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*A7210*  
*91367*  
**FILED**  
Superior Court of California  
County of Los Angeles

NOV 17 2014

Sherri R. Carter, Executive Officer/Clerk  
By *Myma Beltran* Deputy  
Myma Beltran

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

FSC: 05 / 2 / 2018 TRIAL: 05 / 17 / 2016 OSC: 11 / 17 / 2017

PAULA VANDUSER AND ERIC  
VANDUSER,

Plaintiffs,

vs.

KAISER FOUNDATION HOSPITAL,  
KAISER FOUNDATION HEALTH PLAN,  
INC., SOUTHERN CALIFORNIA  
PERMANENTE MEDICAL GROUP, JOHN  
MIN, M.D., NGAN VUONG, M.D. and  
DOES 1 to 100, inclusive,  
Defendants.

CASE NO.

**BC 564066**

COMPLAINT FOR MEDICAL  
MALPRACTICE

[UNLIMITED JURISDICTION]

COMES NOW Plaintiffs PAULA VANDUSER and ERIC VANDUSER and say as  
follows:

GENERAL ALLEGATIONS

1. Plaintiffs PAULA VANDUSER and ERIC VANDUSER, are and at all times mentioned in the Complaint were, residents of the County of Los Angeles, State of California. At all times mentioned herein, Plaintiff PAULA VANDUSER was a KAISER member. Plaintiffs PAULA VANDUSER and ERIC VANDUSER have been legally married for many years and were legally married in 2013 when the events related to this action occurred.

CT/CASE: BC564066  
LEA/DEF#:   
RECEIVED: 11/17/14 1:36 PM  
DATE PAID: 11/17/14  
PAYMENT: \$435.00  
RECEIVED: 11/17/14 1:36 PM  
CHECK: \$435.00  
CASH: \$0.00  
CHARGE: \$0.00  
DREB: \$0.00

1 Plaintiffs remain legally married at the present time.

2 2. Plaintiffs are informed and believe and on that information and belief allege that  
3 Defendant NGAN VUONG, M.D., is a doctor of medicine, with a specialty in physical  
4 medicine and other areas of specialty unknown to the Plaintiffs, who at all times mentioned in  
5 this Complaint practiced medicine in the County of Los Angeles, State of California.

6 3. Plaintiffs are informed and believe and on that information and belief allege that  
7 Defendant JOHN MIN, M.D., is a doctor of medicine, with a specialty in radiology and other  
8 areas of specialty unknown to the Plaintiffs, who at all times mentioned in this Complaint  
9 practiced medicine in the County of Los Angeles, State of California.

10 4. Plaintiffs are informed and believe and on that information and belief allege that  
11 Defendants KAISER FOUNDATION HOSPITAL, KAISER FOUNDATION HEALTH  
12 PLAN, INC., SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP (hereinafter  
13 collectively "KAISER") are and were at all times mentioned in this Complaint, business  
14 entities doing business in the area of medical care in the County of Los Angeles, State of  
15 California.

16 5. Plaintiffs are informed and believe that Defendants MIN and VUONG are  
17 employees or agents of KAISER and that MIN and VUONG were working at KAISER  
18 Woodland Hills in 2013, during which time and at which location medical care and treatment  
19 was rendered to Plaintiff Paula Vanduser. Further, Plaintiffs are informed and believe that the  
20 conduct of Defendants MIN and VUONG as alleged herein, occurred in the course and scope  
21 of their employment and/or agency with KAISER.

22 6. Plaintiffs are ignorant of the true names and capacities of Defendants sued in  
23 this Complaint as Does 1 through 100, inclusive, and therefore sue these Defendants by these  
24 fictitious names. Plaintiffs will amend this Complaint to allege their true names and capacities  
25 when ascertained. Plaintiffs are informed and believe and allege on this information and belief  
26 that each of the fictitiously named Defendants are negligently or otherwise responsible in some  
27 manner for the occurrences alleged in this Complaint, and that Plaintiffs' injuries and damages  
28

1 as alleged in this Complaint were proximately caused by that conduct.

