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LORI H.

FILED
Superior Court of California
County of Los Angeles

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Sherri R. Carter, Executive Officer/Clerk
By [Signature] Deputy
Spaldyn Holden

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY LOS ANGELES

LORI H., an individual

Plaintiff,

v.

JOSEPH EDWARD BEEZY, an individual,
KAISER FOUNDATION HEALTH PLAN,
INC., a corporation; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO.: **18STCV09280**

COMPLAINT FOR DAMAGES

1. SEXUAL BATTERY;
2. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
3. ASSAULT;
4. NEGLIGENCE;
5. PREMISES LIABILITY;
6. PROFESSIONAL NEGLIGENCE

JURY TRIAL DEMANDED

Plaintiff LORI H. ("Plaintiff"), hereby demands a jury trial, complains, and alleges against Defendants JOSEPH EDWARD BEEZY, KAISER FOUNDATION HEALTH PLAN, INC., and DOES 1 through 50, inclusive as follows:

THE PARTIES

1. Plaintiff, LORI H. is a resident of the State of California, County of Los Angeles. Plaintiff is a victim of sexual assault, and is thus entitled to protect her identity in this public filing by not disclosing her last name.

2. Defendant JOSEPH EDWARD BEEZY is an individual residing in the State of California, County of Los Angeles.

1 3. Defendant KAISER FOUNDATION HEALTHPLAN, INC. is corporation
2 conducting business in the State of California, County of Los Angeles.

3 4. The true names and capacities of any defendants designated herein as DOES 1
4 through 50, inclusive, whether an individual, a business, a public entity, or otherwise, are
5 presently unknown to plaintiff, who therefore sues said defendants by such fictitious names,
6 pursuant to Code of Civil Procedure § 474. Plaintiff is informed and believes, and on such
7 information and belief alleges, that each DOE defendant is responsible in some manner for the
8 events alleged herein, and Plaintiff will amend the complaint to state the true names and
9 capacities of said defendants when their true names and capacities have been ascertained.

10 5. Plaintiff is informed and believes and thereon alleges that at all times herein
11 mentioned, each of the defendants sued herein as DOES 1 through 50, inclusive, was the agent
12 and employee of each of the named Defendants and was at all times acting within the course and
13 scope of such agency and employment with the full knowledge, consent, authority, ratification
14 and/or permission of each of the named Defendants.

15 6. Plaintiff is informed and believes and based thereon alleges that at all times
16 mentioned herein, each of the defendants was the agent, servant, employee, and/or joint ventures
17 of each of the remaining defendants and at all times, was acting within the course and/or scope of
18 such employment, agency, service, or venture.

19 7. Plaintiff alleges that each defendant ratified the acts and/or omissions of each and
20 every other defendant named in this matter.

21 8. Plaintiff is informed and believes and based thereon alleges that at all times herein
22 mentioned, each of the defendants was the co-tortfeasor of each of the other defendants and
23 responsible for the total harm, damages and wrong suffered by each Plaintiff.

24 **GENERAL ALLEGATIONS**

25 9. On or about December 21, 2017, LORI H. ("LORI") visited Defendant, KAISER
26 FOUNDATION HEALTH PLAN, INC. ("KAISER"), located at 13652 Cantara Street,
27 Panorama City, California 91402, with complaints of skin abscesses on her lower back, posterior
28 hair line and chin, as well as a bulge on her right hip. She was with her friend Giorgio Enjaian

1 ("Enjaian").

2 10. Defendant JOSEPH EDWARD BEEZY, MD ("BEEZY") met with her to review
3 her complaints.

4 11. Defendant BEEZY took LORI and Enjaian to a private room with an "L-shaped"
5 bed inside and closed the door behind them. He asked her to wear a gown and show him the
6 areas of her complaints.

7 12. LORI wore a gown that was open from behind, a bra, pants and underwear.

8 13. Defendant BEEZY asked LORI if she had any abscesses or bumps in her vaginal
9 area, which she denied. As he asked, he put his thumb inside the waistline of her pants.

10 14. Despite her denial, Defendant BEEZY suddenly pulled her pants and panties
11 down approximately two inches and told her that he "wanted to check something." He did not
12 pull her pants down below her vaginal area.

13 15. After a few seconds passed, LORI pulled her pants back up and told him not to do
14 that.

15 16. Defendant BEEZY aggressively pulled her pants down a second time, this time
16 exposing her vaginal area.

17 17. Enjaian explained to Defendant BEEZY that LORI asked him not to pull her
18 pants down. Defendant BEEZY asked Enjaian if he was LORI's father, and/or who he was.

19 18. Defendant BEEZY explained that he wanted to ensure that there was no
20 folliculitis, and Enjaian pulled LORI's pants back up.

