

SHORT TITLE:

Diana Settje v Kaiser Foundation Hospitals

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 Foundation Hospitals
- (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):

- 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):

- 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): 1-10 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): 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):

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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) :

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: \$

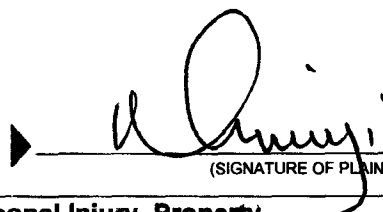
15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

GN-1, Prem L- 2, 3, 4 and 5

Date: 7/01/2014

Chinonye U Ugorji

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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1**CAUSE OF ACTION- General Negligence**Page 4

(number)

ATTACHMENT TO Complaint Cross-Complaint*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): Diana Settje

alleges that defendant (name): Kaiser Foundation Hospitals

 Does 1 to 10

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): May 22, 2013

at (place): Kaiser Permanente, 2025 Morse Avenue, Sacramento, CA 95825

(description of reasons for liability) :

On or about May 22, 2013 while visiting a friend at Kaiser located at 2025 Morse Avenue, Sacramento, California, Plaintiff tried to push the button on the elevator when her left foot slipped and she fell backwards causing her to hit the floor. Investigations revealed that the floor was excessively slippery due to the substance used for waxing the floor. She suffered a broken ankle and a pinched spine as a result and had to undergo surgery and Physical Therapy as a result.

The Slip and Fall accident was caused by the negligence of Defendants and their agents/representatives by either failing to make a reasonable and on-time inspection so as to discover dangerous conditions (the excessively waxed floor) in their place of business operation and/or in failing to post a reasonable warning and/or in failing to timely make safe the dangerous condition. (Cleaning out the excess wax substance on the floor.

The excess wax on the floor presented an abnormally dangerous condition as it involved a substantial risk of dangerous harm to the hospital's invitees no matter how much care was exercised. Defendants breached their duty to make safe and the breach was the actual and proximate cause of Plaintiffs injuries.

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_____ 2 _____ **CAUSE OF ACTION - Premises Liability** Page _____ 5 _____
 (number)

ATTACHMENT TO Complaint Cross-Complaint
 (Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Diana Settje
 alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.
 On (date): May 22, 2013 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):
 While visiting a friend at Kaiser located at 2025 Morse Avenue, Sacramento, California, Plaintiff tried to push the button on the elevator when her left foot slipped and she fell backwards causing her to hit the floor. Investigations revealed that the floor was excessively slippery due to the substance used for waxing the floor. She suffered a broken ankle and a pinched spine as a result and had to undergo surgery and Physical Therapy as a result. No caution signs were in place at the time of the accident.

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

Does _____ 1 _____ to _____ 10 _____

Prem.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 Foundation Hospitals

Does _____ 1 _____ to _____ 10 _____
 Plaintiff, 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 Foundation Hospitals

Does _____ 1 _____ to _____ 10 _____
 a. 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):
 Names Unknown

Does _____ 1 _____ to _____ 10 _____
 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):