

Eliyahu Yuli Kaplunovsky (SBN # 299178)
1669-2 Hollenbeck Ave. #211
Sunnyvale, CA 94087
Phone: (408) 309 4506
Attorney for Plaintiff

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
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Clerk of the Superior Court
By Jessica Pascual, Deputy Clerk

IN THE SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

MISTY TRASLAVINA, an individual

Plaintiff,

v.

KAISER FOUNDATION HOSPITALS, INC., a
California Corporation, KAISER FOUNDATION
HEALTH PLAN, INC. a California corporation,
SOUTHERN CALIFORNIA PERMANENTE
MEDICAL GROUP, a California Partnership,
and DOES 1-10

Defendants.

Case # 37-2016-00018014-CU-PO-CTL

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff complains and for causes of action alleges as follows:

PARTIES

1. Plaintiff, Misty Traslavina, is an individual that during the time of this complaint was a resident of San Diego County, California.

2. Defendant Kaiser Foundation Hospitals, Inc., is a California corporation with a business address of 393 East Walnut St., Pasadena, CA 91188, and controls or manages the Kaiser property located at 4647 Zion Ave, San Diego, CA 92120. Defendant Kaiser Foundation Health Plan, Inc. is a California corporation with a business address of 393 East Walnut St., Pasadena, CA 91188, and controls or manages the Kaiser property located at 4647 Zion Ave, San Diego, CA 92120. Southern California Permanente Medical Group is a California Partnership with a business address of 393 East

COMPLAINT

Walnut St., Pasadena, CA 91188, and controls or manages the Kaiser property located at 4647 Zion Ave, San Diego, CA 92120.

3. The true names and capacities, whether individual, corporate, associate, or otherwise of defendants named herein as Does 1 through 10, inclusive, are unknown to plaintiff, who therefore sue these defendants by such fictitious names. Plaintiff will amend this Complaint to show the true names and capacities of these defendants when the same have been ascertained. Plaintiff is informed, and believes that each fictitiously named defendant is responsible in law and in fact for the obligations alleged herein.

JURISDICTION & VENUE

4. Each defendant has sufficient minimum contacts with California or otherwise purposefully avails itself of the benefits from California, or has property in California so as to render the exercise of jurisdiction over it by California courts consistent with traditional notions of fair play and substantial justice

5. Jurisdiction and venue are proper in this court because the amount in controversy exceeds the minimum of this court, and the majority of the acts that occurred that gave rise to this cause of action occurred in San Diego County, California.

STATEMENT OF FACTS

6. At all times mentioned in this complaint, the Defendants owned and operated a hospital known as Kaiser Permanente San Diego Medical Center, located at 4647 Zion Ave., San Diego, California 92120. Defendants invited the general public, including plaintiff, to enter the premises of the hospital for medical services from defendant.

7. On 4/8/15, at approximately 10:30pm, Plaintiff went to Kaiser Permanente San Diego Medical Center to visit her fiancé, who was admitted to Kaiser for abdominal pains. Her visit was to

COMPLAINT

1 check on him, and to give him the good news that she took an at home pregnancy test that was
2 positive. Plaintiff took the elevator to the 2nd floor on the West end of the building. When she
3 exited the elevator into the hallway, to walk towards her fiancé's room, without warning she slipped
4 and fell due to an unknown slippery substance on the hospital floor. Plaintiff violently fell and her
5 entire body twisted causing her lower body to go right and her upper body twist left. The impact
6 was focused on her right hip and abdominal area. Plaintiff was several weeks pregnant when the slip
7 and fall occurred.
8

9
10 8. The substance on the floor was from a sanitary hand dispenser. The dispenser was leaking
11 due to a steady drip from the dispenser. The dripping was sufficient to have a pool or puddle on the
12 tiled floor which the Plaintiff slipped on. A catch-tray on the dispenser was overflowing with liquid.
13 This would indicate the fluid had been accumulating for quite some time before finally spilling over
14 onto the floor and creating a puddle.
15

16 9. Plaintiff alleges the hospital knew, or should have known the leaky dispenser would have
17 created an unreasonable risk of harm of slipping on the floor by the dispenser fluid to a person or
18 persons going to and from the hospital.
19

20 10. A witness, named Don Fisher, quickly came to Plaintiff's attention. Plaintiff told the witness
21 she was pregnant and was worried something may have happened to her unborn child, and that she
22 was in physical pain and shock due to the fall. The witness helped her up, and after a few moments,
23 she met with her fiancé who told the plaintiff to bring the attention to the head nurse on duty.
24 Plaintiff notified the on-duty nurse, and of her pregnancy. The nurse did not provide any immediate
25 assistane nor any medical evaluation or care. The plaintiff showed the nurse the puddle where the
26 plaintiff slipped. The nurse acted indifferent but said the plaintiff should file a report.
27

