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**FILED**  
Superior Court of California  
County of Los Angeles

JAN 20 2015

Sherril R. Carter, Executive Officer/Clerk  
By Shaunya Bolden Deputy

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Attorney for Plaintiff Robert Eiseman

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Mel  
Kecana

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

ROBERT EISEMAN,

Plaintiff,

vs.

KAISER PERMANENTE; a non-profit health insurer; JERRY HAMILTON SPARKS, an individual; DOES 1 through 25, Inclusive,

Defendants.

CASE NO.: **BC 569931**

**COMPLAINT**

- 1. Invasion of Privacy;
- 2. Int'l Infliction of Emotional Distress;
- 3. Defamation;
- 5. Negligence

**DEMAND FOR JURY TRIAL**

Plaintiff Robert Eiseman ("Plaintiff") alleges as follows:

1. Plaintiff is an individual who at all times relevant hereto resided in Los Angeles County, California.

2. Defendant Kaiser Permanente operates a non-profit health insurer in Los Angeles County, California. At all times relevant this the allegations of this Complaint, was Plaintiff's health insurer.

3. Defendant Jerry Hamilton Sparks ("Sparks") is a Licensed Clinical Social Worker (CA License No.: 11751), who, at all times relevant to this Complaint, was employed by

RECEIPT # : CCR451233008  
 DATE PAID: 01/22/15 08:56 AM  
 PAYMENT \$ 435.00  
 RECEIVED BY: [Signature]  
 CHECK: \$0.00  
 CASH: \$0.00  
 CHANGE: \$0.00  
 C.D.D.: \$435.00

CITY/CASE: BC569931  
LEA/DEF#: [blank]

1 Defendant Kaiser Permanente. At all times relevant hereto, Sparks was acting within the course  
2 and scope of his employment as a LCSW by Defendant Kaiser Permanente.

3 4. The true names and capacities, whether individual, corporate, associate, or otherwise,  
4 of DOES 1 through 25 are unknown to plaintiff, who therefore sues the DOE defendants by  
5 fictitious names. Plaintiff will amend this complaint to show the DOE defendants' true names  
6 and capacities after they have been ascertained. Plaintiff is informed and believes and thereon  
7 alleges that DOES 1 through 25 are defendants' partners, joint-venturers, members, owners,  
8 shareholders, officers, directors, and/or managers.

9 5. Plaintiff is informed and believes and thereon alleges that each and all of the acts and  
10 omissions alleged herein were performed by, and/or attributable to all Defendants, each acting as  
11 agents and/or employees, and/or under the direction and control of each of the other Defendants,  
12 and that said acts and failures to act were within the course and scope of said agency,  
13 employment and/or direction and control. Plaintiff is informed and believes and thereon alleges  
14 that at all times relevant hereto, Defendants were and remain the agents of each other.

15 **GENERAL ALLEGATIONS APPLICABLE TO ALL CAUSES OF ACTION**

16 6. At all times relevant hereto, Plaintiff was employed by the Los Angeles Unified  
17 School District ("LAUSD"). As an employment benefit, LAUSD provided Plaintiff with health  
18 insurance through Defendant Kaiser Permanente. At all times relevant hereto, Plaintiff worked  
19 with a LAUSD employee who is referred to in this Complaint as "John Doe" to protect his  
20 privacy. As a LAUSD employee, John Doe also received health insurance through Kaiser  
21 Permanente. In January 2014, Plaintiff was one of John Doe's supervisors.

