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SUPERIOR COURT - STOCKTON

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1 James S. Bostwick , Esq. (SBN 042718)
2 Blake P. Bostwick, Esq. (SBN 289317)
3 **BOSTWICK & PETERSON, LLP**
4 591 Redwood Highway, Suite 2350
5 Mill Valley, CA 94941
6 Telephone : (415) 421-8300
7 Fax : (415) 421-8301

8 Attorneys for Plaintiff VANESSA CALDERON

THIS CASE HAS BEEN ASSIGNED TO
JUDGE ROGER ROSS IN
DEPARTMENT 11B FOR ALL PURPOSES,
INCLUDING TRIAL

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **IN AND FOR THE COUNTY OF SAN JOAQUIN**

11 VANESSA CALDERON

12 Plaintiff,

13 vs.

14 ADVENTIST HEALTH LODI MEMORIAL
15 HOSPITAL; ROBERT GOH, M.D.; EDMUND
16 FREUND, M.D.; LODI HEALTH PHYSICIANS
17 MILLSBRIDGE FAMIY CARE; FRANK
18 HARTWICK, M.D.; DELTA RADIOLOGY
19 MEDICAL GROUP; KAISER FOUNDATION
20 HEALTH PLAN, INC.; KAISER FOUNDATION
21 HOSPITALS, and THE PERMANENTE MEDICAL
22 GROUP, INC. and DOES 1 through 100, inclusive,

23 Defendants.

CASE NO.

STK-CV-WMM-2018-9009

COMPLAINT FOR DAMAGES

1. Medical Malpractice

FILE BY FAX

1
2 **FIRST CAUSE OF ACTION**
3 **Medical Malpractice**

4 Plaintiff VANESSA CALDERON complains of defendants, ADVENTIST HEALTH LODI
5 MEMORIAL HOSPITAL; ROBERT GOH, M.D.; EDMUND FREUND, M.D; LODI HEALTH
6 PHYSICIANS MILLSBRIDGE FAMILY CARE; FRANK HARTWICK, M.D.; DELTA RADIOLOGY
7 MEDICAL GROUP; KAISER FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION
8 HOSPITALS, and THE PERMANENTE MEDICAL GROUP, INC. and DOES 1 through 100,
9 inclusive, and alleges as follows:

10 1. The true names and capacities whether individual, corporate, associate, or otherwise, of
11 defendants DOES ONE through 100, are unknown to plaintiff who therefore sues said defendants by
12 such fictitious names and will ask leave of Court to amend this complaint when the true names and
13 capacities have been ascertained. Plaintiff is informed and believes, and thereon alleges on such
14 information and belief, that each of the fictitiously named defendants is responsible in some manner for
15 the occurrences herein alleged, either as physicians, surgeons, anesthetists, nurses, other medical
16 practitioners, pharmacists, hospitals or hospital attendants, ambulance companies or attendants, or
17 manufacturers, suppliers, sellers, or distributors or otherwise, and said defendants negligently acted or
18 failed to act in one or more of said occupations or businesses, which negligence proximately caused
19 plaintiff's injuries as herein alleged. Plaintiff is uncertain as to the manner or function of said
20 defendants, whether as physicians, surgeons, anesthetists, nurses, other medical practitioners,
21 pharmacists, hospitals or hospital attendants, ambulance companies or attendants, or manufacturers,
22 suppliers, sellers or distributors, or otherwise, and plaintiff prays leave to amend this complaint to insert
23 therein the true names, capacities, functions, occupations and businesses of said defendants when the
24 same are ascertained.
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1 2. Plaintiff is informed and believes, and upon such information and belief alleges, that at
2 the times and places mentioned herein defendants were the agents, servants, and employees of the
3 remaining defendants, and each of them, was at all times and places mentioned herein acting within the
4 purpose and scope of said agency, service and employment.

5 3. At all times mentioned, defendant ADVENTIST HEALTH LODI MEMORIAL
6 HOSPITAL and DOES ONE through TEN, inclusive, and each of them, were and are now,
7 corporations, partnerships, associations, hospitals, or other entities organized and existing under and by
8 virtue of the laws of the State of California, and were at all times and places mentioned herein engaged
9 in the ownership, operation, and maintenance of hospitals and other medical facilities open to the
10 general public and to paying patients in and about the State of California, County of San Joaquin.

11 4. At all times mentioned, defendants ROBERT GOH, M.D., M.D. and DOES ELEVEN-
12 through TWENTY, inclusive, and each of them, were and are regularly licensed physicians, surgeons,
13 radiologists, pathologists, and certified physicians' assistants in this State, engaged in the practice of
14 medicine, with offices in the State of California, County of San Joaquin.

15 5. At all times mentioned, defendants EDMUND FREUND, M.D. and DOES -TWENTY-
16 ONE through THIRTY, inclusive, and each of them, were and are regularly licensed physicians,
17 surgeons, radiologists, pathologists, and certified physicians' assistants in this State, engaged in the
18 practice of medicine, with offices in the State of California, County of San Joaquin.

