operations come from
8 KFHP; KFHP determines what "profit," if any, SCPMG are allowed to make; money that SCPMG
9 uses to pay bonuses to its doctors comes from KFHP; SCPMG does not bill any customers for most
10 of its services; barring emergencies or extremely rare instances, SCPMG doctors are only allowed
11 to work for KFHP members; SCPMG's only source of money is from KFHP. KFHP provides
12 virtually all legal, human resources, insurance, communications, advertising, billing, and other
13 necessary services for KFHP and SCPMG. Members buying health care coverage only pay money to
14 KFHP, not to SCPMG; they buy insurance from KFHP and receive services through SCPMG; and
15 members' medical records identify Kaiser Permanente as the patients' health care provider and are
16 maintained electronically in an integrated electronic health record system called Kaiser Permanente
17 HealthConnect®, to which all KFHP, SCPMG, and KFHP health professionals generally have access.
18 The Kaiser Permanente website claims, "Kaiser Permanente HealthConnect®, our comprehensive
19 electronic health record, is one of the largest private electronic health systems in the world. KP
20 HealthConnect and our integrated model securely connect more than 611 medical offices and 37
21 hospitals, linking patients to their health care teams, their personal health information and the latest
22 medical knowledge. . . . As of March 2010, all Kaiser Permanente medical facilities are live with
23 KP HealthConnect." (<http://share.kaiserpermanente.org/total-health/connectivity/>). Plaintiff is
24 informed and believes and thereon alleges that advertising for the health care offered by KFHP as
25 health insurance and provided through SCPMG doctors is done predominantly by KFHP,
26 advertising as "Kaiser Permanente," as seen in the multi-million dollar "Thrive" advertising
27 campaign. Plaintiff is informed and believes and thereon alleges that SCPMG does not own
28 hospitals, medical buildings, or the clinics where they work; they are owned by KFHP. KFHP

1 provides all telephone, fax, and e-mail services for SCPMG. Plaintiff is informed and believes and
2 thereon alleges KFHP also provides health insurance and medical malpractice insurance to
3 SCPMG's doctors. Plaintiff is informed and believes and thereon alleges that KFHP lawyers
4 routinely render legal advice and counsel to KFHP and SCPMG, and have unfettered access to KFHP
5 and SCPMG records; KFHP's Human Resources department routinely investigates EEOC/DFEH
6 or other complaints of discrimination and/or retaliation regarding KFHP and SCPMG's practices and
7 employees, reporting to KFHP's legal department on all such investigations; KFHP lawyers and
8 human resources staff do not obtain privacy waivers when seeking records of KFHP and/or SCPMG
9 employees or investigating their claims; KFHP provides and pays for all facilities in which KFHP
10 and SCPMG conduct business.

11 8. Defendants SCPMG, KFHP, and KFHP, if not separately noted, are collectively
12 referred to herein as "Kaiser Corporate Defendants." These Defendants are collectively liable under
13 either a joint employer theory or a single enterprise theory.

14 9. Defendant JOSEPH HUANG, M.D. (hereinafter, "HUANG") was at all times
15 relevant hereto a medical doctor, duly licensed to practice medicine in the State of California,
16 employed by Kaiser Corporate Defendants as Chief of the Department of Family Medicine at
17 Kaiser-West LA, and a resident of the State of California, County of Los Angeles.

18 10. Plaintiff is informed and believes and thereupon alleges that Defendants DOES 1
19 through 100, inclusive, and each of them, at all times relevant hereto, were public, business, and/or
20 other entities whose form is unknown committing torts in and/or engaged in purposeful economic
21 activity within the County of Los Angeles, State of California.

22 11. The true names and capacities of Defendants DOES 1 through 100, and each of
23 them, whether individual, corporate, associate or otherwise, are unknown to Plaintiff at this time,
24 therefore Plaintiff sues said Defendants by such fictitious names. Plaintiff will file DOE
25 amendments, and/or ask leave of court to amend this complaint to assert the true names and
26 capacities of these Defendants when they have been ascertained. Plaintiff is informed and believes,
27 and upon such information and belief alleges, that each Defendant herein designated as a DOE was
28 and is in some manner, negligently, wrongfully, or otherwise, responsible and liable to Plaintiff for

1 the injuries and damages hereinafter alleged, and that Plaintiff's damages, as herein alleged were
2 proximately caused by their conduct.

3 12. Plaintiff is informed and believes, and thereon alleges, that at all times material
4 herein the Defendants, and each of them, were the agents, servants, or employees, or ostensible
5 agents, servants, and employees of each other Defendant, and as such, were acting within the
6 course and scope of said agency and employment or ostensible agency and employment, except on
7 those occasions when Defendants were acting as principals, in which case, said Defendants; and
8 each of them, were negligent in the selection, hiring, and use of the other Defendants.

9 13. At all times mentioned herein, each of the Defendants was the co-tortfeasor of each
10 of the other Defendants in doing the things hereinafter alleged.

11 14. Plaintiff is further informed and believes that at all times relevant hereto,
12 Defendants, and each of them, acted in concert and in furtherance of the interests of each other
13 Defendant. The conduct of each Defendant combined and cooperated with the conduct of each of
14 the remaining Defendants so as to cause the herein described incidents and the resulting injuries
15 and damages to Plaintiff.

16 VENUE AND JURISDICTION

17 15. This Court has personal jurisdiction of Defendants, and each of them, because they
18 are residents of and/or doing business in the State of California.