22 7. At all times relevant hereto, John Doe was a patient of Defendant Sparks, who treated  
23 John Doe for numerous emotional disorders. Plaintiff is informed and believes and thereon  
24 alleges that during psychotherapy sessions with Sparks, John Doe complained to Sparks about  
25 Plaintiff's interactions with him at LAUSD. John Doe falsely reported to Sparks that Plaintiff  
26 had purposefully caused Sparks to suffer emotional distress, and that John Doe had once been a  
27 close friend of Plaintiff.  
28

1 8. Plaintiff is informed and believes and thereon alleges that in or about late 2013 to  
2 January 2014, Sparks, who knew that Plaintiff was a Kaiser Permanente patient, unlawfully,  
3 unethically, gained access to and read Plaintiff's private medical records through the Kaiser  
4 Permanente system, despite the fact that Plaintiff has never been Spark's patient. Plaintiff is  
5 informed and believes and thereon alleges that in furtherance of his treatment of John Doe, and  
6 in the course and scope of his employment by Kaiser, Sparks decided to interfere with Plaintiff's  
7 employment relationship at LAUSD in an ill-conceived, mean-spirited, deliberate, and highly  
8 grossly illegal effort to help his patient.

9 9. On January 21, 2014, Sparks wrote a letter to Plaintiff's immediate supervisor at  
10 LAUSD. In his letter, Sparks falsely asserted, without any objective medical or factual basis  
11 whatsoever, that Plaintiff had "purposely" and intentionally inflicted "emotional stress" on John  
12 Doe. Sparks letter further asserted that approximately seven (7) years earlier, Plaintiff had  
13 "begun a regimen of "psychotropic medication," and that Plaintiff's conduct at that time had  
14 caused John Doe's "PSA test for prostate cancer" to increase. Sparks falsely, without any  
15 medical or factual basis, wrote that as a result of Plaintiff's conduct, John Doe suffered from  
16 "visual field issues related to his browtosis (sic), anxiety, depression and other health related  
17 issues due to the intentional infliction of emotional distress caused by [Plaintiff]."

18 10. In his letter, Sparks falsely, and without any objective or reasonable legal, medical or  
19 factual basis supporting his assertions, stated that "In my professional opinion, there is a conflict  
20 of interest for Mr. Eiseman to be supervising [John Doe] considering their long and conflicted  
21 history which leads to the district liability it does not need (sic). Sparks further wrote that  
22 Plaintiff's conduct was "impacting the health of [John Doe] and this is another liability the  
23 district does not want to be held responsible for."

24 11. Sparks' reference to medication that Plaintiff had been prescribed by Kaiser  
25 Permanente health care professional years prior to the date he wrote his letter, and which  
26 Plaintiff was not taking, could only have been obtained by Sparks' by unlawfully accessing  
27 Plaintiff's private medical records maintained at Kaiser Permanente, in an outrageous, shocking  
28

1 and flagrant disregard for Plaintiff's constitutional right to privacy under Art.1, §1 of the  
2 California Constitution and under the United States Constitution.

3 **FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS FOR INVASION OF**  
4 **PRIVACY**

5 12. Plaintiff incorporates Paragraphs 1 through 11 as if set forth in full hereto.

6 13. Plaintiff had a reasonable expectation of privacy in his private medical records. (Art.  
7 1, § 1, CA Constitution; U.S. Constitution).

8 14. Defendants Kaiser Permanente, Sparks, and Does 1 through 2, intentionally and  
9 unlawfully accessed, read, and disseminated Plaintiff's private medical information to third  
10 parties, including Plaintiff's supervisor at LAUSD.

11 15. Defendants' deliberate intrusion into Plaintiff's privacy is outrageous and highly  
12 offensive to any reasonable person. Defendant Sparks, a licensed clinical social worker acting in  
13 the course and scope of his employment by Kaiser Permanente had actual knowledge that his  
14 conduct was unlawful. Sparks and Does 1 through 25 intended to damage Plaintiff's career and  
15 reputation in his field, and knew that publishing the information to Plaintiff's employer was  
16 likely to accomplish their objective.

17 16. As a direct and proximate result of Defendants' violation of Plaintiffs' constitutional  
18 right to privacy, Plaintiff has suffered emotional distress, embarrassment, anger and frustration.  
19 As a further direct and proximate result of Defendants' unlawful actions, LAUSD did not renew  
20 Plaintiff's employment contract and Plaintiff received a de facto demotion to a lower pay grade  
21 and concomitant substantial reduction in his compensation, prestige and career trajectory.