2 7. Plaintiffs are informed and believe and on this information and belief allege that  
3 at all times mentioned in this Complaint each of the Defendants was the agent or employee of  
4 each of the remaining Defendants, and in doing the things alleged in this Complaint, were  
5 acting within the course and scope of this agency and employment.

6 8. Plaintiffs are informed and believe, and on that basis allege, that at all times  
7 herein mentioned there existed and continues to exist a unity of interest and ownership among  
8 the Defendants such that any individuality and separateness has ceased to exist.

9 9. Plaintiffs are informed and believe, and on that basis allege, that Defendant  
10 KAISER and DOES 1 through 50, inclusive, were and are engaged in the owning, operating,  
11 maintaining, managing of a medical group which is engaged in rendering medical, surgical,  
12 hospital, diagnostic, nursing and other care to the general public for compensation in Los  
13 Angeles County, California; all the acts Complained of herein by Plaintiffs against said  
14 Defendants, were done and performed by said Defendants by and through their duly authorized  
15 agents, servants, joint venturers, and employees, each of whom and all of whom were at all  
16 times mentioned herein acting within the course, purpose and scope of their agency, joint  
17 venture or employment and their conduct was ratified by all other Defendants.

18 10. Plaintiffs have complied with Code of Civil Procedure Section 364 by giving  
19 Notice to KAISER of the Intention to Commence action more than 90 days prior to the filing of  
20 this Complaint.

21 11. The acts of negligence complained of herein occurred less than one year prior to  
22 the filing of this Complaint or it has been less than one year since Plaintiffs knew or should  
23 have known that the negligent conduct of Defendants caused them harm or injury, or the one  
24 year statute has been extended by 90 days to accommodate service of the Notice of Intention to  
25 Commence action.

26 12. Plaintiffs are informed and believe that there is no viable and/or enforceable  
27 arbitration agreement which applies to this within action. If Defendants assert the existence of  
28

1 an arbitration agreement, Plaintiffs deny its viability or enforceability. However, if it is  
2 determined, by a court of competent jurisdiction, that a viable and enforceable arbitration  
3 agreement exists between Plaintiffs and Defendants or any one Defendant herein, the filing and  
4 service of this Complaint shall operate as a viable and enforceable demand for arbitration.

5  
6 STATEMENT OF FACTS

7 13. Plaintiff Paula Vanduser is a 56 year old school teacher of handicapped children  
8 who suffered injury to her back in the line of employment. Plaintiff's injuries included pain to  
9 her back.

10 14. On or about July 22, 2013, Plaintiff Paula Vanduser presented to KAISER at  
11 which time she was seen by Dr. William Dale Penman, MD. Plaintiff complained of pain to the  
12 right side of her back that went down to her lower leg for approximately one week. The pain  
13 was described as moderate to severe. Plaintiff indicated that she had been using "a lot of over  
14 the counter Advil - about 1200 mg three times per day to four times per day". Plaintiff was  
15 diagnosed with "sciatica". Plaintiff was given medication to deal with the pain.

16 15. On August 5, 2013, Plaintiff returned to KAISER indicating that her pain had  
17 not lessened. The provider on this visit is noted as Mihaela Rucsandra Balica, M.D. Plaintiff  
18 was given additional medication to deal with the pain and an MRI of the lumbar spine without  
19 contrast was ordered.

20 16. On August 13, 2013, Plaintiff underwent an MRI of the lumbar spine without  
21 contrast which was read by Defendant MIN. Defendant MIN's impressions of the MRI scan  
22 were as follows:

- 23 1. Minimal degenerative disc disease throughout the lumbar spine. Minimal  
24 central canal and foraminal narrowing.  
25 2. No severe central canal or foraminal narrowing.

26 17. On August 14, 2013, Plaintiff was seen by Defendant VUONG at KAISER.  
27 After noting the imaging results, Defendant VUONG diagnose Plaintiff with Piriformis  
28

1 Syndrome which is a neuromuscular disorder that is caused when the Piriformis muscle  
2 compresses the sciatic nerve. Defendant VUONG Ordered an injection into the Piriformis  
3 muscle and physical therapy. On August 14, 2013, Plaintiff received the Piriformis muscle  
4 injection. Plaintiff also began the ordered course of physical therapy. After the injection,  
5 Plaintiff telephoned the KAISER indicating hip pain.