19 16. The wrongful conduct alleged against Defendants, and each of them, occurred in the
20 County of Los Angeles, State of California. At all relevant times hereto, the conduct at issue was
21 part of a continuous and on-going pattern of behavior.

22 17. This Court is the proper court because the injury and/or wrongful acts that are the
23 subject of this action occurred in its jurisdictional area and/or at least one Defendant now resides in
24 its jurisdictional area.

25 18. Plaintiff has complied with and/or exhausted any applicable claims statutes and/or
26 administrative and/or internal remedies and/or grievance procedures, and/or is excused from
27 complying therewith.
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GENERAL ALLEGATIONS

19. Plaintiff is a Board Certified Family Medicine physician. On or about September 1, 2011, Plaintiff began his employment as a Family Medicine Physician at Kaiser-West LA.

20. Plaintiff was qualified for his position by reason of his education and training. Plaintiff received his Bachelor's degree in Physiology and Study of Religion, *magna cum laude*, from the University of California, Los Angeles (hereinafter, "UCLA") in 2002. Plaintiff received both his Doctorate in Medicine from the UCLA David Geffen School of Medicine and his Master of Public Health from the UCLA Fielding School of Public Health in 2007. Plaintiff has been duly licensed to practice medicine in the State of California since 2010. In or around fall 2010, Plaintiff was a Fellow with the United States Surgeon General. Plaintiff completed his residency in Family Medicine with UCLA Health System, where he was Chief Resident, in 2011.

21. In the course of his employment, Plaintiff performed his various responsibilities as a Family Medicine Physician in an exemplary fashion and otherwise capably performed each and every condition of his employment agreement. Plaintiff was awarded the Kaiser Permanente Access Award for July 2013 to May 2014. On or about December 20, 2013, Plaintiff was advised that he was awarded a Certificate of Recognition from the National Committee for Quality Assurance for Delivery of Quality Diabetes Care. On or about June 24, 2014, Plaintiff became aware that he made Partner with SCPMG.

22. Plaintiff also received numerous emails from patients commending Plaintiff on the care he provided. On or about March 5, 2014, one long-time patient, who had been with Kaiser for about 40 years, commended Plaintiff with an "On the Spot" Service Excellence certificate. The patient wrote, in part, "Do Not Lose Him. He is a true professional." (Emphasis in original.) Plaintiff received other messages from patients praising and thanking him for his care, with some even indicating Plaintiff was the best doctor they ever had at Kaiser. Patients under the care and treatment of other primary care providers also specifically requested to be added to Plaintiff's patient panel, even if they knew it was full.

23. As a Family Medicine Physician at Kaiser-West LA, Plaintiff was the "primary care provider" for a panel of approximately 2100-2200 patients. In the course of his employment,

1 Plaintiff made multiple reports about the quality of care, services, or conditions at Kaiser-West LA,
2 in particular regarding the inappropriate prescribing practices of John Miguel, M.D. in the Urgent
3 Care Clinic, which is part of the Family Medicine service at Kaiser-West LA. Plaintiff became
4 aware, and subsequently reported, that Dr. Miguel prescribed narcotic substances to at least two of
5 Plaintiff's patients with no apparent medical necessity and in contradiction to the medical opinions
6 of two other Kaiser-West LA physicians.

7 24. On or about December 23, 2013, at or around 7:45 p.m., one of Plaintiff's patients,
8 "1," presented to Sarah Hooks, M.D. at the Kaiser-West LA Urgent Care Clinic complaining of
9 coughing and wheezing. Patient "1" demanded that Dr. Hooks prescribe a narcotic cough syrup.
10 The cough syrup Patient "1" wanted was a combination of Promethazine and Codeine, a Schedule
11 V controlled substance under the Controlled Substances Act (21 U.S.C. §§ 801 *et seq.*; 21 C.F.R.
12 1308). Promethazine and Codeine are both central nervous system depressants.

13 25. This cough syrup is the basis for a recreational drug called "Purple Drank," a
14 cocktail of promethazine and codeine cough syrup mixed with a lemon-lime soft drink and, often, a
15 hard, fruit-flavored candy. Purple Drank, also known as "sizzurp," among other street names, can
16 be fatal, causing respiratory or cardiac arrest. This kind of narcotic cough syrup notoriously has
17 been associated with drug abuse by certain hip-hop artists and professional athletes.

18 26. A review of Patient "1"'s chart revealed an active problem list of cocaine abuse,
19 amphetamine abuse, hallucinogen abuse, and cannabis abuse. Based on her evaluation and
20 assessment of Patient "1", Dr. Hooks determined narcotic cough syrup was not medically necessary
21 to treat Patient "1"'s wheezing and coughing due to asthma. Dr. Hooks offered to refill Patient
22 "1"'s asthma medication, but refused to prescribe the narcotic. Patient "1" refused asthma
23 medication or other care. Despite Dr. Hooks' repeated explanations that narcotic cough syrup was
24 not appropriate care, Patient "1" remained angry and wanted to see Dr. Hooks' supervisor. A nurse
25 later discussed with Patient "1" the option of obtaining a second opinion visit.

26 27. Later that night, at or around 10:28 p.m., Patient "1" presented to Dr. Miguel at the
27 Kaiser-West LA Urgent Care Clinic for a second opinion. Dr. Miguel documented that Patient "1"
28 was "adamant" about getting the "cough medication," noting Patient "1" to be "loud" and

1 "confrontational." To appease Patient "1", Dr. Miguel prescribed the narcotic cough syrup. In his
2 encounter note, Dr. Miguel related, "Although I agreed with Dr. Hooks that the cough medication
3 was not the medication of choice given the [diagnosis] of Asthma, [upper respiratory infection] and
4 a [history] of multiple types of drug abuse, I went ahead and [prescribed] the medication anyway
5 just to appease the patient and not to go against Dr. Hooks' evaluation and treatment."