22 17. Defendants' actions were fraudulent, malicious, oppressive and known to be unlawful  
23 at the time they were made and Plaintiff is therefore entitled to recover punitive damages against  
24 Defendants in an amount not yet ascertained but according to proof at the time of trial.

25 ///

26 ///

1 **SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS FOR INTENTIONAL**  
2 **INFLICTION OF EMOTIONAL DISTRESS**

3 18. Plaintiff incorporated by this reference Paragraphs 1 through 11 and 13 through 17 as  
4 if set forth in full hereat.

5 19. The deliberate violation of another person's constitutional right to privacy is  
6 outrageous. Here, Defendant Sparks and Does 1 through 10, in the course and scope of their  
7 employment by Kaiser Permanente, deliberately embarked on an ill-conceived and bizarre plan  
8 to support Sparks' patient John Doe by brazenly accessing Plaintiff's private medical records and  
9 publishing those records to Plaintiff's supervisor at LAUSD with the goal of sabotaging  
10 Plaintiff's career and reputation so that Plaintiff would no longer be assigned to supervise John  
11 Doe. Without any medical or factual basis whatsoever, Defendant falsely insinuated that  
12 Plaintiff was mentally ill, mean-spirited and was intentionally causing John Doe to suffer stress  
13 and medical complications. Defendants further threatened LAUSD with civil "liability" arising  
14 out of their false and reckless accusations against Plaintiff.

15 20. As a direct and proximate result of Defendants' violation of Plaintiffs' constitutional  
16 right to privacy, Plaintiff has suffered emotional distress, embarrassment, anger and frustration.  
17 As a further direct and proximate result of Defendants' unlawful actions, LAUSD did not renew  
18 Plaintiff's employment contract and Plaintiff received a de facto demotion to a lower pay grade  
19 and concomitant substantial reduction in his compensation, prestige and career trajectory.

20 21. Defendants' actions were fraudulent, malicious, oppressive and known to be  
21 unlawful at the time they were made and Plaintiff is therefore entitled to recover punitive  
22 damages against Defendants in an amount not yet ascertained but according to proof at the time  
23 of trial.

24 **THIRD CAUSE OF ACTION AGAINST ALL DEFENDANTS FOR DEFAMATION**  
25 **"PER SE"**

26 22. Plaintiff incorporated by this reference Paragraphs 1 through 11, 13 through 17 and  
27 19 through 21 as if set forth in full hereat.

1 23. Sparks January 21, 2014 letter, which was written in the course and scope of his  
2 employment by Kaiser Permanente, is defamatory per se. Plaintiff never intentionally caused  
3 stress or harm to John Doe. Plaintiff was prescribed psychotropic medication literally years  
4 before Sparks wrote his letter and Plaintiff was not taking such medication at the time of the  
5 letter. Nothing Plaintiff did or did not do effected John Doe's PSA to rise, and nothing Plaintiff  
6 did nor did not do was creating a liability for LAUSD. Sparks' letter, which was based on  
7 obsolete and private medical records unlawfully accessed by Sparks, created the false  
8 implication that Plaintiff was unfit for duty at his job, and damaged Plaintiff's career and  
9 standing at LAUSD.

10 24. As a direct and proximate result of Defendants' violation of Plaintiffs' constitutional  
11 right to privacy, Plaintiff has suffered emotional distress, embarrassment, anger and frustration.  
12 As a further direct and proximate result of Defendants' unlawful actions, LAUSD did not renew  
13 Plaintiff's employment contract and Plaintiff received a de facto demotion to a lower pay grade  
14 and concomitant substantial reduction in his compensation, prestige and career trajectory.

15 25. Defendants' actions were fraudulent, malicious, oppressive and known to be  
16 unlawful at the time they were made and Plaintiff is therefore entitled to recover punitive  
17 damages against Defendants in an amount not yet ascertained but according to proof at the time  
18 of trial.

