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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF SAN DIEGO**

16 RICHARD EVANS

17 Plaintiff,

18 vs.

19 KAISER FOUNDATION HOSPITALS, a
20 business entity form unknown; KAISER
21 FOUNDATION HEALTH PLAN, INC., a
22 California Corporation; SOUTHERN
23 CALIFORNIA PERMANENTE MEDICAL
24 GROUP, a business entity form unknown;
25 COVENANT CARE LA JOLLA dba LA
26 JOLLA NURSING & REHAB; STEVEN LA
27 FOND, M.D., an individual; and DOES 1
28 through 20,

Defendants.

CASE NO. 37-2018-00063368-CU-MM-CTL

COMPLAINT FOR:

- 1. Medical Negligence

Plaintiff Richard Evans alleges:

GENERAL ALLEGATIONS

1. Richard Evans ("Evans or Plaintiff") is an individual, and at all times mentioned in this complaint was a resident of San Diego County, California.

1 2. Defendants Kaiser Foundation Health Plan, Inc.; Kaiser Foundation Hospitals; and
2 Southern California Permanente Medical Group were and now are Corporations, physicians,
3 nurses, technicians, administrators, and other individuals licensed and registered to do business in
4 the State of California, County of San Diego and with their primary place of business in said
5 County. Among other enterprises, these defendants are in business of providing health care to
6 individuals.

7
8 3. Defendant Covenant Care La Jolla, Inc., doing business as La Jolla Nursing &
9 Rehab, is a business that is incorporated in the State of California and doing business in San Diego
10 County California located at 2552 Torrey Pines Rd, La Jolla, CA 92037.

11 4. Defendant Steven La Fond, M.D. is an individual and at all times relevant was
12 practicing medicine in San Diego County, California as a Kaiser Foundation Health Plan, Inc.;
13 Kaiser Foundation Hospitals; and/or Southern California Permanente Medical Group physician.

14 5. Evans is ignorant of the true names or capacities of defendants sued as DOES 1
15 through 20, inclusive. Evans will amend this complaint to state the true names and capacities
16 when the same have been ascertained.

17
18 6. At all times relevant to this action, defendants were healthcare providers, licensed
19 in California, and held themselves out as possessing that degree of skill, ability and learning
20 common to the healthcare providers in the State of California.

21 7. Each defendant designated as DOE was negligent or in some other manner
22 responsible for the injuries and damages to Evans, as alleged in this complaint.

23
24 8. At all times relevant to this action, Defendant Steven La Fond, M.D was the agent,
25 servant, employee and under the control of each of the remaining defendants Kaiser Foundation
26 Health Plan, Inc.; Kaiser Foundation Hospitals; Southern California Permanente Medical Group,
27 Covenant Care La Jolla, Inc., doing business as La Jolla Nursing & Rehab and DOES 1 through
28

1 20 and as such, was acting within the purpose, course and scope of the employment, agency,
2 authority and control.

3 9. On October 23, 2017, Dr. Steven La Fond was probing Plaintiff's abdomen with
4 Q-tip when it broke. As such, Plaintiff had to be transferred from La Jolla Nursing and Rehab to
5 Palomar Medical Center to have the Q-tip surgically removed.

6 10. Because defendants undertook to do all things necessary and proper to discharge
7 their responsibility to Evans as his healthcare provider but failed to do so, Defendants are directly
8 responsible for the injuries that Evans sustained as a result of such negligence.

9 11. On October 10, 2018, Evans served a notice, pursuant to Code of Civil Procedure §
10 364, to Defendants of his intention to sue them for professional negligence.
11

12 **FIRST CAUSE OF ACTION**
13 **(Medical Negligence Against All Defendants)**

14 12. Evans re-alleges paragraphs 1 through 11.

15 13. Defendants negligently failed to possess and exercise, in both diagnosis and
16 treatment, that reasonable degree of knowledge and skill that is ordinarily possessed and exercised
17 by other healthcare providers in the same or similar locality in similar circumstances, in that,
18 among other things, defendant, caused injury to Evans. The negligence of defendant has caused
19 Evans to suffer injuries.
20

21 14. As a direct and proximate result of the negligence of Defendants, Evans sustained
22 severe personal injuries and has suffered and will continue to suffer great physical pain and
23 injuries, all to her non-economic or general damages.

24 15. As a direct and proximate result of the negligence of defendants, Evans has
25 incurred and will continue to incur medical and related expenses, all to her economic or special
26 damages.
27
28

1 16. As a direct and proximate result of the negligence of Defendants, Evans has
2 suffered loss of income and loss of earning capacity and will continue to suffer a loss of income
3 and loss of earning capacity in the future.

4 **REQUEST FOR RELIEF**

5 THEREFORE, Plaintiff Richard Evans requests a judgment against KAISER
6 FOUNDATION HOSPITALS, a business entity form unknown; KAISER FOUNDATION
7 HEALTH PLAN, INC., a California Corporation; SOUTHERN CALIFORNIA PERMANENTE
8 MEDICAL GROUP, a business entity form unknown; COVENANT CARE LA JOLLA dba LA
9 JOLLA NURSING & REHAB; STEVEN LA FOND, M.D., an individual; and DOES 1 through
10 20 on all cause of actions as follows:

- 11
- 12 a. General or non-economic damages according to proof;
 - 13 b. Special or economic damages for medical and related expenses according to
14 proof;
 - 15 c. Damages for past and future loss of earnings and earning capacity according
16 to proof;
 - 17 d. Prejudgment interest according to proof;
 - 18 e. Costs of this action; and
 - 19 f. Any further relief that the Court considers proper.
- 20
21

22 DATED: December 13, 2018

ALTIERI LAW FIRM

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24
25 By: 

Philip J. Altieri, Attorneys for
Plaintiff Richard Evans