6 28. In essence, Dr. Miguel prescribed a controlled substance when not medically
7 necessary, in violation of the Controlled Substances Act (21 U.S.C. §§ 801 *et seq.*), 21 U.S.C. §
8 841(a); 21 C.F.R. 1306.04(a), the California Uniform Controlled Substances Act (CAL. HEALTH &
9 SAFETY C. §§ 11000 *et seq.*), California Health & Safety Code sections 11152, 11153(a), and/or
10 California Business & Professions Code sections 2234(b), 2242(a), and 2266.

11 29. The United States Drug Enforcement Agency (hereinafter, "DEA") has stated, "As a
12 DEA registrant, a physician has a responsibility to exercise a much greater degree of oversight to
13 prevent diversion and abuse in the case of a known or suspected addict than in the case of a patient
14 for whom there are no indicators of drug abuse."

15 30. The Medical Board of California has recognized that prescription drug abuse and
16 the resulting deaths is an issue that must be given the utmost priority.

17 31. Dr. Miguel's unprofessional conduct, however, continued. On or about May 30,
18 2014, at or around 5:53 a.m., one of Plaintiff's patients, "2," presented to Krikor Akmakji, M.D. at
19 the Kaiser-West LA Emergency Department complaining of abdominal pain. Based on his
20 observation of Patient "2"'s "exaggerated response to mild palpitation [of the abdomen]" and the
21 patient's history of repeated emergency department visits on May 25 and 28, 2014 with the same
22 complaints, Dr. Akmakji suspected drug-seeking behavior. Dr. Akmakji diagnosed low levels of
23 potassium and compressed bowels, for which he prescribed an anti-cramping medication and Extra
24 Strength Tylenol for pain. Dr. Akmakji then sent the patient home.

25 32. Rather than go home, Patient "2" presented to the Kaiser-West LA Urgent Care
26 Clinic, consistent with drug-seeking behavior. Not realizing the patient came from the Emergency
27 Department, Urgent Care referred Patient "2" to the Primary Care Clinic to see Plaintiff. Later that
28 same day, at or around 9:43 a.m., Patient "2" presented to Plaintiff at the Kaiser-West LA Primary

1 Care Clinic. Upon reviewing the patient's chart, and seeing the Emergency Department wristband
2 still on Patient "2"'s wrist, Plaintiff referred the patient back to the Urgent Care Clinic in
3 accordance with standard operating procedures.

4 33. At or around 12:01 p.m. on that same day, Patient "2" presented to Dr. Miguel at the
5 Kaiser-West LA Urgent Care Clinic—the same physician who prescribed narcotic cough syrup to
6 Patient "1" when not medically necessary. Dr. Miguel evaluated and assessed Patient "2", and came
7 to a differential diagnosis of abdominal hernia vs. irritable bowel syndrome vs. drug-seeking
8 behavior. Dr. Miguel further noted that Patient "2" had been to the Emergency Department earlier
9 that day, and copied/pasted Dr. Akmakji's prior progress note into his encounter note. Despite
10 speaking to the Emergency Department and reaffirming the likelihood of drug-seeking behavior,
11 Dr. Miguel prescribed Acetaminophen-Codeine 300-30 mg tablets, a Schedule III controlled
12 substance, for "severe pain relief."

13 34. In essence, Dr. Miguel again prescribed a controlled substance when not medically
14 necessary, in violation of the Controlled Substances Act (21 U.S.C. §§ 801 *et seq.*), 21 U.S.C. §
15 841(a); 21 C.F.R. 1306.04(a), the California Uniform Controlled Substances Act (CAL. HEALTH &
16 SAFETY C. §§ 11000 *et seq.*), California Health & Safety Code sections 11152, 11153(a), and/or
17 California Business & Professions Code sections 2234(b), 2234(c), 2242(a), and 2266.

18 35. On or about June 11, 2014, at or around 11:17 a.m., Plaintiff reported via email to
19 Edward Chiang, D.O., the Physician In Charge of the Urgent Care Clinic, and Margarita Roxas, the
20 Urgent Care Clinic department administrator, that Dr. Miguel inappropriately prescribed controlled
21 substances to Patient "2", as well as the fact that Patient "2" should have been seen in Urgent Care
22 Clinic and not have taken up a slot in the Primary Care Clinic reserved for patients with a pre-
23 scheduled appointment. In his response at or around 12:55 p.m. that same day, Dr. Chiang wrote,
24 "Hi Jay, [¶] We can discuss more in person. [¶] The ultimate question would be can the urgent care
25 provide any care for this patient that the regular clinic couldn't?"

26 36. Dr. Chiang's response is illuminating. First, the email evidences that the Kaiser
27 Permanente culture enables and supports physicians catering to patient demands—including
28 enabling drug-seeking behavior for diversion and/or abuse through "doctor shopping"—over

1 providing quality, medically necessary care. If Kaiser Permanente cared about the care and safety
2 of its members, the "ultimate question" would not be in which clinic was it more appropriate for
3 the patient to be seen. The "ultimate question" would be concerned with patient safety and the
4 provision of high quality medical care.