21 19. Defendant BEEZY proceeded to check LORI's back, and forcefully pressed down
22 on the abscess on her spine twice, causing her extreme pain. As a result of his forceful
23 manipulation of the abscess, the infection ultimately spread to her spine.

24 20. Defendant BEEZY asked LORI to lie down on the bed and stated that he wanted
25 to check something again.

26 21. Defendant BEEZY pulled LORI's pants down a third time, this time down to her
27 thigh region.

28 22. Defendant BEEZY proceeded to touch LORI's vaginal region, specifically

1 pressing on her pubic region, and leaving her exposed for approximately three minutes.

2 23. As she was exposed, Defendant BEEZY lasciviously commented that she was
3 clean shaven.

4 24. Enjaian stated that they were done there, and Enjaian and LORI jointly pulled her
5 pants back up to her waist.

6 25. Defendant BEEZY commented that antibiotics should clear her infections up, and
7 exited the room.

8 26. LORI immediately exited the examination room, approached a nurse of Asian
9 descent inside the emergency room and reported Defendant BEEZY's behavior. The nurse
10 expressed her apologies for Defendant BEEZY's behavior, and immediately called a male
11 supervisor, who recorded LORI's information and told her that he would investigate the matter
12 and contact her.

13 27. On or about December 24, 2017, LORI reported to Verdugo Hills Hospital, with
14 complaints of excruciating pain in her back area. No vaginal examination was conducted at that
15 time. She underwent an incision and drainage procedure of the abscess on her back the next day.

16 **FIRST CAUSE OF ACTION**

17 **SEXUAL BATTERY**

18 **(As Against Defendants JOSEPH EDWARD BEEZY, KAISER FOUNDATION HEALTH**
19 **PLAN, INC., and DOES 1 through 50)**

20 28. Plaintiff realleges and incorporates by reference every allegation contained in this
21 Complaint as though set forth herein in full.

22 29. Defendant BEEZY's conduct was intentional and sexually offensive, constituting
23 sexual battery under California Civil Code § 1708.5.

24 30. Defendant BEEZY intentionally created a harmful and offensive contact with
25 LORI when he pulled her pants down on three occasions without her permission, consent, or
26 knowledge, touched her vaginal and pubic areas, and aggressively and forcefully pushed down
27 on an abscess on her back.

28 31. Each time that Defendant BEEZY pulled down LORI's pants during the
examination and each time that he touched her vaginal and pubic areas, a sexually offensive

1 contact resulted.

2 32. At all material times, LORI did not consent to Defendant BEEZY's sexual
3 misconduct or touching of her person.

4 33. As a direct and legal result of the sexual battery by Defendant BEEZY, Plaintiff
5 suffered injuries including, but not limited to, physical and mental pain and suffering, physical
6 injuries, past and future costs of medical care and treatment, and past and future loss of earnings
7 and earning capacity, in an amount not yet ascertained, but which exceeds the minimum
8 jurisdictional limits of this Court.

9 34. Defendant BEEZY committed the acts alleged herein maliciously, fraudulently,
10 and oppressively, with the wrongful intention of injuring LORI, and acted with an improper and
11 evil motive amounting to malice and in conscious disregard of LORI's rights. Because the acts
12 taken toward LORI were carried out by Defendant BEEZY while acting in a deliberate, cold,
13 callous, and intentional manner in order to injure and damage LORI, she is entitled to recover
14 punitive damages from Defendants in an amount according to proof.

15 **SECOND CAUSE OF ACTION**

16 **INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS**

17 **(As Against Defendants JOSEPH EDWARD BEEZY, KAISER FOUNDATION HEALTH
18 PLAN, INC., and DOES 1 through 50)**

19 35. Plaintiff realleges and incorporates by reference every allegation contained in this
20 Complaint as though set forth herein in full.

21 36. Defendant BEEZY's conduct of physically pulling down LORI's pants on three
22 occasions without her permission, consent or knowledge, and touching her vaginal and pubic
23 areas, amounts to outrageous conduct.

24 37. Defendant BEEZY's conduct was intended to cause LORI severe emotional
25 distress, as it was uninvited sexual misconduct that lasted throughout the duration of her office
26 visit, and occurred while she visited Defendant to seek medical assistance and treatment.

27 38. Defendant BEEZY acted with reckless disregard of the probability that LORI
28 would suffer emotional distress, when he proceeded to make inappropriate sexual contact with
her and sexually assaulted her.

1 39. As a direct and legal result of the intentional infliction of emotional distress by
2 Defendant BEEZY, LORI suffered injuries including, but not limited to, severe emotional
3 distress, physical and mental pain and suffering, physical injuries, past and future costs of
4 medical care and treatment, and past and future loss of earnings and earning capacity, in an
5 amount not yet ascertained, but which exceeds the minimum jurisdictional limits of this Court.