19 **FOURTH CAUSE OF ACTION AGAINST ALL DEFENDANTS FOR INTENTIONAL**  
20 **INTERFERENCE WITH CONTRACTUAL RELATIONSHIP**

21 26. Plaintiff incorporated by this reference Paragraphs 1 through 11, 13 through 17, 19  
22 through 21 and 23 through 25 as if set forth in full hereat.

23 27. At all times relevant hereto, Defendants were aware of the fact that Plaintiff was  
24 employed by LAUSD as John Doe's supervisor.

25 28. Defendants engaged in the unlawful conduct alleged herein, including but not  
26 limited to, the violation of Plaintiff's constitutional right to privacy, the dissemination of the  
27 contents of Plaintiff's private medical records, the publication of the defamatory January 21,  
28

1 2014 letter to Plaintiff's supervisor at LAUSD, in furtherance of a deliberate, conscious,  
2 intentional and unlawful plan to interfere with Plaintiff's employment relationship with LAUSD  
3 for the misguided purpose of somehow helping John Doe with his anxiety. Defendants, and each  
4 of them, knew or should have known that sending a false letter to Plaintiff's supervisor that  
5 insinuated that Plaintiff was mentally unstable and intentionally bullying a subordinate would  
6 cause damages to Plaintiff's relationship with LAUSD. Defendants knew or should have known  
7 that by threatening LAUSD for "liability" for allowing Plaintiff and John Doe to work together  
8 would interfere with Plaintiff's relationship with LAUSD.

9 29. As a direct and proximate result of Defendants' violation of Plaintiffs' constitutional  
10 right to privacy, Plaintiff has suffered emotional distress, embarrassment, anger and frustration.  
11 As a further direct and proximate result of Defendants' unlawful actions, LAUSD did not renew  
12 Plaintiff's employment contract and Plaintiff received a de facto demotion to a lower pay grade  
13 and concomitant substantial reduction in his compensation, prestige and career trajectory.

14 30. Defendants' actions were fraudulent, malicious, oppressive and known to be  
15 unlawful at the time they were made and Plaintiff is therefore entitled to recover punitive  
16 damages against Defendants in an amount not yet ascertained but according to proof at the time  
17 of trial.

#### 18 **FIFTH CAUSE OF ACTION AGAINST ALL DEFENDANTS FOR NEGLIGENCE**

19 31. Plaintiff incorporated by this reference Paragraphs 1 through 11, 13 through 17, 19  
20 through 21, 23 through 25 and 27 through 30 as if set forth in full hereat.

21 32. Plaintiff alleges that Defendant Kaiser Permanente and Does 15 through 25  
22 negligently supervised, trained and disciplined Defendant Sparks such that Sparks was allowed,  
23 in the course and scope of his employment to gain access to Plaintiff's confidential medical  
24 records and was allowed to believe that it was within the scope of his employment to write a  
25 letter critical of a patient's co-worker to a patient's employer. Plaintiff further alleges that Kaiser  
26 Permanente negligently compiled, maintained and supervised the confidentiality of Plaintiff's  
27  
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1 confidential medical records that Sparks was allowed access to those records despite the fact that  
2 Plaintiff was not Sparks' patient and Sparks had no lawful reason to have access to the records.

3 33. As a direct and proximate result of Defendants' violation of Plaintiffs' constitutional  
4 right to privacy, Plaintiff has suffered emotional distress, embarrassment, anger and frustration.  
5 As a further direct and proximate result of Defendants' unlawful actions, LAUSD did not renew  
6 Plaintiff's employment contract and Plaintiff received a de facto demotion to a lower pay grade  
7 and concomitant substantial reduction in his compensation, prestige and career trajectory.