5 37. Moreover, Dr. Chiang's response illustrates Kaiser Permanente's pattern and
6 practice of covering up wrong-doing, and retaliating against those who report such misconduct.
7 This unprofessional conduct exposed Dr. Miguel to potential discipline by the Medical Board of
8 California pursuant to California Business & Professions Code sections 2234(b) (gross negligence),
9 2234(c) (repeated negligent acts), 2242(a) (prescribing without an appropriate prior examination
10 and a medical indication) and/or 2266 (failure to maintain adequate and accurate medical records to
11 justify the prescription). A finding upholding either of the Section 2234 charges could lead to a
12 revocation of Dr. Miguel's license, or a term of probation, which are reported to the National
13 Practitioner Data Bank, and create a permanent record of disciplinary action.

14 38. Further, a pharmacist has a right and duty to ascertain the purpose for issuing a
15 prescription, when in doubt as to the legitimate purpose under the law. Under the Code of Federal
16 Regulations, 21 C.F.R. 11306.04(a), and California Health & Safety Code section 11153(a), Dr.
17 Miguel as well as the pharmacists who filled the prescriptions are responsible for the inappropriate
18 prescription of a controlled substance. By reporting the inappropriate conduct of Dr. Miguel,
19 Plaintiff was exposing not only Dr. Miguel, but also the pharmacists who filled those prescriptions,
20 who are employees of KFH. Rather than correct the behavior, however, Defendants punished
21 Plaintiff.

22 39. On or about June 30, 2014, at or around 11:30 a.m., Plaintiff again reported to Dr.
23 Chiang (the Physician In Charge of the Urgent Care Clinic) and Jennifer Lohne, D.O., the Assistant
24 Chief of the Family Medicine Department, the "recurring issue" of Dr. Miguel prescribing
25 controlled substances without a legitimate medical purpose. In his email to Drs. Chiang and Lohne,
26 Plaintiff attached the encounter note from Dr. Miguel's care and treatment of Patient "1" on or
27 about December 23, 2013. The information in this email and the prior email in which Plaintiff
28 reported the unprofessional conduct of Dr. Miguel were transmitted to HUANG.

1 40. On or about July 17, 2014, approximately three weeks after Plaintiff discovered he
2 made Partner with SCPMG, Family Medicine Department partners held a meeting in which
3 Plaintiff's elevation to Partner was revoked. As Chief of the Department, HUANG used his
4 influence and authority to push through the revocation of Plaintiff's promotion to Partner and thus
5 Plaintiff's termination. Plaintiff's termination was discriminatory and in direct retaliation for
6 Plaintiff's complaints about Dr. Miguel.

7 41. On or about July 24, 2014, Plaintiff received a performance review follow-up
8 memorandum from HUANG. HUANG advised Plaintiff that based on Plaintiff's alleged failure to
9 obtain the support of the Family Medicine partners, one of the requirements for making partner at
10 SCPMG, and certain alleged performance issues, Plaintiff was not eligible for partnership and his
11 contract would not be renewed. HUANG used the performance review memorandum to cover up
12 the retaliatory decision to terminate Plaintiff. Plaintiff was terminated from his employment
13 effective on or about September 1, 2014.

14 42. On information and belief, Dr. Miguel remains working at Kaiser-West LA to date.

15 43. In the week following the July 24, 2014 meeting with HUANG, and while Plaintiff
16 was still working at Kaiser-West LA, Dr. Lohne, the Assistant Chief, began reconfiguring
17 Plaintiff's office so she could move into it. On or about September 1, 2014, Plaintiff also received a
18 "Happy Anniversary" letter from Howard Fullman, M.D., FACG, FACP, the Area Medical
19 Director, thanking Plaintiff for his continued service to Kaiser Permanente and reminding Plaintiff
20 to take the time to care for his own health. The letter from Dr. Fullman illustrates that Plaintiff was
21 indeed promoted to partner, until the retaliatory and discriminatory termination by Defendants, and
22 each of them.

23 44. Kaiser Permanente had, and has, policies and procedures to investigate misconduct
24 by its health care professionals through peer review proceedings, and/or other avenues. Plaintiff's
25 report should have prompted such investigations. However, these peer review and/or other
26 investigations may trigger reporting requirements not only to the Joint Commission, the
27 organization which accredits and certifies health care organizations and programs throughout the
28 United States, but also to the California Medical Board pursuant to the California Business &

1 Professions Code sections 805 and/or 805.01, the California Department of Public Health, and/or
2 other federal and/or state agencies. Such reports reflect poorly on Kaiser Permanente and the
3 quality of medical care Kaiser provides. To protect its reputation, Defendants, and each of them,
4 terminated Plaintiff in retaliation for exposing Dr. Miguel's inappropriate prescribing of narcotics.

5 45. Plaintiff's health and career have been materially and adversely affected, and
6 irreparably harmed and damaged by the conduct of the Defendants, and each of them. To protect
7 the reputation of Kaiser Permanente, Defendants, and each of them, retaliated against Plaintiff for
8 reporting the medically unnecessary care of Dr. Miguel, which endangered the safety of not only
9 those patients, but also others who might be affected by the misuse and/or abuse of prescription
10 controlled substances. As a direct and proximate consequence of speaking out against such
11 conduct, and standing up for his and others' rights, and for the rights of his patients—which
12 constitutes protected activity under state and federal law—Defendants, and each of them, retaliated
13 against Plaintiff and subjected Plaintiff to adverse employment actions. Those adverse employment
14 actions include but are not limited to: termination, failure to promote, and damage to reputation.
15 The wrongful conduct of Defendants, and each of them, is continuing and ongoing as of the present
16 date.