6 18. On August 21, 2013, Plaintiff was again seen by Defendant VUONG. Plaintiff  
7 reported that in addition to the pain, she was now experiencing numbness in the anterior portion  
8 of the leg. It was noted that Plaintiff was having "pain in the right buttocks, posterior thigh,  
9 calf, numbness in the lateral foot and toes since July 15, 2013. Numbness in the toes and  
10 heels and anterior right leg." The plan was to continue physical therapy home exercise program  
11 and another Piriformis injection.

12 19. On August 25, 2013, Plaintiff presented to KAISER and was seen by Allison  
13 Beth Collen, M.D. for repeat injection in the right Piriformis muscle. Dr. Collen noted that "I  
14 explained to patient I had not done this before and was fearful of eventual atrophy of buttock  
15 area in future. Patient understood this would be my first time but was willing to let me try. I  
16 looked up dosage use on 8/14 and repeated the same amount of Depomedrol."

17 20. On August 25, 2013, Plaintiff's pain was so severe she presented to urgent care.

18 21. On September 4, 2013 Plaintiff was seen by Jamie Allison Miles, MD for an  
19 Interlaminar epidural steroid injection at L4 - 5.

20 22. On September 6, 2013, Plaintiff called KAISER and reported that she had back  
21 pain radiating down her right leg and that she was experiencing numbness in the "left 4 toes,  
22 heel, side of foot, and up to knee". Later that day she was seen by Dr. Vuong who noted  
23 plaintiff's history and recommended continued physical therapy home exercise program, use of  
24 heat or ice and to consider a nerve conduction study.

25 23. On September 26, 2013, Plaintiff returned to KAISER and was seen by Amir  
26 Sattar Khoiny, MD complaining of "pain down right leg since July with numbness down from  
27 toes to hip, pins and needles". Dr. Khoiny's assessment was that Plaintiff was suffering leg  
28

1    paresthesias, stating "she has an asymmetric sensory exam in the right leg compared to the left  
2    and mild weakness on the right leg – but it is not clear if it is due to pain limitation. It is  
3    atypical in that her left leg was somewhat involved for a period of time which goes against  
4    Piriformis Syndrome or Plexopathy. However, that could suggest something higher as cause  
5    such as T-spine disease because her MRI L-spine was essentially unremarkable. I have  
6    suggested T-spine MRI since no arm symptoms and had bilateral leg symptoms (but much  
7    more on right)."

8           24.    On September 26, 2013, Plaintiff underwent an MRI of her T-spine, the results  
9    of which were essentially normal.

10          25.    On September 27, 2013, Plaintiff reported to the physical therapist at KAISER  
11    that she "feels like things are getting worse for no reason. Her back pain is on and off –  
12    manageable but still there. She is still getting burning pain to her butt preventing her from  
13    being able to sit down on anything besides a pillow. Her numbness which was once in the  
14    lateral three toes spread into her heel and calf. She is doing her exercises and walking – but  
15    doesn't feel stable. She saw a neurologist and next week she is having an MRI, blood tests,  
16    ultrasound and a nerve conduction test." After more than two months of examinations, testing,  
17    pain pills, physical therapy, injections, etc., Defendants still had failed to properly diagnose and  
18    treat the Plaintiff. Further, despite full participation, none of her physical therapy objectives  
19    have been met with the exception that she was partially able to bend over to pick something up.

20          26.    On September 30, 2013, Dr. Vuong noted that Plaintiff complained of  
21    "decreased function and weakness over the last weeks. Lumbar epidural steroid injection  
22    helped with symptoms in the lower left limb but not the right lower limb. She continues to have  
23    bilateral leg parasthesia." Defendant VUONG's diagnosis is now recorded as "Paresthesia" but  
24    his recommendations are essentially nothing more than continued physical therapy and new  
25    pain medication. Plaintiff is never considered for surgical evaluation or intervention despite the  
26    deterioration of her condition.

27          27.    On October 15, 2013, Plaintiff submitted to needle electromyography with  
28

1 normal findings.