8 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them,  
9 jointly and severally, as follows:

- 10 1. For general damages in an amount not yet ascertained but according to proof and  
11 in excess of the limited jurisdiction of this court;
- 12 2. For special damages, including medical expenses, in an amount not yet  
13 ascertained but according to proof at the time of trial;
- 14 3. For costs incurred in an amount according to proof;
- 15 4. For interest at the legal rate in an amount according to proof, and  
16 5. Such other and further relief as may be just and proper.

17  
18 Plaintiff demands a jury trial.

19 **LAW OFFICE OF DAVID CRAIG BERNSTEIN**

20  
21 **Dated: January 20, 2015**

22   
23 **David Craig Bernstein**  
24 **Attorney For Plaintiff Robert Eiseman**



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>David Craig Bernstein 122147</b> <b>LAW OFFICE OF DAVID CRAIG BERNSTEIN</b> <b>9454 Wilshire Boulevard, Suite M-5</b> <b>Beverly Hills, CA 90212</b> TELEPHONE NO.: (310) 288-0854 FAX NO.: (310) 288-0157 ATTORNEY FOR (Name): Plaintiff Robert Eiseman		FOR COURT USE ONLY  <b>FILED</b> Superior Court of California County of Los Angeles  <b>JAN 20 2015</b>  Sherri R. Carter, Executive Officer/Clerk By <u>Shaunya Bolden</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Los Angeles</b> STREET ADDRESS: <b>111 North Hill Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Los Angeles, California 90012</b> BRANCH NAME: <b>Central</b>		CASE NUMBER: <b>BC 569931</b>  JUDGE: DEPT:
CASE NAME: <b>Eiseman vs. Kaiser Permanente, et al.</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (48)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<b>Other P/IPD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/IPD/W/D (23)	<b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	<b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20)
<b>Non-P/IPD/W/D (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-P/IPD/W/D tort (35)	<b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	<b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
<b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |                                                                                                                                |                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties                                                     | d. <input type="checkbox"/> Large number of witnesses                                                                                                      |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence                                                         | f. <input type="checkbox"/> Substantial postjudgment judicial supervision                                                                                  |
3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive
4. Number of causes of action (specify): **5**
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 20, 2015

David Craig Bernstein

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (not asbestos or toxic/environmental) (24)  
Medical Malpractice (45)  
Medical Malpractice-Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

## Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (not medical or legal)  
Other Non-PI/PD/WD Tort (35)

## Employment

Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (not unlawful detainer or wrongful eviction)  
Contract/Warranty Breach-Seller Plaintiff (not fraud or negligence)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open bank accounts) (09)  
Collection Case-Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (not provisionally complex) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ-Administrative Mandamus  
Writ-Mandamus on Limited Court Case Matter  
Writ-Other Limited Court Case Review  
Other Judicial Review (30)  
Review of Health Officer Order  
Notice of Appeal-Labor Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims  
*(arising from provisionally complex case type listed above)* (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (non-domestic relations)  
Sister State Judgment  
Administrative Agency Award (not unpaid taxes)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (not specified above) (42)  
Declaratory Relief Only  
Injunctive Relief Only (non-harassment)  
Mechanics Lien  
Other Commercial Complaint Case (non-tort/non-complex)  
Other Civil Complaint (non-tort/non-complex)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (not specified above) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief from Late Claim  
Other Civil Petition

01/20/2015 16:03 +

DCB LAW

PAGE 04

SHORT TITLE:

Eiseman vs. Kaiser Permanente, et al.

CASE NUMBER:

BC 569931

**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL 6  HOURS/  DAYS.

Item II. Indicate the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.

**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

- Class actions must be filed in the Stanley Mosk Courthouse, central district.
- May be filed in central (other county, or no bodily injury/property damage).
- Location where cause of action arose.
- Location where bodily injury, death or damage occurred.
- Location where performance required or defendant resides.
- Location of property or permanently garaged vehicle.
- Location where petitioner resides.
- Location wherein defendant/respondent functions wholly.
- Location where one or more of the parties reside.
- Location of Labor Commissioner Office.

