

Superior Court of California

County of Orange



Case Number : 30-2013-00657718-CU-MM-CJC

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ORANGE

11 ALBERT ABAOAG, CARMELO)
ABAOAG, JR., ADELWIZA ARES,)
12 ARMINDA HANNA, ALELI)
HERNANDEZ,)

CASE NO: 30-2013-00857718-CU-MM-CJC
Judge:
Dept:

14 Plaintiff,

COMPLAINT FOR PROFESSIONAL
NEGLIGENCE (MEDICAL
MALPRACTICE AND WRONGFUL
DEATH)

15 vs.

16 KAISER FOUNDATION HOSPITALS,)
SOUTHERN CALIFORNIA)
17 PERMANENTE MEDICAL GROUP,)
KAISER FOUNDATION HEALTH PLAN,)
18 and DOES 1-100, inclusive,)

Judge Franz E. Miller

19 Defendants.

23 FIRST CAUSE OF ACTION

24 (On behalf of ALBERT ABAOAG, CARMELO ABAOAG, JR, ADELWIZA ARES,
25 ARMINDA HANNA, ALELI HERNANDEZ vs. KAISER FOUNDATION HOSPITALS,
SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP,
26 KAISER FOUNDATION HEALTH PLAN, and DOES 1-100)

27 1. The true names or capacities of the defendants, DOES 1 through 100, whether
28 individual, corporate, associate or otherwise, are unknown to plaintiffs at the time of filing

COMPLAINT FOR PROFESSIONAL NEGLIGENCE (MEDICAL MALPRACTICE and WRONGFUL DEATH)

1 this Complaint and plaintiffs, therefore, sue said defendants by such fictitious names and
2 will ask leave of court to amend this Complaint to show their true names or capacities when
3 the same have been ascertained. Plaintiffs are informed and believe, and thereon allege
4 that each of the DOE defendants is, in some manner, responsible for the events and
5 happenings herein set forth and proximately caused injury and damages to the plaintiffs
6 as herein alleged.

7 2. Defendants, KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA
8 PERMANENTE MEDICAL GROUP, KAISER FOUNDATION HEALTH PLAN, and DOES
9 1-100, are and were at all times herein mentioned corporations duly organized and existing
10 under and by virtue of the laws of the State of California and/or authorized to do business
11 and doing business in the County of Orange, State of California.

12 3. At all times herein mentioned, defendants, KAISER FOUNDATION HOSPITALS,
13 SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, KAISER FOUNDATION
14 HEALTH PLAN, and DOES 1-100, were and now are partners doing business under the
15 fictitious firm name and style of DOES 1-100, in the County of Orange, State of California.

16 4. At all time herein mentioned, defendants, KAISER FOUNDATION HOSPITALS,
17 SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, KAISER FOUNDATION
18 HEALTH PLAN, and DOES 1-100, are and were individuals doing business under the
19 fictitious name of and style of DOES 1-100 in the County of Orange, State of California.

20 5. At all times herein mentioned, each of the defendants was the agent and
21 employee of each of the remaining defendants and was at all times herein mentioned
22 acting within the scope of said agency and employment.

23 6. At all times herein mentioned, defendants, KAISER FOUNDATION HOSPITALS,
24 SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, KAISER FOUNDATION
25 HEALTH PLAN, and DOES 1-100, owned, operated and maintained pursuant to a license
26 duly issued by the California State Department of Public Health, a general hospital known
27 as Orange County Anaheim Medical Center, and DOES 1-100, in the County of Orange,
28

1 State of California.

2 7. On or about November 27, 2012, and at all times referred to herein, defendants,
3 KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA PERMANENTE
4 MEDICAL GROUP, KAISER FOUNDATION HEALTH PLAN and DOES 61-70, and each
5 of them, undertook the care, treatment, and examinations of MERCEDES ABAOAG
6 (decedent) in order to treat said decedent for her health care needs and illnesses and any
7 medical needs and illnesses or complications which would or could arise while decedent
8 remained under the care of these defendants, and each of them. On November 27, 2012
9 defendants undertook to perform a video assisted thorascopic removal of the decedent's
10 right lower lobe lung carcinoma.

11 8. At said time and place, and subsequent thereto, defendants, and each of them,
12 so negligently, carelessly, recklessly, wantonly, and unlawfully treated, provided medical
13 care, failed to order, evaluate, test, diagnose, refer, and examine the decedent so as to
14 directly and legally cause decedent's condition to deteriorate and ultimately die.

15 9. Plaintiffs, ALBERT ABAOAG, CARMELO ABAOAG, JR, ADELWIZA ARES,
16 ARMINDA HANNA, ALELI HERNANDEZ were the children and sole heirs of decedent and
17 this action is brought for the benefit of said heirs. At the time of her death, decedent was
18 76 years of age.

19 10. As a result of the negligence of the defendants as aforesaid, and of the death
20 of decedent, plaintiffs have sustained pecuniary loss resulting from the loss of the society,
21 comfort, attention, services, and support of the decedent in a sum according to proof at
22 trial.

23 11. As a further proximate result of the negligence of the aforesaid defendants, and
24 each of them, plaintiffs have incurred funeral and burial expenses.

25 12. Mercedes Abaoag died on November 27, 2012.

26 WHEREFORE, plaintiffs pray judgment as follows:

27 1. For damages in an amount according to proof at trial for the loss of the care,
28

1 comfort and society derived from the decedent;

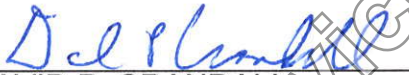
2 2. For special damages for the cost of funeral expenses in an appropriate sum
3 according to proof at trial;

4 3. For costs of suit; and

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

6 DATED: June 19, 2013

LAW OFFICES OF DAVID P. CRANDALL

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8 
9 DAVID P. CRANDALL
Attorneys for Plaintiffs