6 40. Defendant BEEZY committed the acts alleged herein maliciously, fraudulently,
7 and oppressively, with the wrongful intention of injuring LORI, and acted with an improper and
8 evil motive amounting to malice and in conscious disregard of her rights. Because the acts taken
9 towards LORI were carried out by Defendant BEEZY acting in a deliberate, cold, callous, and
10 intentional manner in order to injure and damage LORI, she is entitled to recover punitive
11 damages from Defendant BEEZY in an amount according to proof.

12 **THIRD CAUSE OF ACTION**

13 **ASSAULT**

14 **(As Against Defendants JOSEPH EDWARD BEEZY, KAISER FOUNDATION**
15 **HEALTH PLAN, INC., and DOES 1 through 50)**

16 41. Plaintiff realleges and incorporates by reference every allegation contained in this
17 Complaint as though set forth herein in full.

18 42. Every time that Defendant BEEZY pulled down LORI's pants without her
19 permission, knowledge, or consent, and touched her vaginal and pubic areas, he acted with the
20 intention of causing a harmful and offensive contact.

21 43. Every time that Defendant BEEZY was about to make unwanted physical sexual
22 contact with her body by pulling her pants down thrice without her permission, consent, or
23 knowledge, and every time that he was about to touch her vaginal and pubic areas, LORI
24 reasonably believed that she was about to be touched in a harmful and offensive manner.

25 44. Every time Defendant BEEZY made sexual contact with LORI's person by
26 pulling down her pants without her permission, knowledge, or consent, and touching her vaginal
27 and pubic areas, he did so in a private setting with no other people except Enjaian nearby.

28 45. At all material times, LORI did not consent to Defendant BEEZY's sexual
misconduct or inappropriate touching of her person.

1 46. Defendant BEEZY's inappropriate sexual touching of LORI's person caused her
2 harm that still affects her life to this day.

3 47. As a direct and legal result of the assault by Defendant BEEZY, LORI suffered
4 injuries including, but not limited to, physical and mental pain and suffering, physical injuries,
5 past and future costs of medical care and treatment, and past and future loss of earnings and
6 earning capacity, in an amount not yet ascertained, but which exceeds the minimum
7 jurisdictional limits of this Court.

8 48. Defendant BEEZY committed the acts alleged herein maliciously, fraudulently,
9 and oppressively, with the wrongful intention of injuring LORI, and acted with an improper and
10 evil motive amounting to malice and in conscious disregard of her rights. Because the acts taken
11 toward LORI were carried out by Defendant BEEZY acting in a deliberate, cold, callous, and
12 intentional manner in order to injure and damage her, she is entitled to recover punitive damages
13 from Defendant BEEZY in an amount according to proof.

14 **FOURTH CAUSE OF ACTION**

15 **NEGLIGENCE**

16 **(As Against Defendants KAISER FOUNDATION HEALTH PLAN, INC., and**
17 **DOES 1 through 50)**

18 49. Plaintiff realleges and incorporates by reference every allegation contained in this
19 Complaint as though set forth herein in full.

20 50. At all material times herein, Defendant KAISER was under a duty to use
21 reasonable care to keep LORI free from sexual assault from its physician, Defendant BEEZY,
22 including but not limited to having proper policies and procedures in place to prevent such acts,
23 properly training agents and employees against committing such acts, having adequate
24 surveillance, management and supervision to limit the risk of such acts occurring, reporting his
25 acts to the appropriate authorities, keeping him away from LORI, or otherwise taking reasonable
26 steps to keep LORI, its patient under its care at the time of the sexual assault, free from harm.

27 51. Defendant KAISER breached that duty of care by failing to keep LORI free from
28 Defendant BEEZY's sexual acts, or by taking other reasonable steps to prevent the sexual assault
from happening. Defendant KAISER knew or should have known that failing to take reasonable

1 steps to minimize sexual assault would result in serious injury or death to LORI. However,
2 Defendant KAISER failed to take the necessary precautions.

3 52. At all material times on the date of the incident which is the subject of this
4 lawsuit, Defendant KAISER was negligent in its failure to take reasonable steps to stop or
5 otherwise prevent Defendant BEEZY's sexual assault of Plaintiff.

6 53. As a direct and proximate cause of Defendant KAISER's negligence, LORI was
7 severely injured by Defendant BEEZY's acts of sexual assault upon her. LORI also sustained
8 emotional distress as a result of the sexual abuse.

9 54. As a further direct and proximate result of Defendant KAISER's actions, LORI
10 suffered, and will continue to suffer, pain, medical expenses, extreme and severe distress, and
11 other economic and non-economic damages in amounts to be proven at trial.

12 FIFTH CAUSE OF ACTION

13 PREMISES LIABILITY

14 (As Against Defendants KAISER FOUNDATION HEALTH PLAN, INC., and DOES 1
15 through 50)

16 55. Plaintiff realleges and incorporates by reference every allegation contained in this
17 Complaint as though set forth herein in full.

