

1 JOSEPH A. ANDROVICH
State Bar No. 261788
2 **POSWALL, WHITE & BRELSFORD**
1001 G Street, Suite 301
3 Sacramento, California 95814
Telephone: (916) 449-1300
4 Facsimile: (916) 449-1320

5 Attorneys for Plaintiff

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SACRAMENTO

11
12 KASSANDRA ARREOLA, a minor, by and
through her Guardian ad Litem, ISELA
13 GUTIERREZ,

14 Plaintiff,

15 vs.

16
17 CAROL F. MILAZZO, M.D.; KAITLIN
WARREN, C.P.N.P.; DIGNITY HEALTH
18 dba MERCY FOLSON HOSPITAL;
KAISER FOUNDATION HOSPITALS, a
19 California corporation; THE PERMANENTE
MEDICAL GROUP, a California
20 corporation; KAISER FOUNDATION
HEALTH PLAN INC., a California
21 corporation; DOE ER PHYSICIAN 1; DOE
ER PHYSICIAN 2; and DOES 1 through 30,
22 inclusive,

23 Defendants.

CASE NO.

COMPLAINT FOR DAMAGES

Personal Injury - Medical Malpractice



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25 Plaintiff, KASSANDRA ARREOLA, a minor, by and through her Guardian ad Litem, ISELA
26 GUTIERREZ, complains of defendants, and each of them, for an amount in excess of \$25,000.00
27 and in excess of the minimum jurisdictional limits of this Court, and alleges as follows:

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FIRST CAUSE OF ACTION

(Medical Malpractice)

1. The true names and capacities, whether individual, corporate, associate or otherwise, of the defendants, DOES 1 through 30, inclusive, are unknown to Plaintiff, who therefore sues such defendants by such fictitious names, and Plaintiff will amend this complaint to show their true names and capacities when the same have been ascertained.

2. Plaintiff is informed and believes and thereon alleges that each of the defendants, DOES 1 through 30, inclusive, is responsible under law in some manner, negligently, in warranty, strictly, or otherwise, for the events and happenings herein referred to and proximately thereby caused injuries and damages to Plaintiff as herein alleged.

3. Plaintiff is now, and at all times herein mentioned was, a citizen of and resident within the State of California, and the defendants, and each of them, are now, and at all times herein mentioned were, citizens of and residents within the State of California, and the amount in controversy exceeds the minimum jurisdictional limits of the Court.

4. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned, each of the defendants were the agents, employees, principals or employers of each of the remaining defendants and were at all times relevant, acting within the course and scope of said relationships and each defendants have authorized, ratified and approved the acts of each of the remaining defendants.

5. Defendant, CAROL F. MILAZZO, M.D.; DOE ER PHYSICIAN 1; DOE ER PHYSICIAN 2, and DOES 1 through 10, inclusive, and each of them, are physicians and surgeons licensed to practice and practicing medicine in the State of California.

6. That defendants DIGNITY HEALTH dba MERCY FOLSOM HOSPITAL; KAISER FOUNDATION HOSPITALS, a California corporation; THE PERMANENTE MEDICAL GROUP, a California corporation; KAISER FOUNDATION HEALTH PLAN INC., a California corporation, and DOES 11 through 20, and each of them, are now, and at all times herein mentioned were, California business entities, as a corporation, association, partnership or other type of business entity,

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1 doing business as a hospital and clinic, and plaintiffs will ask leave to insert the correct designation
2 when the same has been ascertained.

3 7. Defendants, KAITLIN WARREN, C.P.N.P., DOES 21 through 30 at all times herein
4 mentioned, were nurses, technicians, assistants or other medical practitioners practicing in the State
5 of California.

6 8. On or about June 2, 2015 Plaintiff KASSANDRA ARREOLA, a minor, by and
7 through her Guardian ad Litem, ISELA GUTIERREZ, presented to defendants CAROL F.
8 MILAZZO, M.D., and KAITLIN WARREN, C.P.N.P., for a routine well child exam. Despite a
9 known diagnosis of congenital hemivertebra, no referrals were made.

10 9. Plaintiff presented to defendants CAROL F. MILAZZO, M.D., and KAITLIN
11 WARREN, C.P.N.P., on August 4, 2015, for a follow-up well child exam. Plaintiff was diagnosed
12 again with congenital hemivertebra, yet no referrals were made.

