UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON - TACOMA

PENNY ALLEN, Plaintiff, v. KAISER FOUNDATION HEALTH PLAN OF WASHINGTON, individually and as successor-in-interest to GROUP HEALTH OF WASHINGTON; and DOES 1 through 10, inclusive, Defendants.	**Case No.** **COMPLAINT** **JURY TRIAL DEMAND**

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COMES NOW the Plaintiff, PENNY ALLEN, by and through her attorneys of record and states and alleges against the above-named Defendants as follows:

I. PARTIES

1. This is an action by Penny Allen (hereinafter "Allen" or "Plaintiff"), who is and at all relevant times was, resident of Kitsap County, Washington.

2. Plaintiff is informed and believes, and based thereon, alleges that defendant, KAISER FOUNDATION HEALTH PLAN

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OF WASHINGTON, individually and successor-in-interest to GROUP HEALTH OF WASHINGTON (hereinafter "Kaiser"), is a corporation organized and existing under the laws of the State of California and is licensed to conduct business in the State of Washington. Kaiser is the successor-in-interest to GROUP HEALTH OF WASHINGTON (hereinafter "Group Health"), who was at all relevant times mentioned herein, a State of Washington corporation licensed to conduct business, and was conducting business, in the State of Washington, through its agents and/or employees. Kaiser continues the previous business activity of Group Health and has assumed all liabilities and obligations of Group Health.

3. Defendants and each of them are the subsidiaries, parent companies, holding companies, alter egos, or successors of each other and own or operate healthcare facilities in the State of Washington.

4. The true names and capacities, whether individual, corporate, associate or otherwise, of defendants sued in the Complaint under the fictitious names of DOES 1 through 10, inclusive, are unknown to Plaintiff who therefore sues defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes, and thereon alleges, that each of the said fictitiously named defendants were the owner, operator, manager of the facility where the incident that is the

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subject of this incident is alleged to have occurred, and are responsible in some manner for the occurrences herein alleged.

II. JURISDICTION & VENUE

5. Plaintiff brings her complaint under federal diversity jurisdiction, 28 U.S.C. 1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds $75,000.00.

6. Venue lies in this Court pursuant to 28 U.S.C. Section 1391 because the alleged incident took place within this District at Silverdale Medical Center located at 10452 Silverdale Way N.W., Silverdale, WA (hereinafter "Subject Property"), where Plaintiff provided sign language interpretation as an independent contractor.

III. GENERAL FACTUAL ALLEGATIONS

7. On or about July 16, 2015, Plaintiff was working as an independent contractor at the Subject Property. Plaintiff was providing sign language interpretation for a physical therapy patient at the Subject Property.

8. On or before July 16, 2015, Defendant, through its employees and agents, did so negligently, carelessly and recklessly, own, lease, maintain or operate the Subject Property so as to create a dangerous condition. The dangerous condition was created by Defendant's failure to reasonably secure a large exercise ball to a shelf located several feet up a wall in the room at the Subject Property where Plaintiff was performing her sign language interpretation services on July 16, 2015.

9. As a direct and proximate result of Defendant's negligent, careless and reckless failure to properly secure the large exercise ball,

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rolled off the shelf striking Plaintiff in the back of the head causing the injuries and damages described more fully herein.

IV. FIRST CAUSE OF ACTION

NEGLIGENCE – Premises Liability

(Against Defendants and Each of Them)

10. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 9 of this Complaint as if fully alleged herein.

11. Plaintiff is informed and believes, and based thereon alleges, that Defendants, and each of them, did so negligently, carelessly, and unlawfully own, lease, and maintain the Subject Property so as to create an unreasonable risk of harm to Plaintiff. Defendants, and each of them, owed a duty to Plaintiff, as an invitee, to take reasonable steps to remedy or to provide adequate warning of any dangerous condition on the Subject Property. Defendants knew, or in the exercise of reasonable care should have known that failure to properly secure all objects stored on a shelving unit at the Subject Property constituted a dangerous condition and imposed an unreasonable risk of harm to Plaintiff and other invitees of the Subject Property. Defendants, and each of them, failed to take steps to either secure all objects or warn Plaintiff of the dangerous condition, all of which caused the exercise ball to roll off the shelf at the Subject Property and strike Plaintiff in the back of her head.

12. Defendant breached its duty in not securing the large exercise ball that fell from a shelf at the Subject Property striking Plaintiff in the back of the head.

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13. As a sole, direct and proximate result of the conduct of Defendants, and each of them, in the incident herein above described, Plaintiff, Penny Allen, was injured in her health, strength, and activity, sustaining injury to her body and shock and injury to her nervous system and person, all of which injuries have caused and continue to cause Plaintiff great mental, physical, and nervous pain and suffering. Plaintiff's injuries include, but are not limited to: injuries to her neck which required surgery, anxiety, emotional trauma, and shock and fright all to her general damage in a sum within the jurisdictional limits of this court.

14. As a further direct and proximate result of the incident as hereinabove set forth, Plaintiff, Penny Allen, has been unable to work and has experienced lost earning capacity. Plaintiff is informed and herein believes, and thereon alleges, that Plaintiff will continue to lose income in the future in an amount not currently known to her. When Plaintiff ascertains the total amount of lost earnings, and earnings which will be lost in the future, she will ask leave of this court to amend this complaint by setting forth such total amount.

15. As a direct and proximate result of the negligence of Defendants, and each of them, Plaintiff continues to be in pain and in treatment for her injuries.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Penny Allen, respectfully requests that the Court issue a judgment granting her the following relief from Defendant:

1. For general damages in a sum within the jurisdictional limits according to proof;
2. For the reasonable value of medical and hospital care and attention required and which will be required in the future;
3. For all costs of suit; and

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4. For such other and further relief as the Court may deem just and proper.

JURY TRIAL DEMAND

Plaintiff requests a jury trial on all questions of fact raised by this Complaint.

DATED this 19th day of September, 2017.

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Attorney for Plaintiff

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