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FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

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ATTORNEY FOR (Name): Plaintiffs

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda

STREET ADDRESS: 1225 Fallon Street

MAILING ADDRESS:

CITY AND ZIP CODE: Oakland, CA 94612

BRANCH NAME: Civil

PLAINTIFF: ADRIAN HUREL; KATHLEEN HOSHIMI, individually
and as Guardian ad Litem for KALISTA HUREL, a minor

DEFENDANT: KAISER FOUNDATION HOSPITALS, INC.; KAISER FOUNDATION
HEALTH PLAN, INC.; THE PERMANENTE MEDICAL GROUP, INC.; HOSPITAL
COMUNITARIO SAN FELIPE; (See Attachment 1)

☒ DOES 1 TO 20

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

☐ AMENDED (Number):

Type (check all that apply):

☐ MOTOR VEHICLE

☒ OTHER (specify): NEGLIGENCE

☐ Property Damage

☒ Wrongful Death

☐ Personal Injury

☐ Other Damages (specify):

Jurisdiction (check all that apply):

☐ ACTION IS A LIMITED CIVIL CASE

Amount demanded

☐ does not exceed \$10,000

☐ exceeds \$10,000, but does not exceed \$25,000

☒ ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)

☐ ACTION IS RECLASSIFIED by this amended complaint

☐ from limited to unlimited

☐ from unlimited to limited

CASE NUMBER:

RG15760471

FILED
ALAMEDA COUNTY

FEB 27 2015

CLERK OF THE SUPERIOR COURT

Adrian Carrera Deputy

BY FAX

1. Plaintiff (name or names): ADRIAN HUREL; KATHLEEN HOSHIMI, individually and as GAL for
KALISTA HUREL, a minor
alleges causes of action against defendant (name or names): All named defendants

2. This pleading, including attachments and exhibits, consists of the following number of pages: 7

3. Each plaintiff named above is a competent adult

a. ☒ except plaintiff (name): KALISTA HUREL

(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.

SHORT TITLE: Hurel v. Kaiser Foundation Hospitals, Inc., et al.

CASE NUMBER:

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): BYSTANDER EMOTIONAL DISTRESS (DILLON v. LEGGE); MEDICAL NEGLIGENCE

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): BURIAL AND FUNERAL EXPENSES

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

- a. ☐ listed in Attachment 12.
- b. ☒ as follows:
ADRIAN HUREL, father; KATHLEEN HOSHIMI, mother

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: February 27, 2015

ROBERT H. BOHN, JR.
(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Hurel v. Kaiser Foundation Hospitals,
—Inc., et al.

CASE NUMBER:

ATTACHMENT (Number): 1*(This Attachment may be used with any Judicial Council form.)*

DEFENDANTS (cont'd): JORGE HUMBERTO MARQUEZ RAMIREZ, M.D., ISRAEL CARRENO SANTIAGO, M.D.; DAVID ROOT; ALL THE PRETTY HORSES OF BAJA RIDES AND RESCUE; RANDY REDMON; KRYSTAL REDMON

Courthouse News Service

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 4 of 7*(Add pages as required)*

SHORT TITLE: Hurel v. Kaiser Foundation Hospitals,
—Inc., et al.

CASE NUMBER:

ATTACHMENT (Number): 5

(This Attachment may be used with any Judicial Council form.)

Defendant ALL THE PRETTY HORSES OF BAJA RIDES AND RESCUE, a business, form
unknown.

Courthouse News Service

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this
Attachment are made under penalty of perjury.)

Page 5 of 7

(Add pages as required)

SHORT TITLE: Hurel v. Kaiser Foundation Hospitals, Inc., et al.

CASE NUMBER:

FIRST CAUSE OF ACTION—General Negligence
(number)

Page 6

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): ADRIAN HUREL; KATHLEEN HOSHIMI, individually and as GAL for KALISTA HUREL, a minor
alleges that defendant (name): DAVID ROOT; ALL THE PRETTY HORSES OF BAJA RIDES AND RESCUE; RANDY REDMON; KRYSTAL REDMON

☐ Does 1 to 20

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): November 29, 2013

at (place): PETE'S CAMPGROUND, SAN FELIPE, BAJA CALIFORNIA

(description of reasons for liability):

Defendants David Root, All The Pretty Horses of Baja Rides and Rescue, Randy Redmon and Krystal Redmon provided and brought a horse known to be wild, unruly and dangerous to an campground known to be a popular vacation destination for to families including young children.

On November 29, 2013, the defendants failed to properly secure such horse to prevent it from running loose thereby endangering the health, safety and lives of others. On such date, defendant David Root, the owner of the horse, was walking on a beach holding the hands of Carys Hurel (age 6) and her sister, plaintiff Kalista Hurel (age 10). Plaintiffs Adrian Hurel and Kathleen Hoshimi were walking some distance behind defendant Richard Doe and their daughters, Carys and Kalista.

Because the horse had not been properly secured and due to its unruly nature, it broke free and ran toward defendant David Root and Carys and Kalista Hurel. Defendant David Root released the girls' hands and directed the horse in the direction of Carys Hurel. The horse trampled Carys causing her to sustain serious and fatal injuries.

Kathleen Hoshimi, Adrian Hurel, and Kalista Hurel, her parents and sister, were present and were aware of Carys being trampled and seriously injured by the horse. Each plaintiff has sustained serious emotional distress as a result of experiencing the serious injury of their daughter/sibling.

SHORT TITLE: Hurel v. Kaiser Foundation Hospitals, Inc., et al.

CASE NUMBER:

SECOND CAUSE OF ACTION—General Negligence
(number)

Page 7

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): ADRIAN HUREL; KATHLEEN HOSHIMI

alleges that defendant (name): KAISER FOUNDATION HOSPITALS, INC.; KAISER FOUNDATION HEALTH PLAN, INC.; THE PERMANENTE MEDICAL GROUP, INC.; HOSPITAL COMUNITARIO SAN FELIPE; JORGE HUMBERTO MARQUEZ RAMIREZ, M.D.; ISRAEL CARRENO SANTIAGO, M.D.

☒ Does 1 to 20

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): NOVEMBER 29, 2013

at (place): SAN FELIPE, BAJA CALIFORNIA and other locations presently unknown

(description of reasons for liability):

Plaintiffs hereby incorporate the facts set forth in the First Cause of Action and allege the same as though set forth herein.

Defendants HOSPITAL COMUNITARIO SAN FELIPE, JORGE HUMBERTO MARQUEZ RAMIREZ, M.D. and ISRAEL CARRENO SANTIAGO, M.D. failed to provide reasonable and necessary medical care for Carys Hurel after she was injured by being trampled by a horse. As a result of the defendants' negligence, Carys Hurel died.

Defendants KAISER FOUNDATION HOSPITALS, INC.; KAISER FOUNDATION HEALTH PLAN, INC.; THE PERMANENTE MEDICAL GROUP, INC. failed to reasonably provide necessary medical assistance or advice for the emergency care or transportation of Carys Hurel, failed to timely arrange for or authorize air transport of Carys Hurel, canceled such emergency transportation after it had been arranged, and failed to timely or properly communicate or access the proper channels of communication so that Carys Hurel might receive reasonable, timely and proper medical treatment. As a result of the defendants' negligence, Carys Hurel died.