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PLD-PI-001

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FOR COURT USE ONLY

FILED
 ALAMEDA COUNTY
 AUG 21 2018
Monica Bern

CASE NUMBER
RG18917617

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
 STREET ADDRESS: 1225 Fallon St.
 MAILING ADDRESS: 1225 Fallon St.
 CITY AND ZIP CODE: Oakland, 94612
 BRANCH NAME: Rene C. Davidson Alameda County Courthouse

PLAINTIFF: Maria Garcia-Navarro

DEFENDANT: Kaiser Foundation Hospitals, Inc., Permanente Medical Group,
 Kaiser Foundation Health Plan, Inc., William Beck MacLean, M.D., and
 DOES 1 TO 25

COMPLAINT—Personal Injury, Property Damage, Wrongful Death
 AMENDED (Number):
 Type (check all that apply):
 MOTOR VEHICLE OTHER (specify): Medical Malpractice
 Property Damage Wrongful Death
 Personal Injury Other Damages (specify):

Jurisdiction (check all that apply):
 ACTION IS A LIMITED CIVIL CASE
 Amount demanded does not exceed \$10,000
 exceeds \$10,000, but does not exceed \$25,000
 ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)
 ACTION IS RECLASSIFIED by this amended complaint
 from limited to unlimited
 from unlimited to limited

1. Plaintiff (name or names): Maria Garcia-Navarro
 alleges causes of action against defendant (name or names): Kaiser Foundation Hospitals, Inc., Permanente Medical Group,
 Kaiser Foundation Health Plan, Inc., William Beck MacLean, M.D., and DOES 1 to 25
2. This pleading, including attachments and exhibits, consists of the following number of pages: Four
3. Each plaintiff named above is a competent adult
 - a. except plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):
 - b. except plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

BY FAX

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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): Kaiser Foundation Health Plan

- (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): Permanente Medical Group

- (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): 1-14 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): 15-25 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): Prejudgment interest as allowed by Civil Code § 3291.

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):

Date: August 20, 2018.

Steven J. Brewer, Esq.

 (TYPE OR PRINT NAME)



 (SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST
(number)

CAUSE OF ACTION—General Negligence

Page Four

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Maria Garcia-Navarro

alleges that defendant (name): Kaiser Foundation Hospitals, Inc., Permanente Medical Group, Kaiser Foundation Health Plan, Inc., William Beck MacLean, M.D., and

Does 1 to 25

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): September 14, 2017

at (place): 1931 Main Street, Watsonville, California 95076-3021

(description of reasons for liability):

That at all times mentioned herein, defendants Kaiser Foundation Hospitals, Inc., Permanente Medical Group, Kaiser Foundation Health Plan, Inc., William Beck MacLean, M.D., and Does 1 to 25, held themselves out to possess that degree of care and learning, skill and ability common to medical practitioners, physicians, surgeons, hospitals, nurses and/or other health care providers, and provided medical service to plaintiff Maria Garcia-Navarro on or about September 14, 2017. During such time that defendants were treating and caring for plaintiff, said defendants, and each of them, negligently and carelessly performed intranasal steroid injections. William Beck MacLean, M.D. severely injured her when administering the intranasal steroid injections. As a consequence Ms. Garcia-Navarro is suffering from severe chronic pain and vision loss in her right eye, including posterior optic neuropathy and third cranial nerve palsy. In addition to the grave and permanent physical injuries, Ms. Garcia-Navarro has suffered and continues to suffer serious emotional distress.

As a direct, legal and proximate result of the carelessness and negligence of said defendants above-named, and each of them, plaintiff Maria Garcia-Navarro has suffered great physical, mental and emotional pain and suffering, loss of earnings and earning capacity, and has incurred and continues to incur medical expenses in an amount according to proof for hospital care, medical care, outpatient care, attendant care, supplies, and medicines.