19 6. At all times mentioned, defendant LODI HEALTH PHYSICIANS MILLSBRIDGE
20 FAMIY CARE and DOES THIRTY-ONE through FORTY, inclusive, and each of them, were and are
21 now, corporations, partnerships, associations, hospitals, or other entities organized and existing under
22 and by virtue of the laws of the State of California, and were at all times and places mentioned herein
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1 engaged in the ownership, operation, and maintenance of hospitals and other medical facilities open to
2 the general public and to paying patients in and about the State of California, County of San Joaquin.

3 7. At all times mentioned, defendants FRANK HARTWICK, M.D. and DOES FORTY-
4 ONE through FIFTY, inclusive, and each of them, were and are regularly licensed physicians, surgeons,
5 radiologists, pathologists, and certified physicians' assistants in this State, engaged in the practice of
6 medicine, with offices in the State of California, County of San Joaquin.

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8 8. At all times mentioned, defendant DELTA RADIOLOGY MEDICAL GROUP and
9 DOES FIFTY-ONE through SIXTY, inclusive, and each of them, were and are now, corporations,
10 partnerships, associations, hospitals, or other entities organized and existing under and by virtue of the
11 laws of the State of California, and were at all times and places mentioned herein engaged in the
12 ownership, operation, and maintenance of hospitals and other medical facilities open to the general
13 public and to paying patients in and about the State of California, County of San Joaquin.

14 9. At all times mentioned, defendant KAISER FOUNDATION HOSPITALS; KAISER
15 FOUNDATION HEALTH PLAN, INC. PERMANENTE MEDICAL GROUP, INC and DOES SIXTY-
16 ONE through SEVENTY, inclusive, and each of them, were and are now, corporations, partnerships,
17 associations, hospitals, or other entities organized and existing under and by virtue of the laws of the
18 State of California, and were at all times and places mentioned herein engaged in the ownership,
19 operation, and maintenance of hospitals and other medical facilities open to the general public and to
20 paying patients in the State of California.

21
22 10. From on or about May 29, 2015, and for some time prior thereto and thereafter, plaintiff
23 VANESSA CALDERON consulted defendants, and each of them, for the purpose of obtaining
24 diagnosis, care, and treatment in connection with her medical conditions, including but not limited to her
25 chest pain, and employed said defendants, and each of them to examine, diagnose, treat and care for her
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1 for compensation, which she agreed to pay. Defendants, and each of them, undertook, individually and
2 by and through their agents, servants and employees, to examine, diagnose, treat, prescribe for and care
3 for VANESSA CALDERON, including but not limited to examining, diagnosing, providing to and
4 prescribing for and administering various drugs and medications and performing certain diagnostic tests,
5 and said defendants, and each of them, did examine, treat, prescribe and care for her by means of various
6 procedures, including but not limited to physical examinations, surgery, and the administration of certain
7 drugs and medications.
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9 11. At all times and places mentioned herein, defendants, and each of them, carelessly and
10 negligently instructed, examined, diagnosed, prescribed for, cared for and treated VANESSA
11 CALDERON for her medical conditions, including but not limited to her chest pain, and defendants,
12 and each of them provided hospital, medical, nursing, laboratory, x-ray, care and services,
13 manufacturing, and pharmaceutical services in a careless and negligent manner all of which, among
14 other things, directly and proximately resulted in certain permanent injury and disability to said
15 plaintiff, including but not limited to, lung cancer, all to her general and special damage.
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17 12. On or about July 26, 2017, Plaintiff VANESSA CALDERON was diagnosed with lung
18 cancer.

19 13. As a direct and proximate result of the acts, omissions and conduct of defendants, and
20 each of them, and of said injuries caused to plaintiff, plaintiff was required to and did incur expenses
21 for services of hospitals, doctors, and other medical care and treatment in an amount not now known to
22 her, and plaintiff is informed and believes and upon such information and belief alleges that she will
23 incur additional expenses in the future in an amount not now known to her.

24 14. As a further direct and proximate result of the acts, omissions and conduct of
25 defendants, and each of them, plaintiff was prevented from attending their usual activities, and plaintiff
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1 is informed and believes and upon such information and belief alleges that she will be prevented from
2 attending to her usual activities in the future, all to plaintiff's damage in an amount not now known to
3 her.

4 15. As a further direct and proximate result of the acts and omissions of defendants, and
5 each of them, as set forth more fully herein, plaintiff will suffer substantial loss of earning capacity.

6 WHEREFORE, plaintiff prays for judgment against defendants, and each of them as hereinafter
7 set forth:
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9 1. For general damages in a just and reasonable amount in excess of the jurisdictional
10 minimum of this Court.


11 2. For special damages according to proof.

12 3. For costs of suit and interest as provided by law.

13 4 For such other relief as the Court deems just and proper.
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18 DATE: July 24, 2018

BOSTWICK & PETERSON, LLP

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20 By: 
21 Blake P. Bostwick, Esq.
22 Attorneys for Plaintiff Vanessa Calderon
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