



<b>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</b> Steven J. Brewer 94889 Gwilliam, Ivary, Chiosso, Cavalli & Brewer 1999 Harrison Street Suite 1600 Oakland, CA 94612 TELEPHONE NO: 510-832-5411 FAX NO. (Optional): 510-832-1918 E-MAIL ADDRESS (Optional): sbrewer@giccb.com ATTORNEY FOR (Name): Lourdes Oster		<b>FOR COURT USE ONLY</b>  <b>FILED</b> ALAMEDA COUNTY JAN - 8 2016 CLERK OF THE SUPERIOR COURT By <u>[Signature]</u> Deputy	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda</b> STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland 94612 BRANCH NAME:			
PLAINTIFF: Lourdes Oster  DEFENDANT: Kaiser Foundation Hospitals, Inc., Permanente Medical Group, Kaiser Foundation Health Plan, Inc., Ashish Patel, M.D., and			
<input checked="" type="checkbox"/> DOES 1 TO 25			
<b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b> <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Medical Malpractice <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):			
<b>Jurisdiction (check all that apply):</b> <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited			
CASE NUMBER: <b>RG15753905</b>			

1. Plaintiff (name or names): Lourdes Oster

alleges causes of action against defendant (name or names): Kaiser Foundation Hospitals, Inc., Permanente Medical Group, Kaiser Foundation Health Plan, Inc., Does 1 to 25

2. This pleading, including attachments and exhibits, consists of the following number of pages: 4

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
  - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
  - (b) ☐ other (specify):
- (5) ☐ other (specify):

b. ☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (describe):
- (3) ☐ a public entity (describe):
- (4) ☐ a minor ☐ an adult
  - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
  - (b) ☐ other (specify):
- (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): Kaiser Foundation Hospitals, Inc.(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):c. ☒ except defendant (name): Kaiser Foundation Health Plan, Inc.(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):b. ☒ except defendant (name): Permanente Medical Group(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 1-14 were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 15-25 are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):9. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (specify):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (specify): Pre-judgment interest as allowed by Civil Code section 3291

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date:

January 7, 2015

STEVEN J. BREWER

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST CAUSE OF ACTION—General Negligence

(number)

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ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Lourdes Oster

alleges that defendant (name): Kaiser Foundation Hospitals, Inc., Permanente Medical Group, Kaiser Foundation Health Plan, Inc., Ashish Patel, M.D.

☒ Does 1 to 25

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): January 10, 2014

at (place): Oakland, California

(description of reasons for liability):

That at all times mentioned herein, defendants Kaiser Foundation Hospitals, Inc., Permanente Medical Group, Kaiser Foundation Health Plan, Inc., Ashish Patel, M.D. and Does 1 to 25, held themselves out to possess that degree of care and learning, skill and ability common to medical practitioners, physicians, surgeons, hospitals, nurses and/or other health care providers, and provided medical service to plaintiff Lourdes Oster beginning on or about January 10, 2014 and continuing thereafter. During all such times that defendants were treating and caring for plaintiff, said defendants, and each of them, negligently and carelessly performed laparoscopic surgery to remove a benign tumor. The surgeon severely injured her heart by perforating the apex of the heart with an instrument causing Plaintiff to hemorrhage and bleed out. As a consequence she suffered several clots and strokes resulting in Ms. Oster suffering a serious brain injury, greatly diminished vision and short-term memory loss. As a result of massive blood loss an IV was inadvertently and carelessly placed in her artery instead of a vein which has resulted in neurologic and vascular injury to her upper extremity, gangrene and amputation of a finger. In addition to the grave and permanent physical injuries, Ms. Oster has suffered and continues to suffer serious emotional distress.

As a direct, legal and proximate result of the carelessness and negligence of said defendants above-named, and each of them, plaintiff Lourdes Oster has been made incapable of gainful employment, and has suffered great physical, mental and emotional pain and suffering; and has incurred and continues to incur medical expenses in an amount according to proof for hospital care, medical care, outpatient care, attendant care, supplies, and medicines.