

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Brian L. Burchett (SBN 134757) THE BURCHETT LAW FIRM, PC 605 C Street, Suite 300 San Diego, California 92101 TELEPHONE NO: 619.230.8431 FAX NO. (Optional): 619.639.1125 E-MAIL ADDRESS (Optional): brian@theburchettlawfirm.com ATTORNEY FOR (Name): Plaintiffs	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of San Diego 09/30/2015 at 11:04:25 AM Clerk of the Superior Court By Justin Jones, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central	
PLAINTIFF: Desirey Morrison and Jack Blomquist DEFENDANT: Kaiser Foundation Health Plan, Inc.; Kaiser Foundation Hospitals, Inc.; (Cont'd on Attachment 1)	
<input checked="" type="checkbox"/> DOES 1 TO 15 COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	
Jurisdiction (check all that apply): <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: 37-2015-00033040-CU-MM-CTL

1. Plaintiff (name or names): **Desirey Morrison and Jack Blomquist**
 alleges causes of action against defendant (name or names):
Kaiser Foundation Health Plan, Inc. ("KFHP"); Kaiser Foundation Hospitals, Inc. ("KFH"); (Cont'd on Att. 1)
2. This pleading, including attachments and exhibits, consists of the following number of pages: **6**
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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Morrison, et al. v. Kaiser Foundation Health Plan, Inc., et al.

CASE NUMBER:

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): KFHP(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): SCPMG(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): KFHP(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): 1-7 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): 8-15 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*):

loss of consortium (Plaintiff Jack Blomquist)

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*):

5(a)-(c)

Date: September 30, 2015

Brian L. Burchett

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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ATTACHMENT (Number): 1

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

DEFENDANT (Continued from p. 1): Southern California Permanente Medical Group, Inc.; Silverio T. Chavez; and

1. (Cont'd from p. 1) Plaintiff (name or names): Desirey Morrison and Jack Blomquist alleges causes of action against defendant (name or names):

... Southern California Permanente Medical Group, Inc.; Silverio T. Chavez, M.D., and Does 1-15.

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

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(Add pages as required)

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Desirey Morrison, et al. v. Kaiser Foundation Health Plan, Inc., et al.

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FIRST CAUSE OF ACTION—General Negligence

(number)

Page 5ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): Desirey Morrison and Jack Blomquist

alleges that defendant (name): Identified herein and in Attachment GN-1

☒ Does 1 to 15

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): September 13, 2015

at (place): Kaiser Medical Center - Otay Mesa, San Diego, CA

(description of reasons for liability):

On or about September 13, 2013 at the Kaiser's Otay Mesa facility, Silverio T. Chavez, M.D., in the course and scope of his employment with SCPMG and Does 8-11, negligently inserted a Mirena IUD into Ms. Morrison. Dr. Chavez, SCPMG staff, and KFH staff negligently failed to conduct follow-up care to ensure proper placement and failed to provide adequate post-insertion instructions to Ms. Morrison. Based on her interactions with Dr. Chavez, SCPMG staff, and KFH staff, Ms. Morrison believed that Dr. Chavez had properly inserted the Mirena IUD and that it would protect her from becoming pregnant.

On or about July 3, 2014, Ms. Morrison learned that she had become pregnant. Because of the IUD's negligent insertion and the negligent follow-up care, she had not been adequately protected against pregnancy. She first learned shortly after July 3, 2014 that the pregnancy had occurred, at least in part, due to Dr. Chavez's negligent placement of the Mirena IUD and defendants' negligent follow-up care which had caused the IUD to move, penetrate her uterine wall and lodge in her abdomen, outside of her uterus. She had the baby, a girl named Brooklyn, on February 21, 2015.

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ATTACHMENT (Number): GN-1

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

GN-1 (Cont'd from p. 5): Plaintiff (name): Desirey Morrison and Jack Blomquist

alleges that defendant (name): Kaiser Foundation Health Plan, Inc.; Kaiser Foundation Hospitals, Inc.; Southern California Permanente Medical Group, Inc.; Silverio T. Chavez, M.D.; and

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.)

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(Add pages as required)