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input checked="" type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input checked="" type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

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DCB LAW

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SHORT TITLE: <b>Eiseman vs. Kaiser Permanente, et al.</b>	CASE NUMBER
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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (05) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach-Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6016 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 5.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

CASE NUMBER  
**Eiseman vs. Kaiser Permanente, et al.**

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A0100 Asset Forfeiture Conc	2, 6
Petition re Arbitration (11)	<input type="checkbox"/> A0110 Petition to Compulsorily Confirm/Vacate Arbitration	2, 6
Writ of Mandate (02)	<input type="checkbox"/> A0151 Writ - Administrative Mandamus <input type="checkbox"/> A0152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A0153 Writ - Other Limited Court Case Review	2, 8 7 2
Other Judicial Review (39)	<input type="checkbox"/> A0150 Other Writ/Judicial Review	2, 8
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A0003 Antitrust/Trade Regulation	1, 2, 8
Construction Defect (10)	<input type="checkbox"/> A0007 Construction Defect	1, 2, 3
Claims Involving Mass Tort (40)	<input type="checkbox"/> A0006 Claims Involving Mass Tort	1, 2, 8
Securities Litigation (20)	<input type="checkbox"/> A0014 Securities Litigation Case	1, 2, 8
Toxic Tort Environmental (50)	<input type="checkbox"/> A0036 Toxic Tort/Environmental	1, 2, 3, 8
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A0014 Insurance Coverage/Underpayment (complex case only)	1, 2, 8, 9
Enforcement of Judgment (20)	<input checked="" type="checkbox"/> A0141 Order State Judgment <input checked="" type="checkbox"/> A0140 Abstract of Judgment <input checked="" type="checkbox"/> A0107 Enforcement of Judgment (non domestic matters) <input checked="" type="checkbox"/> A0140 Administrative Agency Award (not unpaid taxes) <input checked="" type="checkbox"/> A0114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input checked="" type="checkbox"/> A0112 Other Enforcement of Judgment Case	2, 9 2, 6 2, 9 7, 8 E.O. 2, 8, 9
RICO (21)	<input type="checkbox"/> A0033 Racketeering (RICO) Case	1, 2, 8
Other Complaints (Not Specified Above) (47)	<input checked="" type="checkbox"/> A0030 Declaratory Relief Only <input checked="" type="checkbox"/> A0040 Injunctive Relief Only (not domestic harassment) <input checked="" type="checkbox"/> A0011 Other Commercial Complaint Case (non-for/for-non-complex) <input checked="" type="checkbox"/> A0000 Other Civil Complaint (non-for/for-non-complex)	1, 2, 8 2, 6 1, 2, 4 1, 2, 8
Partnership Corporation Governance (21)	<input type="checkbox"/> A0113 Partnership and Corporate Governance Case	9, 9
Other Petitions (Not Specified Above) (43)	<input checked="" type="checkbox"/> A0121 Civil Harassment <input checked="" type="checkbox"/> A0123 Workplace Harassment <input checked="" type="checkbox"/> A0124 Elder/Dependent Adult Abuse Case <input checked="" type="checkbox"/> A0101 Lienion Contest <input checked="" type="checkbox"/> A0110 Petition for Change of Name <input checked="" type="checkbox"/> A0170 Petition for Relief from Late Claim Law <input checked="" type="checkbox"/> A0100 Other Civil Petition	2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 4, 8 2, 9

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION** Local Rule 109 Page 3 of 4

Circumstance indicated in Item II, Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have initiated for this case. <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10	ADDRESS: <b>90017, 333 South Bcaudry Avenue</b>
CITY: <b>Los Angeles</b> STATE: <b>California</b> ZIP CODE: <b>90017</b>	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the **Stanley Mook** courtroom in the Central District of the Superior Court of California, County of Los Angeles (Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)).

Dated: **JANUARY 20, 2016**

**DUSA**  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
6. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010. If the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conforming by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

01/23/2015