13 10. On August 24, 2015, Plaintiff was taken to the emergency department at DIGNITY
14 HEALTH dba MERCY FOLSOM HOSPITAL for complaints of vomiting and fever where DOE ER
15 PHYSICIAN 1 diagnosed Plaintiff with a fever and discharged her with ibuprofen. Again, no further
16 testing and no referrals were made.

17 11. On August 25, 2015, Plaintiff presented to defendants CAROL F. MILAZZO, M.D.,
18 and KAITLIN WARREN, C.P.N.P. at defendants DIGNITY HEALTH dba MERCY FOLSOM
19 HOSPITAL with further complaints of vomiting and fever. Temperature was noted to be 103°F for
20 over 24 hours. She was diagnosed with acute gastroenteritis and viral syndrome.

21 12. On August 29, 2015, Plaintiff did not show any improvement and was taken to
22 KAISER FOUNDATION HOSPITALS, a California corporation; THE PERMANENTE MEDICAL
23 GROUP, a California corporation; KAISER FOUNDATION HEALTH PLAN INC., a California
24 corporation, where she was diagnosed with gastroenteritis. Plaintiff followed up with Dr. MILAZZO
25 on September 8, 2015, in which Dr. MILAZZO noted that the gastroenteritis had resolved, yet
26 Plaintiff still suffered from vomiting and fever. The plan was to followup in 8 weeks.

27 13. On September 25, 2015, Plaintiff continued to deteriorate with fever, vomiting,
28 and decreased appetite. She presented to defendants CAROL F. MILAZZO, M.D. where the exam

1 noted an abnormality of her pharynx. She was diagnosed with acute pharyngitis, unspecified
2 pharyngitis type, and prescribed amoxicillin, ibuprofen, and acetaminophen with a followup in 6
3 weeks.

4 14. By October 9, 2015, Plaintiff had completely deteriorated and was now paralyzed.
5 She presented to KAISER FOUNDATION HOSPITALS, a California corporation; THE
6 PERMANENTE MEDICAL GROUP, a California corporation; KAISER FOUNDATION HEALTH
7 PLAN INC., a California corporation, who emergently transferred her to Sutter General Hospital
8 where she underwent a laminectomy for excision of a dermal sinus tract inflammatory lesion. During
9 the times herein mentioned, the defendants, and each of them, negligently cared for, diagnosed, and
10 treated Plaintiff and failed to exercise the standard of care and skill ordinarily and reasonably
11 required of physicians, surgeons, hospitals, nurses, etc., which proximately caused the hereinafter
12 described injuries and damages to Plaintiff.

13 15. By October 9, 2015 and thereafter, it was discovered that defendants, and each of
14 them, were negligent in providing proper care and treatment resulting in severe injury to Plaintiff
15 resulting in paralysis, emergency surgery, and lifelong catheterization.

16 16. As a proximate result of the said negligence and carelessness of the defendants, and
17 each of them, Plaintiff was hurt and injured in her health, strength and activity, sustaining injury to
18 her body and shock and injury to her nervous system and person, all of which said injuries have
19 caused and continue to cause Plaintiff great mental, physical and nervous pain and suffering.
20 Plaintiff is informed and believes and therefore alleges that said injuries will result in some
21 permanent disability to Plaintiff, all to her general damage in an amount in excess of the minimum
22 jurisdictional limits of this Court.

23 17. As a further proximate result of the negligence of defendants, and each of them,
24 Plaintiff was required to and did employ, physicians and surgeons to examine, treat and care for her
25 and did incur, and will in the future incur, medical and incidental expenses. The exact amount of
26 such expense is unknown to Plaintiff at this time, and Plaintiff shall seek leave to amend this
27 pleading when the same has been ascertained by her.


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

- 3 1. For general damages in a sum in excess of the minimum jurisdictional limits
4 of this Court;
- 5 2. For medical and incidental expenses according to proof;
- 6 3. For all costs of suit incurred herein;
- 7 4. All prejudgment interest on general and special damages from the
8 date of the incident of the present complaint; and
- 9 5. For such other and further relief as this Court may deem just proper.

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11 **DATED:** May 26, 2016

POSWALL, WHITE & BRELSFORD

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15 JOSEPH A. ANDROVICH
16 Attorneys for Plaintiff
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