

Superior Court of California

County of Orange



Case Number : 30-2016-00883701-CU-MM-CJC

Copy Request: 2829686

Request Type: Case Documents

Prepared for: cns

Number of documents: 1

Number of pages: 6

Diana Lopez, SBN 267337
LAW OFFICES OF DIANA LOPEZ
2090 N. Tustin Avenue, Suite 150
Santa Ana, California 92705
Telephone: (714) 277-4111
Facsimile: (866) 662-5705

Attorneys for Plaintiff
ANGELITA ADEVA

ELECTRONICALLY FILED
Superior Court of California,
County of Orange

10/28/2016 at 10:18:42 AM

Clerk of the Superior Court
By Jeanette Torres-Mendoza, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

ANGELITA ADEVA, an individual;

Plaintiff,

vs.

KAISER FOUNDATION HEALTHPLAN
Inc., a corporation; SOUTHERN
CALIFORNIA PERMANENTE
MEDICAL GROUP, a corporation;
KAISER FOUNDATION HOSPITAL, a
corporation; and DOES 1-20.

Defendants.

CASE NO. 30-2016-00883701-CU-MM-CJC

COMPLAINT FOR DAMAGES

I. WRONGFUL DEATH

DEMAND FOR JURY TRIAL

Judge Linda Marks

Plaintiff ANGELITA ADEVA complains and alleges as follows:

INTRODUCTION

1. Plaintiffs, ANGELITA ADEVA, seek judgment against Defendants, KAISER FOUNDATION HEALTHPLAN Inc., a California Corporation, SOUTHERN PERMANENTE MEDICAL GROUP, a California Corporation, KAISER FOUNDATION HOSPITAL, a

1 California Corporation; and Does 1-20, for wrongful death as a result of medical negligence and
2 subsequent death of Juan Adeva by doctors of Kaiser Permanente.

3 **PARTIES**

4 2. Plaintiff ANGELITA ADEVA ("Plaintiff") is, and at all times mentioned herein,
5 was an individual residing in the County of Orange, State of California and surviving spouse of
6 decedent Juan Adeva. Plaintiff is an "heir at law" of decedent Juan Adeva as the term is defined
7 by California Code of Civil Procedure Section 377.60(a), and has legal standing to maintain an
8 action for wrongful death based upon the death of her husband, Juan Adeva, under California
9 Code of Civil Procedure Section 377.60.
10

11 3. Plaintiff is informed and believes and thereon alleges that at all times mentioned
12 herein, Defendant, KAISER FOUNDATION HEALTHPLAN, Inc., ("KFHP") is a California
13 Corporation organized under the laws of the State of California and/or authorized to do business
14 and doing business in the County of Orange, State of California.

15 4. Plaintiff is informed and believes and thereon alleges that at all times mentioned
16 herein, Defendant, SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP,
17 ("SCPMG") is a California Corporation organized under the laws of the State of California
18 and/or authorized to do business and doing business in the County of Orange, State of California.

19 5. Plaintiff is informed and believes and thereon alleges that at all times mentioned
20 herein, Defendant, KAISER FOUNDATION HOSPITAL., ("KFH") is a California Corporation
21 organized under the laws of the State of California and/or authorized to do business and doing
22 business in the County of Orange, State of California.

23 6. Plaintiff is informed and believes and thereon alleges that at all of the incidents
24 alleged herein took place in the County of Orange, State of California.

25 7. Defendants DOES 1 through 20, inclusive, are sued under fictitious names
26 pursuant to *Code of Civil Procedure* § 474. Plaintiff is ignorant of the true names and capacities
27 of those defendants sued herein as DOES 1 through 20, inclusive, and therefore sue said
28

1 defendants by such fictitious names. Plaintiff will amend this complaint to allege the true names
2 and capacities of said fictitiously sued defendants when they have been ascertained. Plaintiff is
3 informed and believes and thereon alleges that each fictitiously named defendant herein is
4 legally responsible in some manner for the acts alleged herein.