2 28. On October 25, 2013, Plaintiff was seen at KAISER by Timothy Pan, M.D. who  
3 noted that, "patient has been having severe problems with back and right leg pains; she has  
4 been seen and treated by physical medicine, she tried a piriformis injection ...; she had further  
5 testing, ...; she saw Neurology, ...; in the past several days patient reached a point of  
6 desperation, the pains were very difficult for patient to handle, they are happening in her low  
7 back and right leg region". Dr. Pan diagnosed Plaintiff with "Myofascial Pain Syndrome" and  
8 prescribed more medication, including morphine IM.

9 29. On October 28, 2013, again experiencing intolerable pain, Plaintiff presented to  
10 the ER at KAISER where she was examined by Dr. Gabrielian who diagnoses the Plaintiff with  
11 right sacroiliac joint pain. On that date, Plaintiff was administered a right sacroiliac joint  
12 injection with intraoperative fluoroscopy.

13 30. On November 8, 2013, Plaintiff left the KAISER system and was seen by Todd  
14 D. Moldawer, M.D., a Board-Certified Orthopedic Surgeon at SCOI. Contrary to the diagnosis  
15 received by Plaintiff at KAISER, Dr. Moldawer diagnosed Plaintiff with: 1) Herniated disc at  
16 L5-S1 centrally; and 2) Mild central and lateral recess stenosis at L4-5. Dr. Moldawer  
17 recommended microdiscectomy at L5-S1 on the right.

18 31. Plaintiff underwent microdiscectomy at L5 - S1 on the right on November 27,  
19 2013. However, due to the delay in diagnosis and surgical intervention, Plaintiff has had an  
20 extremely complicated postoperative course which Plaintiff alleges was caused in whole or in  
21 part by the delay in diagnosis and surgical intervention during her care at KAISER. Plaintiff  
22 alleges that the delay in proper diagnosis and treatment has resulted in damage to Plaintiff,  
23 which damage is believed to be permanent and irreparable.

24 ///

1 FIRST CAUSE OF ACTION

2 MEDICAL MALPRACTICE

3 (Plaintiff Paula Vanduser against All Defendants)

4 32. Plaintiff hereby incorporates herein by reference paragraphs 1 through 31 and  
5 realleges same herein as though fully set forth.

6 33. At all times herein mentioned, Defendants and each of them held themselves out  
7 to the general public and to Plaintiffs as skilled professionals in the science of medicine,  
8 radiology, orthopedics, pain management, physical medicine, surgery, nursing, hospital care,  
9 medical attendant and related care; and said Defendants held themselves out to the general  
10 public and to the Plaintiff as possessing that degree of knowledge and skill customarily  
11 possessed and exercised by other doctors of medicine, surgeons, physicians, orthopedists, pain  
12 management, physical medicine, nurses and hospital attendants engaged in the same or similar  
13 locality as that of Defendants and each of them.

14 34. At all relevant times Defendants agreed to perform and undertook to perform for  
15 Plaintiff all services necessary in the care of Plaintiff which included, but was not limited to,  
16 examination, evaluation, diagnosis, and care and treatment of Plaintiff; in so doing, the  
17 Defendants, and each of them, established a physician/nurse/hospital/caregiver relationship  
18 with Plaintiff giving rise to each Defendant's duty to Plaintiff to provide skillful management  
19 of medical care.

20 35. At all relevant times Defendants, and each of them, were negligent, careless and  
21 unskillful in their examination, evaluation, diagnosis, and care and treatment of Plaintiff,  
22 including, but not limited to the care and treatment of Plaintiff which thereby legally caused  
23 Plaintiff's injury as hereinafter set forth. Said negligence includes, but is not limited to the  
24 following:

25 A. Failure to properly read radiology films, including, but not limited to the  
26 MRIs of the Lumbar Spine;

27 B. Failure to properly and accurately diagnose the cause of Plaintiff's lower  
28



1 back pain radiating to the right leg;

2 C. Misdiagnosis of Plaintiff's lower back pain as Piriformis Syndrome and  
3 administration of needless injections pursuant to the mistaken diagnosis;

