

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address):

FOR COURT USE ONLY

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2017 APR 21 11:09

STEPHEN H. NASH  
CLERK OF THE SUPERIOR COURT  
CONTRA COSTA, CA

12. Wedder

PER LOCAL RULE 5 THIS  
CASE IS ASSIGNED TO  
DEPT 33

CASE NUMBER:

C17-00714

Guy O. Kornblum (39974); Jonathan A. Kam (313410)  
Kornblum, Cochran, Erickson & Harbison LLC  
1388 Sutter Street, Suite 505  
San Francisco, CA 94109

TELEPHONE NO.: (415) 440-7800 FAX NO. (Optional): (415) 440-7898

E-MAIL ADDRESS (Optional): Jkam@kcehlaw.com

ATTORNEY FOR (Name): Dr. Jeffrey J. Jarvis; Pamela J. Jarvis

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Contra Costa

STREET ADDRESS: 725 Court Street

MAILING ADDRESS: 725 Court Street

CITY AND ZIP CODE: Martinez, CA 94553

BRANCH NAME: Civil-Unlimited

PLAINTIFF: Dr. Jeffrey J. Jarvis  
Pamela J. Jarvis

DEFENDANT: Kaiser Foundation Health Plan, Inc.; Kaiser Permanente  
Insurance Corp; Kaiser Foundation Hospitals; Permanente Medical Group, Inc

☒ DOES 1 TO 100

COMPLAINT-Personal Injury, Property Damage, Wrongful Death

☐ AMENDED (Number):

Type (check all that apply):

- ☐ MOTOR VEHICLE ☐ OTHER (specify):  
☐ Property Damage ☐ Wrongful Death  
☒ Personal Injury ☒ Other Damages (specify):

Jurisdiction (check all that apply):

- ☐ ACTION IS A LIMITED CIVIL CASE  
Amount demanded ☐ does not exceed \$10,000  
☐ exceeds \$10,000, but does not exceed \$25,000  
☒ ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)  
☐ ACTION IS RECLASSIFIED by this amended complaint  
☐ from limited to unlimited  
☐ from unlimited to limited

1. Plaintiff (name or names): Dr. Jeffrey J. Jarvis; Pamela J. Jarvis

alleges causes of action against defendant (name or names): Kaiser Foundation Health Plan Inc.; Kaiser Permanente  
Insurance Corporation; Kaiser Foundation Hospitals; The Permanente Medical Group, Inc.

2. This pleading, including attachments and exhibits, consists of the following number of pages:

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):

BY FAX

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

Jarvis, et al. vs. Kaiser, et al; and Does 1-100

4. ☒ Plaintiff (name): Dr. Jeffrey J. Jarvis and Pamela J. Jarvis  
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):

Kaiser Foundation Health Plan, Inc.

- (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):

Kaiser Permanente Insurance Corporation

- (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):

Kaiser Foundation Hospitals

- (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):

The Permanente Medical Group, Inc.

- (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): 1-100 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): 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, and

- a. ☒ has complied with applicable claims statutes, or  
b. ☐ is excused from complying because (specify):

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):  
Medical Malpractice (General Negligence)

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 (By Plaintiffs against all Defendants); For other such damages as the court may allow

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)):

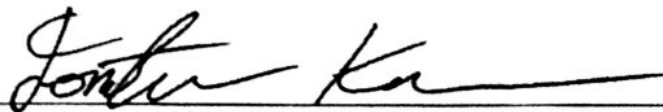
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: April 20, 2017

Jonathan A. Kam

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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## CAUSE OF ACTION- General Negligence

Page 4

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

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

GN-1. Plaintiff (name): Dr. Jeffrey J. Jarvis; Pamela J. Jarvis

alleges that defendant (name): Kaiser Foundation Health Plan, Inc.; Kaiser Permanente Insurance Corp; Kaiser Foundation Hospitals; Permanente Medical Group, Inc

☒ Does 1 to 100

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): January 12, 2015 through May 09, 2016

at (place): Kaiser's Walnut Creek Medical Center: 1515 Newell Avenue, Walnut Creek, CA 94596

(description of reasons for liability) :

See ATTACHMENT A

Courthouse News Service

# ATTACHMENT A

Plaintiffs allege the following:

- Claimant Dr. Jarvis is a long standing member of Defendants' health care plan, and has been under the care of its physicians and staff for many years.
- In early 2015, Claimant Dr. Jarvis was under the care of Defendants' physicians and staff for various symptoms which he reported to them, including, *inter alia*, tingling and related symptoms in his shoulders and arms.
- Over the next several months, Claimant Dr. Jarvis continued to see Defendants' physicians and staff as his symptoms increased. They included numbness, weakness, cramping, and pain in his arms and legs.
- At no time during this period were any proper diagnostic tests, including a MRI, performed in an effort to diagnose the cause of Claimant Dr. Jarvis's symptoms despite the fact they were worsening.
- Nonetheless, Claimant Dr. Jarvis' symptoms became so advanced that they have caused permanent nerve damage to his neck, hands, legs, and overall nervous system. All such action has devastated Claimant Dr. Jarvis, causing, *inter alia*, severe pain, suffering and emotional distress, financial hardship including loss of income and loss of career, and damage to Claimants' marital relationship.
- During this time, Defendants had a duty to exercise the level of skill, knowledge and care in the diagnosis and treatment of Claimant Dr. Jarvis that other reasonably careful physicians, medical practitioners, and specialists, including those practicing in the field of neurology, would use in the same or similar circumstances.
- Defendants, and each of them, failed to use and apply the level of skill, knowledge, and care in the diagnosis and treatment of Claimant Dr. Jarvis that other reasonably careful physicians, medical practitioners, and specialists, including those practicing in the field of neurology, would use in the same or similar circumstances, thus causing damage to Claimants as alleged herein.
- Claimants have suffered both general and special damages in the form of medical and economic losses, including the loss of Claimant Dr. Jarvis' dental practice, which had to be sold because as a result of his physical condition he could no longer practice dentistry safely for his patients; medical costs and expenses; other economic losses, and pain and suffering and damage to Claimants' marital relationship, according to proof.
- Damages are ongoing; claimants are seeking compensation in excess of \$2 Million.