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BALJIT KAUR, JASPREET SINGH,  
8 GURPREET SINGH  
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF SACRAMENTO  
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14 BALJIT KAUR, JASPREET )  
SINGH, GURPREET SINGH, )

15 Plaintiffs, )

16 vs. )

17 NORTHERN CALIFORNIA )  
18 PERMANENTE MEDICAL GROUP, )  
19 JAVAID AKHTER, M.D., and )  
DOES 1 through 100, )  
20 inclusive, )

21 Defendants. )

) CASE NO.

) COMPLAINT FOR DAMAGES -  
) MEDICAL NEGLIGENCE/WRONGFUL  
) DEATH

**BY FAX**

22 COMES NOW plaintiffs, and allege as causes of action against  
23 defendants, and each of them, as follows:

24 1. The true names and capacities, whether individual,  
25 corporate, associate or otherwise of defendants named herein as  
26 Does 1 through 100, inclusive, are unknown to plaintiff, who,  
27 therefore, sue said defendants by such fictitious names.

28 Plaintiffs will amend this Complaint to show their true names and

1 capacities when the same have been ascertained.

2 2. Plaintiffs are informed and believe and thereon allege,  
3 that defendants designated herein as Does 1 through 100,  
4 inclusive, are negligently responsible in some manner for the  
5 events and happenings herein referred to and negligently caused  
6 the injuries and damages proximately thereby to plaintiffs as  
7 herein alleged.

8 3. That each of the defendants herein was the agent, servant,  
9 employee, ostensible agent of each other defendant herein, and was  
10 at all times acting within the course and scope of said agency,  
11 servitude, employment, or ostensible agency. Plaintiffs are  
12 informed and believe and thereon allege that the acts of  
13 defendants who were agents, servants, and employees hereinafter  
14 alleged were done at the direction or with the authorization or  
15 ratification of each defendant who was a principal, master, or  
16 employer.

17 4. Plaintiffs are informed and believe and thereon allege  
18 that defendants, Northern California Permanente Medical Group  
19 and/or Does 1 through 10, inclusive, and each of them, was  
20 licensed, and regulated by the State of California for the purpose  
21 of providing medical group coverage, providing physicians and  
22 surgeons, nurses, medical specialists, and support staff in a  
23 group setting for the proper care and treatment of its patients,  
24 and held itself out as capable of providing such services in a  
25 professional and competent manner in the City of and County of  
26 Sacramento. The events sued upon herein occurred at the medical  
27 group.

28 5. Plaintiffs are informed and believe and thereon allege

1 that Javaid Akhter, M.D. and Does 11 through 40, inclusive, and  
2 each of them, were at all times mentioned physicians and/or  
3 surgeons licensed to practice medicine under the laws of the State  
4 of California and were engaged in the practice of medicine at, and  
5 availed themselves of the facilities of defendant Northern  
6 California Permanente Medical Group at Kaiser Permanente South  
7 Sacramento Medical Center. That at all time mentioned herein,  
8 Defendant Javaid Akhter, M.D. was in the course and scope of his  
9 employment with Northern California Permanente Medical Group  
10 and/or Does 1 through 10.

11 6. Plaintiffs are informed and believe, and thereon allege,  
12 that the acts and conduct of defendants, and each of them,  
13 complained herein, occurred on or about September 12, 2012 and  
14 thereafter in or near the City of Sacramento, County of  
15 Sacramento, State of California, resulting in the death of  
16 decedent on October 31, 2013.

17 7. Decedent, Jaswant Kanwal, is survived by his wife, Baljit  
18 Kaur, and his adult children, Jaspreet Singh and Gurpreet Singh,  
19 who are heirs at law of purposes of maintaining a wrongful death  
20 action.

21 FIRST CAUSE OF ACTION FOR MEDICAL NEGLIGENCE AGAINST

22 DEFENDANTS JAVAID AKHTER, M.D. AND

23 NORTHERN CALIFORNIA PERMANENTE MEDICAL GRUOP

24 8. Plaintiffs hereby repeat and reallege the allegations  
25 contained in paragraphs 1 through 8 as if fully set forth herein.