18 56. At all times mentioned herein, Defendant KAISER negligently, carelessly, and
19 recklessly owned, leased, rented, occupied, possessed, operated, inspected, maintained, managed,
20 controlled and/or supervised the subject premises, located at 13652 Cantara Street, in Panorama
21 City, California 91402, and/or permitted or created the dangerous condition on the subject
22 premises so as to cause or allow dangerous and/or defective conditions thereon, and that at all
23 times mentioned herein, the conditions of said premises were such that individuals upon the
24 subject premises, including Plaintiff, were exposed to danger and injury while lawfully on the
25 subject premises. Defendant KAISER failed to warn LORI of the dangerous conditions that
26 existed at the subject premises.

27 57. Defendant KAISER knew, or in the exercise of reasonable care should have
28 known, that unless reasonable inspection, care, control and maintenance were taken of the
subject premises, that a dangerous but deceptive condition would exist on the premises.

1 Defendant negligently failed to take reasonable precautions to prevent injuries to persons
2 lawfully on the subject premises, including LORI.

3 58. On or about December 21, 2017, Defendant KAISER negligently and carelessly
4 owned, leased, rented, occupied, possessed, operated, inspected, maintained, managed,
5 controlled, supervised and/or permitted the subject premises so as to cause LORI to be subject to
6 Defendant BEEZY's acts of sexual abuse upon her, thereby directly causing her injuries and
7 damages as described herein.

8 59. As a direct result of the conduct of Defendant KAISER, LORI was hurt and
9 injured in her health, strength and activity, sustaining injuries to her body and shock and injury to
10 her nervous system and person, all of which said injuries have caused and continue to cause her
11 great physical, mental and nervous pain and suffering. LORI is informed and believes, and
12 thereupon alleges, that said injuries will result in some permanent disability to her, all to her
13 general damage in an amount which will be stated according to proof at the time of trial.

14 60. As a direct and proximate cause of Defendant KAISER's negligence, LORI was
15 severely injured by Defendant BEEZY's acts of sexual assault upon her. LORI also sustained
16 emotional distress as a result of the sexual abuse.

17 61. As a further direct and proximate result of Defendant KAISER's actions, LORI
18 suffered, and will continue to suffer, pain, medical expenses, extreme and severe distress, and
19 other economic and non-economic damages in amounts to be proven at trial.

20 **SIXTH CAUSE OF ACTION**
21 **PROFESSIONAL NEGLIGENCE**

22 **(As Against Defendants JOSEPH EDWARD BEEZY, KAISER FOUNDATION HEALTH**
23 **PLAN, INC., and DOES 1 through 50)**

24 62. Plaintiff realleges and incorporates by reference every allegation contained in this
25 Complaint as though set forth herein in full.

26 63. LORI was a patient of Defendants BEEZY and KAISER (collectively,
27 "Defendants") on or about December 21, 2017. During that period, LORI was under the care of
28 Defendants, who acted as her treating physicians.

64. By virtue of the aforesaid, Defendants owed a duty of ordinary care to LORI, to

1 use the degree of care, skill, knowledge, training and expertise that a reasonably prudent person
2 would use.

3 65. Defendants breached the aforesaid duties of care when they pulled down her pants
4 without her permission, knowledge, or consent, and touched her vaginal and pubic areas.

5 66. As a direct and legal result of Defendants' breach of the duty of care that they
6 owed to LORI, she sustained injuries including, but not limited to, physical and mental pain and
7 suffering, physical injuries, past and future costs of medical care and treatment, and past and
8 future loss of earnings and earning capacity, in an amount not yet ascertained, but which exceeds
9 the minimum jurisdictional limits of this Court

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff, LORI H. prays for judgment against Defendants, JOSEPH
12 EDWARD BEEZY, KAISER FOUNDATION HEALTH PLAN, INC., and DOES 1 through 50,
13 as follows:

- 14 1. For general damages according to proof;
15 2. For special damages according to proof;
16 3. For all statutorily allowed damages;
17 4. For punitive damages; and
18 5. For such other relief as the Court may deem just and proper.

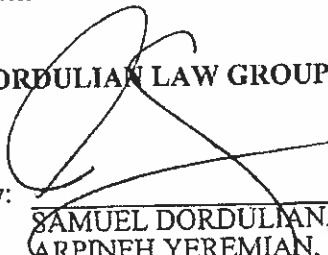
19 **DEMAND FOR TRIAL BY JURY**

20 WHEREFORE, Plaintiff LORI H. hereby demands trial of all causes by jury.

21 DATED: December 20, 2018

22 DORDULIAN LAW GROUP, APC

23 By:

24 
25 SAMUEL DORDULIAN, ESQ.
26 ARPINEH YEREMIAN, ESQ.
27 Attorneys for Plaintiff,
28 LORI H.