

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Kristin Escalante

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jordan R. Magazine, Esq. SBN: 308677 McNulty Law Firm 827 Moraga Drive Los Angeles, CA 90049 TELEPHONE NO: 310-417-2707 FAX NO. (Optional): 310-472-7014 E-MAIL ADDRESS (Optional): jordan@mcnultylaw.com ATTORNEY FOR (Name): Beverly Taki		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse		
PLAINTIFF: Beverly Taki DEFENDANT: Kaiser Foundation Health Plan, Inc.; Kaiser Foundation Hospitals; Southern California Permanente Medical Group; Jonathan M. Wong, M.D. <input checked="" type="checkbox"/> DOES 1 TO 100		
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): Negligence <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: 20STCV13634

1. **Plaintiff (name or names):** Beverly Taki
alleges causes of action against **defendant (name or names):** Kaiser Foundation Health Plan, Inc., Kaiser Foundation Hospitals, Southern California Permanente Medical Group and Jonathan M. Wong, M.D. and DOES 1-100
2. This pleading, including attachments and exhibits, consists of the following number of pages: 7
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.

SHORT TITLE: Beverly Taki vs. Kaiser Foundation Health Plan, Inc., et al.	CASE NUMBER:
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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 Foundation Health Plan
 (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): Southern California Pemanente
 (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):
 (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): 1-25 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): 26-100 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):

SHORT TITLE: Beverly Taki vs. Kaiser Foundation Health Plan, Inc., 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 /Medical 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*):

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 6, 2020

Jordan R. Magazine, Esq.

(TYPE OR PRINT NAME)



Jordan R. Magazine, Esq.

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Beverly Taki vs. Kaiser Foundation Health Plan, Inc., et al.

CASE NUMBER:

First
(number)**CAUSE OF ACTION—General Negligence**

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

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

GN-1. Plaintiff (name): Beverly Taki

alleges that defendant (name): Kaiser Foundation Health Plan, Inc.; Kaiser Foundation Hospitals; Southern California Permanente Medical Group; Jonathan M. Wong, M.D.

☒ 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): September 1, 2014 to December 23, 2019

at (place): 20940 Burbank Avenue, Woodland Hills, CA 91367

(description of reasons for liability):

In September of 2014, Plaintiff began to receive regular medical care and treatment for a variety of urinary issues, including urgency, incontinence, impotence, nocturia, retention and abdominal pain from Defendant JONATHAN M. WONG, M.D., a Kaiser physician and agent or employee of Defendants, SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, KAISER FOUNDATION HOSPITALS and KAISER FOUNDATION HEALTH PLAN, INC. (collectively referred hereinafter as KAISER).

Pursuant to the doctrines of agency and respondeat superior, KAISER and DOES 1-25 are liable for the negligent acts and omissions of its agents and employees, nurses, doctors and other medical care providers that occurred during the diagnosis, care and treatment that they rendered to Plaintiff. DOES 26-100 are the medical providers who's negligent acts and omissions were substantial factors in causing Plaintiff's injuries and damages.

Defendants WONG, KAISER and DOES 1-100, undertook the care and treatment of the Plaintiff beginning in or about September 2014, and continuing thereafter. Defendants had a duty to exercise due care toward the Plaintiff by making sure that they correctly diagnosed her. Despite Plaintiff's continued, repeated and reoccurring urinary issues for over 5 years, Defendants repeatedly failed to properly assess Plaintiff to determine the root cause of her issues. At no point did Defendants ever order a CT scan which would have revealed that the cause of Plaintiff's urinary issues was an undiagnosed, massive neoplasm. (Attached as Exhibit "A" is a photo of the removed mass). Rather, KAISER and WONG prescribed Plaintiff a litany of various urinary medications that would temporarily relieve Plaintiff's symptoms and mask the larger issue, which was the growing neoplasm.

At the date and time aforesaid and thereafter, the Defendants and each one of them, failed to exercise the proper degree of knowledge and skill so negligently, carelessly, recklessly, wantonly, and unlawfully treated, provided care, monitoring, examination, and other professional services in that among other things, they failed to adequately and properly diagnose and treat Plaintiff, causing Plaintiff to suffer major physical injuries to her health. Defendants knew or should have known, that their failure to exercise due care in the performance of recklessly and negligently misdiagnosing the Plaintiff would cause her injuries to her person, mental anguish, and pain and suffering. Defendants breached their duty of care by misdiagnosing the Plaintiff. Breach of the Defendants' duties, owing to Plaintiff reasonable care and caution, caused her to suffer from severe emotional distress due to her physical injuries. As a direct and proximate result of Defendants' failure to exercise reasonable care and caution, carelessness, wantonness, and unlawfulness of Defendants, and each one of them, and the resulting incident, as aforesaid, Plaintiff has sustained disabling, serious and permanent physical injuries to her health, strength and activity and great mental pain and suffering and emotional distress.

On December 3, 2019, Plaintiff wrote to Defendant WONG concerned about the fact that her already troublesome urinary issues had become intolerable over the past 3 months, day and night. She was also experiencing fluid retention and abnormal bloating and wrote that she was concerned that she might have a tumor. The following day, Plaintiff was examined by Defendant WONG who order an ultrasound and negligently assessed her with an overly distended bladder. Plaintiff's urinary issues foreseeably persisted and on December 11, 2019, she returned to KAISER with continued abdominal bloating to complete the ultrasound. After performing the ultrasound, KAISER negligently assessed Plaintiff as having no mass or tenderness on her abdomen. KAISER also negligently misdiagnosed Plaintiff with urinary retention. Plaintiff was prescribed Flomax, had a catheter placed and was given assurances by KAISER that she was medically stable and that it would be safe for her to fly to St. Louis on the following day for business.

SHORT TITLE: Beverly Taki vs. Kaiser Foundation Health Plan, Inc., et al.

CASE NUMBER:

ATTACHMENT (Number): GN-1

(This Attachment may be used with any Judicial Council form.)

The following day, on December 12, 2019, while in flight St. Louis, Plaintiff's catheter stopped working and she experienced urinary retention, abdominal discomfort and bloating. After landing in St. Louis, Plaintiff experienced acute abdominal pain and was having difficulty breathing. Plaintiff went directly from the airport to St. Luke's Hospital Emergency Department where a CT scan was ordered and revealed a "large 25 x 21 cm mass" within her pelvis "consistent with benign or malignant ovarian neoplasm." The mass was pressing on Plaintiff's diaphragm causing her breathing difficulties. It was also causing her continued abdominal pain, discomfort and urinary issues. Plaintiff underwent surgery on December 23, 2019 to remove the mass, was hospitalized and has been left with abdominal scarring.

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(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 5 of 7

(Add pages as required)

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EXHIBIT “A”



12/23/2019 11:17