26 9. Plaintiffs are informed and believe, and thereon allege,  
27 that at all times herein mentioned, defendant, JAVAID AKHTER, M.D.,  
28 and Does 11 through 40, inclusive, were medical doctors and

1 surgeons, licensed by the State of California, required to possess  
2 that degree of skill, ability, expertise, knowledge, qualifications  
3 and learning to be functioning as medical doctors and surgeons in  
4 the State of California, with their place of business located in  
5 the County of Sacramento.

6 10. Plaintiffs are informed and believe, and thereon allege  
7 that at all times herein mentioned, Defendant NORTHERN CALIFORNIA  
8 PERMANENTE MEDICAL GROUP, and DOES 1 to 10, inclusive, were medical  
9 care providers, licensed by the State of California, required to  
10 possess that degree of skill, ability, expertise, qualifications,  
11 and learning by their employees to be functioning as a medical care  
12 provider with their place of business located in the County of  
13 Sacramento.

14 11. Plaintiffs are informed and believe, and that at all  
15 times herein mentioned, defendants were the agents and employees of  
16 the remaining defendants, and each of them, and were acting within  
17 the purpose, scope, and authority of said agency and employment.

18 12. At all times herein mentioned, Defendants owed a duty to  
19 Plaintiffs to ensure the competence of their medical services to  
20 avoid risk of harm to patients. Defendants further had a duty to  
21 provide and maintain properly functioning protocols necessary for  
22 patient care, diagnosis, and treatment.

23 13. That on or about September 12, 2012, and thereafter,  
24 Decedent was under the care of defendants, and each of them,  
25 receiving medical care and medical services from defendants,  
26 relying upon the skill and competency of said Defendants.

27 14. That on or about September 12, 2012, and thereafter,  
28 Decedent was prescribed Allipurinol by Javaid Akhter, M.D. for a

1 presumptive diagnosis of gout and developed Stevens Johnson  
2 Syndrome and/or toxic epidermal necrolysis which ultimately led to  
3 the death of decedent on October 31, 2013. The aforementioned  
4 prescription of Allipurinol represented a departure from the  
5 standard of care and caused and/or contributed to the decedent's  
6 untimely death.

7 15. That at said time and place, defendants, and each of  
8 them, so negligently failed to possess and exercise in the medical  
9 care of plaintiff that reasonable degree of knowledge, skill, and  
10 standard of care that is ordinarily possessed and exercised by  
11 other physicians, surgeons, nurses, and healthcare practitioners.

12 16. That prior to the prescription of Allipurinol Defendant  
13 Javaid Akhter, M.D. did not adequately inform the decedent of the  
14 risks of the medication, the alternatives to the medication, the  
15 possibilities of other therapies with less risk, so as to allow the  
16 decedent to give informed consent to the taking of the medication  
17 prescribed. Additionally, the failure to warn the decedent of the  
18 potential side effects of the medication was below the standard of  
19 care.

20 17. That as a proximate result of said negligence of said  
21 defendant physician, and each of them, and the negligent follow up  
22 care and treatment by the physician and staff, decedent developed a  
23 life threatening syndrome from which he ultimately expired on  
24 October 31, 2013.

25 18. As a direct and proximate result of the negligence and  
26 carelessness of Defendants, and each of them, Plaintiffs have been  
27 damaged by way of, inter alia, the loss of decedent's income,  
28 support, services, advice, training, love, consolation, society,

1 comfort, and companionship all to Plaintiffs' general damage in an  
2 amount within the jurisdiction of this Court.

3 19. As a direct and proximate result of the negligence and  
4 carelessness of Defendants, and each of them, as aforesaid  
5 Plaintiffs have incurred liabilities for funeral and burial  
6 expenses of Decedent in amounts which are presently unascertained,  
7 and Plaintiffs will amend this Complaint to insert the same herein  
8 when said amounts have been ascertained.

9 WHEREFORE, plaintiffs pray for judgment against defendants,  
10 and each of them, as follows:

- 11 1. General damages according to proof;
- 12 2. Special damages according to proof;
- 13 3. Costs of suit incurred herein;
- 14 4. Such interest as is allowed by law; and
- 15 5. Such other and further relief as this court deems just  
16 and proper.

17 Dated: October 7, 2014 RIGG AND DEAN

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19 By: 

20 DENNIS K. WHEELER  
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