

FILED BY FAX
ALAMEDA COUNTY

June 14, 2019

CLERK OF
THE SUPERIOR COURT
By Shabra Iyamu, Deputy

CASE NUMBER:
RG19023111

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9 **RANDELL L. TURNER, SR.**

10 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
11 **COUNTY OF ALAMEDA - UNLIMITED CIVIL JURISDICTION**

12 **RANDELL L. TURNER, SR.**

CASE NO.:

13 **PLAINTIFF**

**COMPLAINT FOR DAMAGES;
AND DEMAND FOR JURY
TRIAL**

14 v.

15 **KAISER FOUNDATION HEALTH
16 PLAN, INC.; KAISER FOUNDATION
17 HOSPITALS, THE PERMANENTE
18 MEDICAL GROUP, INC.
19 MIHIR MEGHANI, M.D.; CLARENCE
20 SHOUPPE; SHAILESH SUCHAK;
21 AND, DOES 1-20**

22 **DEFENDANTS**

23 _____
24 Plaintiff RANDELL L. TURNER, SR., brings this action against the above-named

25 Defendants, and in support thereof alleges the following:

26 **PARTIES**

27 1. Plaintiff RANDELL L. TURNER, SR, at all relevant times is an individual residing in
28 Alameda County, California.

1 1. Defendants KAISER FOUNDATION HEALTH PLAN, INC.; KAISER
2 FOUNDATION HOSPITALS, THE PERMANENTE MEDICAL GROUP, INC., (hereinafter
3 “KAISER”) is a California Corporation, whose principal offices are located in Alameda County,
4 California, and which does business throughout California, including in Alameda County,
5 California. KAISER provides hospital and healthcare services.
6

7 2. Defendantw MIHIR MEGHANI, M.D.; CLARENCE SHOUPPE; SHAILESH
8 SUCHAKs AND, DOES 1 – 20 at all relevant times to this action are employees, medical staff
9 and or agents of Defendant Kaiser and who staffed the Emergency Room Director for Kaiser in
10 Fremont, California.

11 3. The true names and capacities of Defendants sued herein as Does 1 through 10,
12 inclusive whether individual, corporate, associate, or otherwise, are unknown to Plaintiffs who
13 therefore sue such Defendants by such fictitious names. When their true names and capacities are
14 ascertained, Plaintiffs will amend this Complaint to assert their true names and capacities.
15 Plaintiffs are informed and thereon allege that each of the fictitiously named Defendants is
16 responsible in some manner for the occurrences herein alleged, and Plaintiffs’ damages as herein
17 alleged were proximately caused by those Defendants.
18

19 4. Plaintiffs are informed and thereon alleges that in doing the things herein alleged,
20 Defendants and each of them, including without limitation the DOE Defendants, were acting as the
21 agents, employees and /or principals of their co-Defendants, and were generally acting within the
22 course and scope of their agency and employment.
23

24 5. Plaintiffs are informed and thereon alleges that at all relevant times herein,
25 each Defendant KAISER had advanced knowledge of the unfitness of the employee or agent and
26 acted with conscious disregard of the rights or safety of Plaintiff and others and authorized and
27

1 /or ratified the wrongful conduct and /or was personally guilty of oppression, fraud or malice.

2 Further, Plaintiff is informed and alleges that at all times relevant herein, the advance knowledge
3 and conscious disregard, the authorization, the ratification, and /or act of oppression, fraud and/or
4 malice was on the part of the KAISER.

5
6 **GENERAL ALLEGATIONS**

7 6. On June 15, 2017, Plaintiff was taken by the ambulance for a "medical clearance" to
8 Kaiser Hospital Emergency Room in Fremont after being unlawfully arrested by Union City
9 Police. Plaintiff was restrained to the gurney in the ambulance and to the bed while at the
10 hospital. Officers AQUINO, SIRA, EXCAMILLA wore body cameras and remained with
11 Plaintiff at all times.

12 7. Kaiser Hospital Staff conspired with Union City Police to violate Plaintiff's constitutional
13 Fundamental right to refuse treatment. Defendants violated Plaintiff's due process and equal
14 protection rights by forcing antipsychotic medication against his clear refusal and lack of consent.
15 Defendant knew and should have known that a court order was required in order to violate Plaintiff
16 rights.

17
18 8. Plaintiff was not accorded an evidentiary hearing to determine competence before
19 Defendants unlawfully declared Plaintiff incompetent under Welfare & Institution Code
20 §5150. Defendants did so for illegal and unlawful motives. Defendants forced psychotropic
21 medication on Plaintiff knowing he would resist so that additional criminal charges would be made
22 against Plaintiff. Plaintiff did not meet the criteria for a diagnosis under §5150. He was not a
23 danger to himself or anyone else. Plaintiff was fully aware of his rights and surroundings, and
24 clearly had capacity to "refused" treatment.

25
26 9. Before the medication was administered, Officer BLANCHARD, at or about 12:33
27

1 conducted a 5150 evaluation and determined that Plaintiff was lucid, not violent and did not meet
2 the criteria for 5150.