4 D. Failure to perform appropriate testing for proper diagnosis of the cause  
5 of Plaintiff's lower back pain radiating to the right leg;

6 E. Failure to properly treat Plaintiff's lower back pain radiating to the right  
7 leg;

8 F. Failure to recommend surgical evaluation and intervention to remediate  
9 Plaintiff's orthopedic condition, back pain, leg pain, numbness and discomfort;

10 G. Failure to refer Plaintiff to physicians with the expertise in diagnosing  
11 and treating Plaintiff's condition.

12 36. As a legal result of the negligence of all Defendants, and each of them, Plaintiff  
13 suffered injury which injury may be irreparable, and for which Plaintiff is required to obtain  
14 medical care and incur medical expenses, all of which has damaged Plaintiff in an amount  
15 according to proof.

16 SECOND CAUSE OF ACTION

17 LOSS OF CONSORTIUM

18 (Plaintiff Eric Vanduser against All Defendants)

19 37. Plaintiffs hereby incorporate herein by reference paragraph 1 through 36 and  
20 realleges same herein as though fully set forth.

21 38. Plaintiff Paula Vanduser and Plaintiff Eric Vanduser are, and at all times herein  
22 mentioned were, husband and wife.

23 39. As a result of the negligence of Defendants, Plaintiff Eric Vanduser has been  
24 injured in that prior to being injured by Defendants, Paula Vanduser was able to and did  
25 perform her duties as a spouse. Subsequent to the injures and as a proximate result thereof,  
26 Paula Vanduser has been unable to perform some of the necessary duties as a spouse.


1           40. By reason thereof, Plaintiff Eric Vanduser has been deprived and will be  
2 deprived of the consortium of Paula Vanduser, including the performance of his spouse's  
3 necessary duties, all to Plaintiff's damage in an amount to be proved at trial.  
4

5           WHEREFORE, Plaintiffs pray judgment against Defendants, and each of them, as follows:

- 6           1. For Compensatory and general damages as are ascertained before final judgment  
7 in this action;  
8           2. For costs of suit incurred herein; and  
9           4. For such other and further relief as the court may deem proper.  
10

11           LAW OFFICE OF SOHAILA SAGHEB

12  
13 DATED: November 17, 2014

14   
15 SOHAILA SAGHEB  
16 Attorney for Plaintiffs  
17 Paula and Eric Vanduser  
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Sohaila Sagheb, SBN 144202  
Law Office of Sohaila Sagheb  
21112 Ventura Blvd.  
Woodland Hills, CA 91364

TELEPHONE NO.: 818-346-3724

FAX NO.: 818-702-9916

ATTORNEY FOR (Name): Plaintiffs Paula and Eric Vanduser

FOR COURT USE ONLY

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

NOV 17 2014

Sherri R. Carter, Executive Officer/Clerk

By Myrna Beltran Deputy  
Myrna Beltran

BC 564066

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: Same

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Central

CASE NAME:

Vanduser v. Kaiser

## CIVIL CASE COVER SHEET

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

CASE NUMBER

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 P/DPD/W (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)  
☐ Product liability (24)  
☒ Medical malpractice (45)  
☐ Other P/DPD/W (23)

## Non-P/DPD/W (Other) Tort

- ☐ Business tort/unfair business practice (07)  
☐ Civil rights (08)  
☐ Defamation (13)  
☐ Fraud (16)  
☐ Intellectual property (19)  
☐ Professional negligence (25)  
☐ Other non-P/DPD/W 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 (26)

## 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): 2

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: Nov. 17, 2014

Sohaila Sagheb, Esq.