17 46. Plaintiff has suffered both general and special damages in the past and present and
18 will continue to suffer such damages in the future for an unknown period of time. This has caused
19 damage to his professional reputation, his ability to promote, his ability to work, will cause him to
20 have to take a different retirement path, has caused him to lose overtime opportunities and pay, and
21 will adversely affect his income, retirement, and other benefits. Moreover, it has adversely affected
22 his personal health and well being, including medical expenses, that are anticipated into the future
23 and may force an early retirement. Plaintiff has also suffered extensive general damages in the
24 form of anxiety, anguish, and mental suffering. Plaintiff's damages are continuing and in an
25 amount not yet determined, but in excess of \$25,000.

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1 **FIRST CAUSE OF ACTION**

2 **BY PLAINTIFF AGAINST KAISER CORPORATE DEFENDANTS**

3 **AND DOES 1-100, INCLUSIVE**

4 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY (*TAMENY* & ITS PROGENY)**

5 47. Plaintiff re-alleges and incorporates by reference each and every allegation
6 contained in paragraphs 1-46 of this complaint as though fully set forth herein again.

7 48. According to the White House Office of the National Drug Control Policy, "The
8 Centers for Disease Control and Prevention [hereinafter, "CDC"] has classified prescription drug
9 abuse as an epidemic. While there has been a marked decrease in the use of some illegal drugs like
10 cocaine, data from the National Survey on Drug Use and Health (NSDUH) show that nearly one-
11 third of people aged 12 and over who used drugs for the first time in 2009 began by using a
12 prescription drug non-medically."

13 49. In his 2010 National Drug Control Strategy report to Congress, President Barack
14 Obama stated, "Drug use endangers the health and safety of every American, depletes financial and
15 human resources, and deadens the spirit of many of our communities. Whether struggling with an
16 addiction, worrying about a loved one's substance abuse, or being a victim of drug-related crime,
17 millions of people in this country live with the devastating impact of illicit drug use every day."

18 50. In the same 2010 report, Director of National Drug Control Policy R. Gil
19 Kerlikowske wrote, "Drug overdose deaths surpass gunshot deaths in our country, and in 16 states,
20 overdose deaths are a more common cause of accidental death than car crashes. Drugged driving
21 has now been identified at higher levels than alcohol-impaired driving. Prescription drug abuse is
22 at record levels."

23 51. According to CDC Director Thomas Frieden, M.D., M.P.H., "Overdoses involving
24 prescription painkillers are at epidemic levels and now kill more Americans than heroin and
25 cocaine combined." Per the CDC website: "Drug overdose was the leading cause of injury death in
26 2012. Among people 25 to 64 years old, drug overdose caused more deaths than motor vehicle
27 traffic crashes. Drug overdose death rates have been rising steadily since 1992, with a 117%
28 increase from 1999 to 2012 alone."

1 52. Addressing the prescription drug abuse epidemic is one of the three signature
2 initiatives of the National Drug Control Strategy. The identification of inappropriate prescribing,
3 dispensing, and drug-seeking behavior is one component of this initiative.

4 53. It is a violation of public policy to discharge someone from employment for
5 reporting suspected unsafe patient care and conditions, which include the inappropriate prescribing
6 of narcotic drugs.

7 54. Plaintiff made oral and/or written reports and complaints regarding the prescription
8 of controlled substances without legitimate medical purpose to Defendants, and each of them,
9 which Plaintiff reasonably suspected were in violation of the Controlled Substances Act (21 U.S.C.
10 §§ 801 *et seq.*), 21 U.S.C. § 841(a); 21 C.F.R. 1306.04(a), the California Uniform Controlled
11 Substances Act (CAL. HEALTH & SAFETY C. §§ 11000 *et seq.*), California Health & Safety Code
12 sections 11152, 11153(a), and/or California Business & Professions Code sections 2234(b),
13 2234(c), 2242(a), and 2266. These oral/and or written reports and complaints were a substantial
14 motivating reason for Plaintiff's termination and other adverse actions against him.

15 55. As legal result of the above-described conduct of Defendants, and each of them,
16 Plaintiff has sustained and will continue to sustain physical, mental, and emotional injuries, pain,
17 distress, suffering, anguish, fright, nervousness, grief, anxiety, worry, shame, mortification, injured
18 feelings, mental suffering, shock, humiliation, and indignity, as well as other unpleasant physical,
19 mental, and emotional reactions, damages to good name, reputation, standing in the community,
20 and other non-economic damages.

21 56. As a further legal result of the above-described conduct of Defendants, and each of
22 them, Plaintiff was required, and/or in the future may be required, to engage in the services of
23 health care providers, and incurred expenses for medicines, health care appliances, modalities,
24 and/or other related expenses in a sum to be ascertained according to proof.

25 57. As a further legal result of the above-described conduct of Defendants, and each of
26 them, Plaintiff was and/or will be hindered, prevented, and/or precluded from performing
27 Plaintiff's usual activities, namely a Family Medicine physician, causing Plaintiff to sustain
28 damages for loss of income, wages, earnings, and earning capacity, and other economic damages,

1 in an amount to be ascertained according to proof. Plaintiff claims such amount as damages
2 together with prejudgment interest pursuant to California Civil Code section 3287 and/or any other
3 provision of law providing for prejudgment interest.

4 58. As a further legal result of the above-described conduct of Defendants, and each of
5 them, Plaintiff suffered incidental, consequential, and/or special damages, in an amount according
6 to proof.