3 10. To further humiliate, harass and embarrass and deprive Plaintiff of his constitutional
4 rights to be free from unreasonable search and seizure, Kaiser medical staff prescribed
5 the insertion of a urine catheter and anti-psychotic medication. Plaintiff invoked his right to refuse
6 treatment. While his hands were restrained to the bed five male hospital nurses and security guards
7 held him down and administered medication. Plaintiff tried to defend himself against this
8 unconstitutional violation. Nurses Suchak and Shoppe claimed Plaintiff kicked Suchak. Plaintiff
9 was rendered unconscious and taken to John George mental facility.
10

11 11. Defendants then proceed to institute criminal proceedings against Plaintiff. Filing false
12 police reports claiming Plaintiff caused them bodily injury. Defendants then appeared in the
13 criminal courts falsely testifying against Plaintiff with the intent cause Plaintiff to be subjected to
14 higher bail and longer prison sentence. The charges for assault and battery were dismissed.
15

16
17 **FIRST CAUSE OF ACTION**
18 **(ABUSE OF PROCESS)**

19 12. Plaintiffs re-allege and incorporate all prior allegations as though fully set forth herein.

20 13. Defendants MEGHANI, SHOUPPE and SUCHAK knew that Plaintiff had a right
21 to refuse antipsychotic medication and yet they intentionally violated Plaintiff's Constitutional
22 Rights to be to exercise his right to refuse treatment. Defendants knew or should have known
23 there was no requisite probable cause to forcefully inject Plaintiff with antipsychotic medication.
24 both appeared in a criminal proceedings falsely testifying that Plaintiff had no right to refuse
25 treatment once Defendant MEGHANI ordered Plaintiff be held under Welfare & Institution Code
26 Section 5150.
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14. As a direct, proximate and foreseeable result Plaintiff has suffered general and special damages including annoyance, inconvenience, anxiety, and mental anguish, in an amount to be determined at trial.

15. Defendants' acts were deliberate, willful and with malice and conscious disregard for the rights and safety of Plaintiff. By reason thereof, Plaintiff is entitled to punitive damages.

SECOND CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

16. Plaintiffs re-allege and incorporate all prior allegations as though fully set forth herein.

17. The acts of Defendants were extreme and outrageous and done with conscious dis-regard for the rights of Plaintiffs. Defendants knew that Plaintiffs were susceptible to additional discomfort as a result of the conduct described, knew that the conduct adversely affected Plaintiff and could have avoided the conduct, yet, consciously failed and refused to do so.

18. As a direct, proximate and foreseeable result Plaintiff has suffered general and special damages including annoyance, inconvenience, anxiety, and mental anguish, in an amount to be determined at trial.

19. Defendants' acts were deliberate, willful and with malice and conscious disregard for the rights and safety of Plaintiff. By reason thereof, Plaintiff is entitled to punitive damages.

THIRD CAUSE OF ACTION
Intentional Infliction of Emotional Distress
(Against All Defendants)

20. Plaintiff incorporates by reference all previously pleaded allegations, as if fully set forth herein.

1 21. The conduct by the Defendants set forth herein above was extreme and outrageous, and it
 2 was an abuse of the authority and position of Defendants and each of them. Said conduct was
 3 intended to cause severe emotional distress, or was done in conscious disregard of the probability of
 4 causing such distress. Said conduct exceeded the inherent risks of employment and was not the sort
 5 of conduct normally expected to occur in the workplace. Defendants and each of them abused their
 6 positions of authority toward Plaintiff, and engaged in the said conduct with the intent to humiliate
 7 and terminate Plaintiff.
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9 22. The said intentional infliction of emotional distress did in fact cause Plaintiff to suffer
 10 severe emotional distress. As a proximate result of said conduct by Defendants, Plaintiff suffered
 11 embarrassment, anxiety, humiliation, and emotional distress, and will continue to suffer said
 12 emotional distress in the future in an amount according to proof at trial.
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14 23. The said Intentional Infliction of Emotional Distress by the Defendants was willful,
 15 wanton, malicious, fraudulent, oppressive, despicable and done in conscious or reckless disregard
 16 of the rights of Plaintiff, such as would shock the conscience of the community, and thereby justifies
 17 an award of exemplary and punitive damages.
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**FOURTH Cause of Action for Violation of
 Business & Professions Code §17200**

(Against KAISER and DOES 1-20)

21 24. Plaintiff incorporates by reference all previously pleaded allegations, as if fully set
 22 forth herein.
 23

24 25. The acts by Defendants of conspiring with police to medicate patients against their
 25 and to treat them worse because are accused of a crime is an unfair business practice. Such practice
 26 including administering medication when the patient has clearly refused consent and falsifying police
 27 reports to subject the person to a longer prison sentence constitutes unlawful and unfair business.
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WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as follows:

For general and special damages in an amount to be proven at trial;

For pre-judgment interest from the date such amounts were due;

For reasonable attorney's fees and for costs of suit incurred;

For exemplary and punitive damages.

For such other and further relief as the Court may deem appropriate;

DATED: June 13, 2019

BOYD LAW FIRM

By: 

Marylon M. Boyd, Attorney for
Claimant/Randell L. Turner, Sr.

Courthouse News Service