(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

SHORT TITLE:

Vanduser v. Kaiser

CASE NUMBER

BC 564066

**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 <sup>6</sup> ☐ 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><br>Civil Case Cover Sheet<br>Category No.                    | <b>B</b><br>Type of Action<br>(Check only one)  | <b>C</b><br>Applicable Reasons -<br>See Step 3 Above |
|--|---|---|--|
|  |   |   |  |
| Auto<br>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<br>Damage/Wrongful Death Tort | Asbestos (04)   | <input type="checkbox"/> A6070 Asbestos Property Damage<br><input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death | 2.<br>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<br>Personal Injury<br>Property Damage<br>Wrongful Death<br>(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: <b>Vanduser v. Kaiser</b> | CASE NUMBER |
|--|-------------|

|  | A<br>Civil Case Cover Sheet<br>Category No.             | B<br>Type of Action<br>(Check only one)  | C<br>Applicable Reasons -<br>See Step 3 Above |
|--|---|--|---|
| Non-Personal Injury/ Property<br>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<br><input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)   | 1., 2., 3.<br>1., 2., 3.                      |
|  | Other (35)  | <input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort  | 2., 3.  |
| Employment   | Wrongful Termination (36)                               | <input type="checkbox"/> A6037 Wrongful Termination  | 1., 2., 3.                                    |
|  | Other Employment (15)                                   | <input type="checkbox"/> A6024 Other Employment Complaint Case<br><input type="checkbox"/> A6109 Labor Commissioner Appeals  | 1., 2., 3.<br>10.                             |
| Contract   | Breach of Contract/ Warranty<br>(06)<br>(not insurance) | <input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)<br><input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence)<br><input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)<br><input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence) | 2., 5.<br>2., 5.<br>1., 2., 5.<br>1., 2., 5.  |
|  | Collections (09)  | <input type="checkbox"/> A6002 Collections Case-Seller Plaintiff<br><input type="checkbox"/> A6012 Other Promissory Note/Collections Case  | 2., 5., 6.<br>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   | 1., 2., 3., 5.                                |
|  |   | <input type="checkbox"/> A6031 Tortious Interference   | 1., 2., 3., 5.                                |
|  |   | <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)   | 1., 2., 3., 8.                                |
| Real Property  | Eminent Domain/Inverse<br>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.  |
|  | Other Real Property (26)                                | <input type="checkbox"/> A6018 Mortgage Foreclosure  | 2., 6.  |
|  |   | <input type="checkbox"/> A6032 Quiet Title<br><input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)  | 2., 6.<br>2., 6.                              |
| Unlawful Detainer  | Unlawful Detainer-Commercial<br>(31)                    | <input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)   | 2., 6.  |
|  | Unlawful Detainer-Residential<br>(32)                   | <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)  | 2., 6.  |
|  | Unlawful Detainer-<br>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:

Vanduser v. Kaiser

CASE NUMBER

|                                  | <b>A</b><br>Civil Case Cover Sheet<br>Category No. | <b>B</b><br>Type of Action<br>(Check only one)   | <b>C</b><br>Applicable Reasons -<br>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<br><input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter<br><input type="checkbox"/> A6153 Writ - Other Limited Court Case Review  | 2., 8.<br>2.<br>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<br><input type="checkbox"/> A6160 Abstract of Judgment<br><input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)<br><input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)<br><input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax<br><input type="checkbox"/> A6112 Other Enforcement of Judgment Case | 2., 9.<br>2., 6.<br>2., 9.<br>2., 8.<br>2., 8.<br>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<br><input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)<br><input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)<br><input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex) | 1., 2., 8.<br>2., 8.<br>1., 2., 8.<br>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<br><input type="checkbox"/> A6123 Workplace Harassment<br><input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case<br><input type="checkbox"/> A6190 Election Contest<br><input type="checkbox"/> A6110 Petition for Change of Name<br><input type="checkbox"/> A6170 Petition for Relief from Late Claim Law<br><input type="checkbox"/> A6100 Other Civil Petition | 2., 3., 9.<br>2., 3., 9.<br>2., 3., 9.<br>2.<br>2., 7.<br>2., 3., 4., 8.<br>2., 9. |

|                                    |             |
|------------------------------------|-------------|
| SHORT TITLE:<br>Vanduser v. Kaiser | CASE NUMBER |
|------------------------------------|-------------|

**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.<br><br><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. |              |                    | ADDRESS:<br>5601 DeSoto Ave., Woodland Hills, CA 91367 |
| CITY:<br>Woodland Hills  | STATE:<br>CA | ZIP CODE:<br>91367 |  |

**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 Superior 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: November 17, 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.