7 59. As a further legal result of the above-described conduct of Defendants, and each of
8 them, Plaintiff has and will continue to incur attorneys' fees and costs in an amount according to
9 proof.

10 60. As a direct and proximate result of the aforesaid unlawful acts of Defendants, and
11 each of them, Plaintiff suffered stress-related health consequences. Plaintiff claims general
12 damages for such health problems in an amount to be proven at time of trial.

13 61. Defendants' actions constituted a willful violation of the above-mentioned federal
14 and state laws. The conduct of Defendants described herein above was outrageous and was
15 executed with malice, fraud, and oppression, and with conscious disregard for Plaintiff's rights and
16 the rights of others, and further, with the intent, design, and purpose of injuring Plaintiff.

17 62. Defendants, and each of them, through its officers, managing agents, employees
18 and/or supervisors, authorized, allowed, permitted, condoned, ratified, and/or enabled the
19 retaliation and/or other wrongful conduct as described herein. By reason thereof, Plaintiff is
20 entitled to an award of punitive damages in an amount according to proof at the time of trial.

21 63. Defendants, and each of them, committed the wrongful acts alleged herein by acting
22 knowingly and willfully, with the wrongful and illegal deliberate intention of injuring Plaintiff,
23 from improper motives amounting to malice, and in conscious disregard of Plaintiff's rights.
24 Plaintiff is thus entitled to recover nominal, actual, compensatory, punitive, and exemplary
25 damages in amounts according to proof at time of trial, in addition to any other remedies and
26 damages allowable by law.

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SECOND CAUSE OF ACTION

BY PLAINTIFF AGAINST ALL DEFENDANTS

WHISTLEBLOWER RETALIATION (CAL. HEALTH & SAFETY C. § 1278.5)

64. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1-63 of this Complaint as though fully set forth herein again.

65. At all times herein mentioned, California Health & Safety Code section 1278.5 was in full force and binding on Defendants, and each of them.

66. California Health & Safety Code section 1278.5(a) states: "The Legislature finds and declares that it is the public policy of the State of California to encourage patients, nurses, members of the medical staff, and other health care workers to notify government entities of suspected unsafe patient care and conditions. The Legislature encourages this reporting in order to protect patients and in order to assist those accreditation and government entities charged with ensuring that health care is safe. The Legislature finds and declares that whistleblower protections apply primarily to issues relating to the care, services, and conditions of a facility and are not intended to conflict with existing provisions in state and federal law relating to employee and employer relations."

67. California Health & Safety Code section 1278.5(b) prohibits any health facility from discriminating or retaliating, in any manner, against any member of the medical staff because that person has presented a grievance, complaint, or report to the facility, or to the medical staff of the facility. Section 1278.5(c) prohibits any entity that owns or operates a health facility, or which owns or operates any other health facility, from discriminating or retaliating against any person because that person has taken any actions pursuant to this subdivision. Defendants, and each of them, are subject to these prohibitions.

68. Plaintiff made oral and/or written reports and complaints to Defendants, and each of them, by and through their agents and/or employees, regarding the prescription of controlled substances without legitimate medical purpose in violation of the Controlled Substances Act (21 U.S.C. §§ 801 *et seq.*), 21 U.S.C. § 841(a); 21 C.F.R. 1306.04(a), the California Uniform Controlled Substances Act (CAL. HEALTH & SAFETY C. §§ 11000 *et seq.*), California Health &

1 Safety Code sections 11152, 11153(a), and/or California Business & Professions Code sections
2 2234(b), 2234(c), 2242(a), and 2266. These reports occurred on or about June 11, 2014 (regarding
3 Dr. Miguel inappropriately prescribing Acetaminophen-Codeine, a Schedule III controlled
4 substance) and on or about June 30, 2014 (regarding Dr. Miguel inappropriate prescribing
5 Promethazine and Codeine, a narcotic cough syrup and Schedule V controlled substance).

6 69. Defendants, and each of them, retaliated and discriminated against Plaintiff, after
7 Plaintiff reported the conduct of Dr. Miguel as described above to Dr. Chiang, the Physician in
8 Charge of the Urgent Care Clinic, and Dr. Lohne, the Assistant Chief of Family Medicine, which
9 was reported to HUANG. On or about July 24, 2014, Plaintiff was notified by HUANG that he
10 would be terminated effective September 1, 2014. Plaintiff also was subject to other adverse
11 employment actions, including but limited to: failure to promote, damage to his reputation, and
12 other acts intended to retaliate against him.

13 70. Plaintiff's termination and the other adverse employment actions against him
14 occurred within 120 days of Plaintiff reporting the violations of federal and state law identified
15 herein, creating a rebuttable presumption that such discriminatory actions were in retaliation for his
16 reporting, pursuant to California Health & Safety Code section 1278.5(d)(1).

17 71. As legal result of the above-described conduct of Defendants, and each of them,
18 Plaintiff has sustained and will continue to sustain physical, mental, and emotional injuries, pain,
19 distress, suffering, anguish, fright, nervousness, grief, anxiety, worry, shame, mortification, injured
20 feelings, mental suffering, shock, humiliation, and indignity, as well as other unpleasant physical,
21 mental, and emotional reactions, damages to good name, reputation, standing in the community,
22 and other non-economic damages.

23 72. As a further legal result of the above-described conduct of Defendants, and each of
24 them, Plaintiff was required, and/or in the future may be required, to engage in the services of
25 health care providers, and incurred expenses for medicines, health care appliances, modalities,
26 and/or other related expenses in a sum to be ascertained according to proof.