28 11. The morning of April 9, 2015, at around 7am, plaintiff woke up feeling soreness and

COMPLAINT

1 tenderness from her right hip and left abdominal area, due to the fall at Kaiser. Feeling concerned
2 about her pregnancy, she left her home and at 8am went to her OB/GYN. The OB/GYN also tested
3 and confirmed the Plaintiff was pregnant.
4

5 12. The OB/GYN doctor told Plaintiff to stay off her feet, to monitor her condition, try to relax
6 as much as possible, and call the hospital if there are any serious or obvious issues. From April 10th
7 through April 11th, Plaintiff remained in bed as instructed. Her pain persisted throughout this time,
8 specifically with the body aches and abdominal pain.
9

10 13. On 4/12/2015, Plaintiff woke up with bleeding from her genital area four days after the slip
11 and fall at Kaiser Medical Center. She immediately called the doctor on duty provided by Logan
12 Heights Family Health Center in San Diego, California, and the doctor made arrangements for the
13 Plaintiff to give blood for the next 5 days to test HCG levels.
14

15 14. Monday April 13, 2015 Plaintiff submitted a complaint at Kaiser Permanente's Security
16 office. Plaintiff was still in physical pain during this time and was emotionally distraught. Kaiser
17 never contacted Plaintiff concerning the complaint.
18

19 15. Plaintiff returned to see her doctor on Friday April 17th, 2015 and the Plaintiff was told by
20 the doctor at Logan Heights Family Health Center she had miscarried and lost her baby.
21

22 16. The news was emotionally devastating to the plaintiff and her fiancé. As a result she had a
23 series of anxiety attacks and deep emotional distress. She had piercing chest pains that kept coming
24 in waves. Plaintiff thought she was having a heart attack, and immediately went to the Emergency
25 Room on 4/17/2015. The Emergency Room admitted the Plaintiff, and after 12hrs she was released.
26 The Plaintiff was told by a doctor that the chest pains were due to anguish and distress from
27 discovering she miscarried.
28

CAUSES OF ACTION

COMPLAINT

FIRST CAUSE OF ACTION
PREMISES LIABILITY

17. Plaintiff repeats and realleges the foregoing paragraphs of her complaint as though fully set forth herein.

18. Defendants, as owners and operators of a hospital, negligently:

- a. Failed to maintain the floor of the hospital in a reasonably safe condition;
- b. Allowed a slippery substance to come into contact with and remain on the floor of the hospital when defendant knew, or in the exercise of reasonable care should have known, that the substance created an unreasonable risk of harm to hospital guests;
- c. Failed to warn plaintiff of the danger presented by the presence of the slippery substance on the floor;
- d. Failed to inspect the sanitary dispenser or take reasonable steps to either fix or replaced the defective dispenser where the slip and fall occurred; and
- e. Failed to otherwise exercise due care with respect to the matters alleged in this complaint.

19. As a direct and proximate result of the negligence of defendants as set forth above, plaintiff slipped and fell while in the hospital, and was damaged and injured.

SECOND CAUSE OF ACTION
NEGLIGENCE

20. Plaintiff repeats and realleges the foregoing paragraphs of her complaint as though fully set forth herein.

21. Plaintiff was a person Defendants owed a duty of ordinary care to us the degree that a reasonable prudent person would use.

22. Defendants breached the duty of care.

23. As a direct and legal result of the foresaid, Defendant suffered injuries. As a further direct and legal result of the foresaid, Defendant sustained a loss of income and other damages in sum according to proof at trial.

THIRD CAUSE OF ACTION
RES IPSA LOQUITUR

COMPLAINT

24. Plaintiff repeats and realleges the foregoing paragraphs of her complaint as though fully set forth herein.

25. As alleged herein, plaintiff was injured as a result of a slip and fall based on a leaking sanitary dispenser installed at the hospital. The conduct and omissions of the defendants are presumed to be negligent because:

- a) The injury would not have ordinarily happened unless someone was negligent
- b) The injury was caused by something the defendants controlled
- c) The Plaintiff's voluntary actions did not cause or contribute to her injury

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against defendants, and each of them, as follows:

1. General damages according to proof;
2. Damages for medical and related expenses according to proof;
3. Damages for loss of earnings according to proof;
4. Interest according to law;
5. For reasonable attorneys' fees and litigation expenses;
6. For costs of the suit herein;
8. Any other and further relief that the court considers proper.

REQUEST FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all causes of action so triable.

Respectfully submitted on 5/25/2016,

/s/ Eliyahu Yuli Kaplunovsky
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Sunnyvale, CA 94087
Phone: (408) 309 4506
Attorney for Plaintiff