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7 SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF ALAMEDA

9 GREGORY JENISON,

Case No.:

EG15769884

10 Plaintiff,

**COMPLAINT FOR PERSONAL
INJURIES**

11 v.

[Jury Trial Demanded]

12 KAISER FOUNDATION HEALTH
13 PLAN, INC., KAISER FOUNDATION
14 HOSPITALS, and DOES 1 through 10,
inclusive,

15 Defendants.

16 **FIRST CAUSE OF ACTION**

17 **(Personal Injury: Premise Liability)**

18 Plaintiff GREGORY JENISON complains against Defendants KAISER
19 FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION HOSPITALS, and DOES 1
20 through 10 and alleges as follows:

21 1. The true names and capacities -- whether individual, corporate, associate or otherwise
22 -- of Defendants DOES 1 through 10, are unknown to Plaintiff, who therefore sues such DOES by
23 such fictitious names. Plaintiff will amend this Complaint to show their true names and capacities
24 when the same have been ascertained. Each of the Defendants, and DOES 1 through 10, are legally
25 responsible in some manner -- negligently, in warranty, strictly, or otherwise -- for the incident that
26 is the subject of this Complaint.

27 2. Plaintiff is now, and at all times herein mentioned was, a citizen of and resident within
28 the County of Sacramento, State of California. Plaintiff further alleges that each Defendant is a citizen

BY FAX

1 and resident of, or doing business within, the County of Placer, State of California. The amount in
2 controversy is in excess of the minimal jurisdictional limits of this Court.

3 3. That it is unknown by Plaintiff at this time whether Defendants KAISER
4 FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION HOSPITALS, and DOES 1
5 through 10, are doing business as a partnership, corporation or other type of entity, and Plaintiff will
6 ask leave to amend this pleading to set forth their true names and capacities when the same have been
7 ascertained.

8 4. Plaintiff is informed and believes and upon said information and belief alleges that at
9 all times herein mentioned, Defendants, and each of them, are, and for a long time prior thereto, were
10 owners and/or in possession of the certain premises located at 1600 Eureka Road, Building C,
11 Roseville, California.

12 5. That Plaintiff is informed and believes and thereon alleges that, at all times herein
13 mentioned, Defendants, DOES 1 through 5, and each of them, were acting within the course and
14 scope of employment by Defendants, KAISER FOUNDATION HEALTH PLAN, INC., KAISER
15 FOUNDATION HOSPITALS, and DOES 6 through 10, and each of them.

16 6. That on or about May 13, 2013, Plaintiff GREGORY JENISON, while legally on the
17 premises as described hereinabove, slipped and fell down stairs, causing injury and damages to
18 Plaintiff. Plaintiff is informed and believes and thereon alleges that on the day in question the
19 Defendants, their agents, and each of them, knew or should have known of the improperly maintained
20 area.

21 7. That at said time and place, Defendants, and each of them, negligently caused,
22 permitted, constructed, managed and maintained, inspected, supervised, etc., said stairs permitting
23 them to be in a dangerous, defective and hazardous condition in an area allowed for usage of persons
24 lawfully on the premises.

25 8. As a result of the negligence of Defendants, Plaintiff GREGORY JENISON suffered
26 personal / bodily injuries, resulting in economic and non-economic damages. Economic damages
27 include, but are not limited to, (1) past and future medical and/or ancillary related expenses, (2) past
28 and future income and/or earning capacity loss, (3) loss of ability to provide household services, and

1 (4) incidental and consequential damages and/or property damage and loss of use. Non-economic
2 damages include, but are not limited to (1) past and future physical and mental suffering, (2) loss of
3 enjoyment of life, (3) physical impairment, (4) inconvenience, (5) anxiety, and (6) emotional distress.

4 9. Plaintiff is informed and believes and on the basis thereon alleges that the injury
5 caused in this instance was due to stairs that were not to Code, and Defendants knew and have known
6 that such stairs were not to Code and posed a great hazard of causing just this type of incident and
7 injury in the event of May 13, 2013. Notwithstanding this knowledge, and the knowledge that other
8 individuals and customers had suffered significant injuries due to the substandard stairs, and such
9 conduct was known, intentional, malicious, and without due care for the likelihood of injury, and as
10 a result Plaintiff is entitled to exemplary damages in a sum according to proof.

11 Plaintiff GREGORY JENISON prays for judgment against Defendants for:

- 12 a. Non-economic damages in excess of the jurisdictional limit of this Court;
13 b. Exemplary damages in a sum according to proof;
14 c. All medical and incidental expenses according to proof;
15 d. All loss of earnings according to proof;
16 e. Prejudgment interest to the extent permitted by law;
17 f. All costs of suit; and
18 g. Such other and further relief as this Court may deem just and proper.

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20 Dated: May 11, 2015

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22 DEL RIO & CARICHOFF, P.C.

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24 By: 

25 DANIEL DEL RIO
26 Attorneys for Plaintiff
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