27 73. As a further legal result of the above-described conduct of Defendants, and each of
28 them, Plaintiff was and/or will be hindered, prevented, and/or precluded from performing

1 Plaintiff's usual activities, namely a Family Medicine physician, causing Plaintiff to sustain
2 damages for loss of income, wages, earnings, and earning capacity, and other economic damages,
3 in an amount to be ascertained according to proof. Plaintiff claims such amount as damages
4 together with prejudgment interest pursuant to California Civil Code section 3287 and/or any other
5 provision of law providing for prejudgment interest.

6 74. As a further legal result of the above-described conduct of Defendants, and each of
7 them, Plaintiff suffered incidental, consequential, and/or special damages, in an amount according
8 to proof.

9 75. As a further legal result of the above-described conduct of Defendants, and each of
10 them, Plaintiff has and will continue to incur attorneys' fees and costs in an amount according to
11 proof.

12 76. As a direct and proximate result of the aforesaid unlawful acts of Defendants, and
13 each of them, Plaintiff suffered stress-related health consequences. Plaintiff claims general
14 damages for such health problems in an amount to be proven at time of trial.

15 77. Defendants' actions constituted a willful violation of the above-mentioned federal
16 and state laws. The conduct of Defendants described herein above was outrageous and was
17 executed with malice, fraud, and oppression, and with conscious disregard for Plaintiff's rights and
18 the rights of others, and further, with the intent, design, and purpose of injuring Plaintiff.

19 78. Defendants, and each of them, through its officers, managing agents, employees
20 and/or supervisors, authorized, allowed, permitted, condoned, ratified, and/or enabled the
21 retaliation and/or other wrongful conduct as described herein. By reason thereof, Plaintiff is
22 entitled to an award of exemplary damages in an amount according to proof at the time of trial.

23 79. Defendants, and each of them, committed the wrongful acts alleged herein by acting
24 knowingly and willfully, with the wrongful and illegal deliberate intention of injuring Plaintiff,
25 from improper motives amounting to malice, and in conscious disregard of Plaintiff's rights.
26 Plaintiff is thus entitled to recover nominal, actual, compensatory, and exemplary damages in
27 amounts according to proof at time of trial, in addition to any other remedies and damages
28 allowable by law.

WHISTLEBLOWER RETALIATION (CAL. LABOR C. § 1102.5)

83. Plaintiff made oral and/or written reports and complaints regarding the prescription of controlled substances without legitimate medical purpose to Defendants, by and through their agents and/or employees, to a person with authority over the employee, or to another employee who has authority to investigate, discover, or correct the violation or noncompliance, which Plaintiff had reasonable cause to believe disclosed violations of state or federal statutes, or state or federal rules and regulations, including but not limited in violations of the Controlled Substances Act (21 U.S.C. §§ 801 *et seq.*), 21 U.S.C. § 841(a); 21 C.F.R. 1306.04(a), the California Uniform Controlled Substances Act (CAL. HEALTH & SAFETY C. §§ 11000 *et seq.*), California Health & Safety Code sections 11152, 11153(a), and/or California Business & Professions Code sections 2234(b), 2234(c), 2242(a), and 2266.

1 84. Defendants, and each of them, retaliated against Plaintiff for disclosing information,
2 and/or refusing to engage in the illegal activity, to Defendants, by and through their agents and/or
3 employees, to a person with authority over the employee, or to another employee who has authority
4 to investigate, discover, or correct the violation or noncompliance, which Plaintiff had reasonable
5 cause to believe disclosed violations of state or federal statutes, or state or federal rules and
6 regulations, as identified herein.

7 85. As a result, Plaintiff was subject to adverse employment actions including but not
8 limited to: termination, failure to promote, damage to his reputation, and various other acts
9 intended to retaliate against him.

10 86. A motivating factor for the Defendants to engage in the foregoing adverse
11 employment actions against Plaintiff was to retaliate for Plaintiff's refusal to engage in illegal
12 activity and/or his engaging in the protected activities of disclosing information to Defendants, by
13 and through their agents and/or employees, to a person with authority over the employee, or to
14 another employee who has authority to investigate, discover, or correct the violation or
15 noncompliance, which the Plaintiff had reasonable cause to believe disclosed violations of state or
16 federal statutes, or violations or noncompliance with state or federal rules or regulations, as
17 identified herein.

18 87. As legal result of the above-described conduct of Defendants, and each of them,
19 Plaintiff has sustained and will continue to sustain physical, mental, and emotional injuries, pain,
20 distress, suffering, anguish, fright, nervousness, grief, anxiety, worry, shame, mortification, injured
21 feelings, mental suffering, shock, humiliation, and indignity, as well as other unpleasant physical,
22 mental, and emotional reactions, damages to good name, reputation, standing in the community,
23 and other non-economic damages.

24 88. As a further legal result of the above-described conduct of Defendants, and each of
25 them, Plaintiff was required, and/or in the future may be required, to engage in the services of
26 health care providers, and incurred expenses for medicines, health care appliances, modalities,
27 and/or other related expenses in a sum to be ascertained according to proof.
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1 89. As a further legal result of the above-described conduct of Defendants, and each of
2 them, Plaintiff was and/or will be hindered, prevented, and/or precluded from performing
3 Plaintiff's usual activities, namely a Family Medicine physician, causing Plaintiff to sustain
4 damages for loss of income, wages, earnings, and earning capacity, and other economic damages,
5 in an amount to be ascertained according to proof. Plaintiff claims such amount as damages
6 together with prejudgment interest pursuant to California Civil Code section 3287 and/or any other
7 provision of law providing for prejudgment interest.

