

CIV-180802-CIV-DS1819989-CASEEN-083702



Scanned Document Coversheet

System Code: CIV
Case Number: DS1819989
Case Type: CIV
Action Code: CASEEN
Action Date: 08/02/18
Action Time: 8:37
Action Seq: 0002
Printed by: DMOND

THIS COVERSHEET IS FOR COURT
PURPOSES ONLY, AND THIS IS NOT
A PART OF THE OFFICIAL RECORD.
YOU WILL NOT BE CHARGED FOR
THIS PAGE

Complaint and Party information entered



NEW FILE

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Sandra H. Castro, Esq. SBN 207475 Law Offices of Sandra H. Castro, Inc. 3200 Inland Empire Blvd. Suite 265 Ontario, CA 91764 TELEPHONE NO. 9099892700 FAX NO. (Optional): 9099892733 E-MAIL ADDRESS (Optional): kathleen@lawsonline.com ATTORNEY FOR (Name): Plaintiff - Josefina Velazquez		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT AUG 02 2018 BY <u>DAISY MONDRAGON, DEPUTY</u>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Bernardino STREET ADDRESS: 247 W. Third St. MAILING ADDRESS: CITY AND ZIP CODE: San Bernardino, CA 92415 BRANCH NAME: San Bernardino Superior Court - Civil		PLAINTIFF: Josefina Velazquez DEFENDANT: Kaiser Permanente International, Kaiser Permanente High Desert/Victorville Medical Offices, and <input checked="" type="checkbox"/> DOES 1 TO 25	
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):			
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: CIV DS1819989 120203-0049 \$435-12	

1. Plaintiff (name or names): Josefina Velazquez
 alleges causes of action against defendant (name or names):
 Kaiser Permanente International, Kaiser Permanente High Desert/Victorville Medical Offices, Does 1 to 25
2. This pleading, including attachments and exhibits, consists of the following number of pages **Five (5)**
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):

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

Page 1 of 3

By Fax

PLD-PI-001

SHORT TITLE: Velazquez V. Kaiser Permanente International, et al.	CASE NUMBER:
--	--------------

4. ☐ Plaintiff (name):
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 Permanente Int. c. ☒ except defendant (name):
 (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):
 (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):
 (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):
 (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 to 10 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): 11 to 25 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):

PLD-PI-001

SHORT TITLE:

Velazquez V. Kaiser Permanente International, et al.

CASE NUMBER:

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):

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):

All other remedies deemed just by this court.

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: 08/01/2018

Sandra H. Castro, Esq.

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001(4)

SHORT TITLE:

Velazquez V. Kaiser Permanente International, et al.

CASE NUMBER:

1 (One)

(number)

CAUSE OF ACTION—Premises LiabilityPage 4ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

Prem.L-1. Plaintiff (name): Joscfina Velazquez

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): 08/12/2016

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Ms. Velazquez arrived at the Kaiser location and checked in for her appointment. She was instructed by a Kaiser employee to have a scat on a particular chair. The chair, which had wheels, rolled out from under her as Ms. Velazquez was in the process of taking a scat as instructed. Ms. Velazquez fell to the concrete ground, sustaining several injuries including but not limited to her head and right side of her body. Ms. Velazquez was then taken to be evaluated in the Emergency Room within Kaiser Permanente immediately following her fall.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):

Kaiser Permanente International, Kaiser Permanente High Desert/Victorville Medical Offices

☒ Does 1 to 25Prem.L-3. ☒ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

Kaiser Permanente International, Kaiser Permanente High Desert/Victorville Medical Offices

☒ Does 1 to 25Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.Prem.L-4. ☒ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

Kaiser Permanente International, Kaiser Permanente High Desert/Victorville Medical Offices

☒ Does 1 to 25a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.b. ☐ The condition was created by employees of the defendant public entity.Prem.L-5. a. ☐ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):☐ Does _____ to _____b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☐ described in attachment Prem.L-5.b ☐ as follows (names):

PLD-PI-001(2)

SHORT TITLE:

Velazquez V. Kaiser Permanente International, et al.

CASE NUMBER:

2 (two)
(number)**CAUSE OF ACTION—General Negligence**

Page 5

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): Josefina Velazquez

alleges that defendant (name): Kaiser Permanente International, Kaiser Permanente High
Desert / Victorville Medical Offices,☒ Does 1 to 25

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): August 12, 2016

at (place): 14011 Park Ave, Victorville, CA 92392

(description of reasons for liability):

Ms. Velazquez arrived at the Kaiser location and checked in for her appointment. She was instructed by a Kaiser employee to have a seat on a particular chair. The chair, which had wheels, rolled out from under her as Ms. Velazquez was in the process of taking a seat as instructed. Ms. Velazquez fell to the concrete ground, sustaining several injuries including but not limited to her head and right side of her body. Ms. Velazquez was then taken to be evaluated in the Emergency Room within Kaiser Permanente immediately following her fall.