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5 In Pro Per

FILED
Superior Court of California
County of Placer

SEP 23 2016

Jake Chatters
Executive Officer & Clerk
By: K. Hooper, Deputy

6 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 IN AND FOR THE COUNTY OF PLACER

9 SHAWN McCRAY,

10 Plaintiff,

11 vs.

12 KAISER PERMANENTE MEDICAL
13 GROUP, JAMES LEE, MD, and DOES 1
14 through 20, inclusive,

15 Defendants.

CASE NO:

SCV0038418

COMPLAINT FOR DAMAGES FOR
MEDICAL MALPRACTICE

(Unlimited Civil Case)

16 1. Defendant Kaiser Permanente Medical Group is a group of physicians, surgeons and
17 doctors who provide health care services. Defendant James Lee, MD is a physician who is a member
18 and agent of the Kaiser Permanente Medical Group. Defendants Kaiser Permanente Medical Group,
19 James Lee, MD and Does 1 - 20 provide medical care to persons in Placer County, California, and
20 elsewhere. One of the locations at which said defendants provide medical care is 1600 Eureka Road,
21 in Roseville, California.

22 2. That the true names or capacities, whether individual, corporate, associate, or
23 otherwise, of defendants, DOES 1 through 20, inclusive, are unknown to plaintiff who therefore sues
24 said defendants by such fictitious names. Plaintiff is informed and believes, and thereon alleges, that
25 each of the defendants designated herein as a "Doe" is responsible in some manner, either
26 intentionally, negligently, in strict liability, for breach of warranty, or otherwise, for the events and
27 happenings herein referred to and caused injury and damages proximately thereby to plaintiff, as
28 herein alleged. Plaintiff will amend this complaint to insert the true names and capacities of the

1 fictitiously named defendants when ascertained.

2 3. At all times herein mentioned, each of the defendants was the agent and employee
3 of each of the remaining defendants and was acting at all times within the purpose and scope of said
4 agency and employment, and acting in concert.

5 4. At all times herein mentioned, plaintiff Shawn McCray was a person to whom
6 defendants agreed to, and did provide medical care.

7 5. Plaintiff Shawn McCray is a workman who earned his living doing construction work,
8 generally in the plastering trade. In October 2013, plaintiff was injured on a jobsites when
9 scaffolding collapsed and he was crushed. After the injury, he went to Roseville, California and
10 sought medical care with James Lee, MD, as an agent of the defendants.

11 6. In October 2013, James Lee, MD examined plaintiff and essentially informed him
12 that he was not injured and should return to work. He did so and continued to work even though he
13 was in pain.

14 7. The pain from the injuries did not resolve. In or about July 2015, plaintiff visited
15 other doctors who are part of the Kaiser Permanente Medical Group. Said physicians did testing that
16 should have been done in 2013, had Dr. Lee provided care within the standard of care of like
17 physicians in the Roseville area. After that testing, plaintiff learned that he had suffered serious
18 injuries in the October 2013 fall and needed to undergo significant treatment, including surgery.

19 8. The care provided by defendants in or about October 2013 was negligent. At that
20 time, defendants, and each of them, so negligently failed to exercise the proper degree of knowledge
21 and skill in examining, providing informed consent, diagnosing, treating, training staff, selecting and
22 administering procedures, implementing standards for treatment, administering health care, and
23 caring for plaintiff that defendants did not diagnose his injuries. As a proximate result, plaintiff's
24 injuries were made much worse because he continued to work, and said work caused his injuries to
25 become much worse.

26 9. As a further proximate result of the said negligence of the defendants, and each of
27 them, plaintiff was prevented from attending to plaintiff's usual occupation, and plaintiff is informed
28 and believes and thereon alleges that he will thereby be prevented from attending to his usual

1 occupation for a period in the future in an amount to be determined and according to proof.

2 10. As a proximate result of said negligence of the defendants, and each of them, plaintiff
3 was hurt and injured in plaintiff's health, strength and activity, sustaining injury to plaintiff, and
4 shock and injury to plaintiff's nervous system and person, all of which said injuries have caused and
5 continue to cause plaintiff severe emotional distress and nervous pain and suffering, in an amount
6 to be determined and according to proof at trial.

7 11. As a further proximate result of the said negligence of the defendants, and each of
8 them, plaintiff was required to and did employ physicians and surgeons to examine, treat and care
9 for him and plaintiff did and will incur medical and incidental expenses in an amount to be
10 determined and according to proof.

11 12. On or about June 28, 2016, plaintiff gave defendants notice of intent to sue. This suit
12 is within 90 days of said notice.

13 WHEREFORE, plaintiff Shawn McCray prays for:

- 14 1. General damages according to proof;
15 2. Lost income and benefits according to proof; and
16 3. Medical injuries damages according to proof.

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19 DATED: September 20, 2016

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SHAWN McCRAY