8 90. As a further legal result of the above-described conduct of Defendants, and each of
9 them, Plaintiff suffered incidental, consequential, and/or special damages, in an amount according
10 to proof.

11 91. As a further legal result of the above-described conduct of Defendants, and each of
12 them, Plaintiff has and will continue to incur attorneys' fees and costs in an amount according to
13 proof.

14 92. As a direct and proximate result of the aforesaid unlawful acts of Defendants, and
15 each of them, Plaintiff suffered stress-related health consequences. Plaintiff claims general
16 damages for such health problems in an amount to be proven at time of trial.

17 93. Defendants' actions constituted a willful violation of the above-mentioned federal
18 and state laws. The conduct of Defendants described herein above was outrageous and was
19 executed with malice, fraud, and oppression, and with conscious disregard for Plaintiff's rights and
20 the rights of others, and further, with the intent, design, and purpose of injuring Plaintiff.

21 94. Defendants, and each of them, through its officers, managing agents, employees
22 and/or supervisors, authorized, allowed, permitted, condoned, ratified, and/or enabled the
23 retaliation and/or other wrongful conduct as described herein. By reason thereof, Plaintiff is
24 entitled to an award of punitive damages in an amount according to proof at the time of trial.

25 95. Defendants, and each of them, committed the wrongful acts alleged herein by acting
26 knowingly and willfully, with the wrongful and illegal deliberate intention of injuring Plaintiff,
27 from improper motives amounting to malice, and in conscious disregard of Plaintiff's rights.
28 Plaintiff is thus entitled to recover nominal, actual, compensatory, punitive, and exemplary

1 damages in amounts according to proof at time of trial, in addition to any other remedies and
2 damages allowable by law.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff seeks judgment against all Defendants, and each of them, on all
5 Causes of Action for:

6 1. Physical, mental, and emotional injuries, pain, distress, suffering, anguish, fright,
7 nervousness, grief, anxiety, worry, shame, mortification, injured feelings, shock, humiliation and
8 indignity, as well as other unpleasant physical, mental, and emotional reactions, damages to
9 reputation, and other non-economic damages, in a sum to be ascertained according to proof;

10 2. Loss of wages, income, earnings, earning capacity, support, domestic services,
11 benefits, and other economic damages in a sum to be ascertained according to proof;

12 3. Health care, services, supplies, medicines, health care appliances, modalities, and
13 other related expenses in a sum to be ascertained according to proof;

14 4. Other actual, consequential, and/or incidental damages in a sum to be ascertained
15 according to proof;

16 5. For punitive and exemplary damages as allowed by law and according to proof;

17 6. For reinstatement as pursuant to statute;

18 7. Attorney fees and costs of suit pursuant to statute;

19 8. Costs of suit herein incurred;

20 9. Pre-judgment interest;

21 10. Such other and further relief as the Court may deem just and proper.

22
23 Dated: October 30, 2014

McNICHOLAS & McNICHOLAS, LLP

24
25 By: 

Matthew S. McNicholas

Alyssa K. Schabloski

Attorneys for Plaintiff

JAY ESPEJO, M.D., M.P.H.

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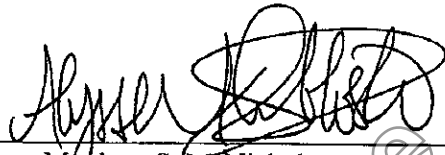
10/30/2014

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

Dated: October 30, 2014

McNICHOLAS & McNICHOLAS, LLP

By: 

Matthew S. McNicholas
Alyssa K. Schabloski
Attorneys for Plaintiff
JAY ESPEJO, M.D., M.P.H.

Courthouse News Service

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): McNICHOLAS & McNICHOLAS, LLP Matthew S. McNicholas (190249)/Alyssa K. Schabloski (258876), 10866 Wilshire Blvd., Suite 1400 Los Angeles, CA 90024 TELEPHONE NO.: 310/474-1582 FAX NO.: 310/475-7871 ATTORNEY FOR (Name): Plaintiff Jay Espejo, M.D., M.P.H.		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles OCT 30 2014 Sherri R. Carter, Executive Officer/Clerk By <u>Shaunya Bolden</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District		
CASE NAME: ESPEJO v. SOUTHERN CALIFORNIA PERMANENTE, et al.		
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) <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: BC 562377 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 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 checked="" 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)
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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): Three (3)
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-010.)

Date: October 30, 2014

Alyssa K. Schabloski

(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

ORIGINAL

SHORT TITLE:

ESPEJO v. SOUTHERN CALIFORNIA PERMANENTE, et al.

CASE NUMBER

BC 562 377

**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 10-15 ☐ 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.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C 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 (48)	<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 type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 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 <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 3. 1., 4.

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CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above	
Non-Personal Injury/Property Damage/Wrongful Death Tort	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.	
Employment	Wrongful Termination (36)	<input checked="" 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.	
Contract	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.
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.	
		<input type="checkbox"/> A6032 Quiet Title	2., 6.	
		<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.	
Unlawful Detainer	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.	
	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.	

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CASE NUMBER

	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 <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 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"/> A6007 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 <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.		
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.		
	Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 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 <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

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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.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input 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.	ADDRESS: 10866 Wilshire Blvd suite #14 Los Angeles CA 90024
CITY:	STATE: ZIP CODE:

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 Central 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: October 30, 2014


 (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.

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