5 8. Plaintiff is informed and believes and thereon alleges that each Defendant sued
6 herein whether by name or fictitiously was acting as the agent or employee of each of the other
7 Defendants, and in doing the acts alleged herein, was acting within the course and scope of such
8 agency and/or employment, and/or aided, abetted, cooperated with, and/or conspired with one
9 another to do the acts alleged herein.

10 9. Plaintiff is informed and believes and thereon alleges that each Defendant
11 mentioned herein, at all material times hereto, was acting in harmony as the agent, servant, or
12 employee and co-conspirator of each of the other Defendants named herein.

13 10. Plaintiff is informed and believes and thereon alleges that each Defendant, in
14 doing the things alleged herein, was acting within its/his/her scope and authority of a relationship
15 and as co-conspirator with each of the other Defendants and with the express knowledge,
16 permission, and consent of each of the other Defendants whether said scope, knowledge,
17 permission, consent or authority therewith was/were actual or apparent.

18 11. Plaintiff is informed and believes and thereon alleges that each Defendant
19 participated in, approved, adopted and ratified each of the acts and wrongful conduct alleged
20 herein of each of the other Defendants, whether said participation, approval, adoption or
21 ratification of the acts and wrongful conduct was/were actual or apparent.

22 12. Plaintiff is informed and believes and thereon alleges that each Defendant in some
23 manner is responsible for the wrongful conduct alleged herein and was a proximate cause of
24 Plaintiff's damages, harm and mental anguish.

25 13. Plaintiff is informed and believes and thereon alleges that each Defendant named
26 herein is liable for the acts of each of the other Defendant(s) named herein.

27 ///

28 ///

[illegible]

15. On or about October 6, 2015, approximately one week after the untimely death of Juan Adeva, Defendants, sent Juan Adeva a letter indicating he needed to be tested for digoxin levels. It is well known that digoxin levels must be monitored in geriatric patients, as high levels can cause problems in these patients.

16. As the result of the said of said Defendants negligent medical actions, Juan Adeva died and his heir's at law sustained damages and losses.

NEGLIGENT WRONGFUL DEATH

(Against All Defendants and DOES 1-20)

17. Plaintiff re-alleges and incorporates by reference each and every allegation contained hereinabove as though fully set forth herein.

18. Defendants, and each of them, so negligently, carelessly, recklessly, wantonly, and unlawfully treated, provided medical care, monitoring, examination, diagnosis and other medical services so as to directly and proximately cause death to the decedent.

19. As a direct and proximate result of the conduct of Defendants, and each of them, and of the death of Juan Adeva, Plaintiffs have been deprived of the society, love, aid and comfort of said decedent and have been caused the loss of future services, and protection of said husband, and damage in an amount to be shown according to proof.

///

1 **PRAYER FOR RELIEF**

2 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, as
3 follows:

- 4 1. For general damages in an amount to be proven at trial;
5 2. For damages for medical and related expenses according to proof;
6 3. For funeral and burial expenses;
7 4. For damages for loss of earnings according to proof;
8 5. For damages for loss of earning capacity according to proof;
9 6. For other and further general and special damages in a sum according to proof at
10 the time of trial;
11 7. For punitive and/or exemplary damages in an amount to be proven at trial against
12 defendants;
13 8. For prejudgment interest according to law;
14 9. For attorney fees and costs of suit incurred herein; and
15 10. For such other and further relief as this Court deems just and proper.

16
17 Dated: October 27, 2016

LAW OFFICES OF DIANA LOPEZ

18 By: _____

19 Diana Lopez,
20 Attorney for Plaintiff
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff Angelita Adeva hereby demands a trial by jury in the above-entitled action.

Dated: October 27, 2016

LAW OFFICES OF DIANA LOPEZ

By: _____

Diana Lopez,
Attorney for Plaintiff

Courthouse News Service