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8 Attorneys for Plaintiffs

9 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
10 IN THE COUNTY OF LOS ANGELES

11
12 RACHEL LEE, individually, QUINN HANA)
13 LEE, a minor, by and through her)
14 Guardian Ad Litem, RACHEL LEE, and)
15 through her Guardian Ad Litem, AYA)
16 DEAM,)

17 Plaintiffs,

18 vs.

19 KAISER FOUNDATION HEALTH PLAN,
20 INC., KAISER FOUNDATION
21 HOSPITALS, SOUTHERN CALIFORNIA
22 PERMANENTE MEDICAL GROUP, ARBI
23 VARTANIAN, M.D., CHRIS AGHAYAN,
24 M.D., MELISSA EMILY TOFFEL, D.O.,
25 AND DOES 1-100, inclusive,

26 Defendants.

CASE NO.

COMPLAINT FOR DAMAGES
FOR WRONGFUL DEATH

(MEDICAL MALPRACTICE)

27 Plaintiffs complain against Defendants, and each of them, and allege as follows:

28 General Allegations

1. Concurrent with the filing of this action plaintiff Rachel Lee has filed a petition to be appointed Guardian ad Litem of Quinn Hana Lee, a minor, for the purpose of

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prosecuting this action.

2. Plaintiff Rachel Lee is the mother of plaintiff Quinn Hana Lee.

3. Concurrent with the filing of this action Aya Deam has filed a petition to be appointed Guardian ad Litem of Maya Pearson Lee, a minor, for the purpose of prosecuting this action.

4. Aya Deam is the mother of Plaintiff Maya Pearson Lee.

5. Plaintiffs Rachel Lee, Quinn Hana Lee and Maya Pearson Lee are the surviving wife and daughters, respectively, and the sole legal heirs of Paul Lee, deceased (hereinafter referred to as "Decedent").

6. The true names or capacities, whether individual, corporate, associate, or otherwise of Defendants, Does 1 through 100, inclusive, are unknown to Plaintiffs at this time, who therefore sue said Defendants by such fictitious names, and when the true names and capacities of said Defendants have been ascertained, Plaintiffs will amend this Complaint accordingly. Plaintiffs are informed and believe, and thereupon allege, that each Defendant designated herein as a Doe is responsible, negligently or in some other actionable manner, for the events and happenings hereinafter referred to and caused injuries and damages proximately thereby to Plaintiffs, as hereinafter alleged, either through said Defendants' own negligent conduct or through the conduct of their agents, servants and employees.

7. Plaintiffs are informed and believe, and thereupon allege, that Defendants KAISER FOUNDATION HEALTH PLAN, INC., KAISER FOUNDATION HOSPITALS, SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP and Does 1-20, and each of them, are, and at all times herein mentioned were, corporations, partnerships or other associations or legal entities duly organized and existing, and engaged in the business of owning and operating hospitals, health care centers, urgent care centers, medical offices and clinics in the County of Los Angeles, State of California, including, without limitation, the Pasadena/Los Angeles Medical Offices.

1 8. Plaintiffs are informed and believe, and thereupon allege, that Defendants
2 Arbi Vartanian, M.D. ("Dr. Vartanian"), Melissa Emily Toffel, D.O. ("Dr. Toffel"), Chris
3 Aghayan, M.D. ("Dr. Aghayan"), and Does 21-40, and each of them are, and at all times
4 herein mentioned were physicians, surgeons, osteopaths, physician assistants, nurses
5 and/or other health care providers engaged in the practice of their profession in the
6 County of Los Angeles, State of California.

7 9. Plaintiffs are informed and believe, and thereupon allege, that Defendants,
8 and each of them, are, and at all times herein mentioned were, the agents and employees
9 of each other, and, in doing the acts herein alleged, were acting within the course and
10 scope of said agency and employment.

11
12 **FIRST CAUSE OF ACTION FOR WRONGFUL DEATH-MEDICAL MALPRACTICE**
13 **(Against all Defendants)**

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15 10. Plaintiffs reallege and incorporate herein by reference, as though set forth in
16 full, paragraphs 1 through 9 of this Complaint.

17 11. On August 23, 2018, Decedent presented to the Kaiser Urgent Care
18 Department in Pasadena with complaints of mid sternum chest pain for the last 3 nights.
19 Decedent was there seen and assessed by Dr. Vartanian who ordered an EKG that was
20 done that day and interpreted on August 28, 2018, as borderline with sinus bradycardia
21 and an incomplete right bundle branch block. Dr. Vartanian also ordered a lipid panel, the
22 results of which included cholesterol of 240 (normal less than 199) and LDL of 161
23 (normal less than 99). Dr. Vartanian did not document a family history and did not refer
24 Decedent to a cardiologist for a cardiology consultation. He discharged Decedent with a
25 diagnosis of Gastroesophageal Reflux Disease (GERD).

26 12. On September 5, 2018, Decedent presented to the Kaiser Family Practice
27 Department in Pasadena for an annual physical examination and to go over lab results.
28 Decedent was seen by Dr. Toffel, who went over the lipid panel results from August 23,

1 2018, and diagnosed Decedent with high cholesterol. Dr. Toffel did not review nor make
2 mention of Decedent's August 23, 2018 EKG, did not inquire of Decedent regarding his
3 recent complaints of chest pain, and did not obtain or mention Decedent's family history.

4 13. On September 27, 2018, Decedent returned to the Kaiser Urgent Care
5 Department in Pasadena with complaints of nine episodes of sternal chest pain in the past
6 month, with dizziness and cold sweats. He was seen by Dr. Aghayan who noted that the
7 symptoms started one month ago and would come and go and last about 10 minutes. Dr.
8 Aghayan also noted associated symptoms of diaphoresis and shortness of breath. Dr.
9 Aghayan ordered an EKG and Troponin. The Troponin results were normal. The EKG was
10 interpreted by Dr. Aghayan as showing normal sinus rhythm with no significant changes or
11 Q waves. Dr. Aghayan noted reviewing the labs and EKG with Decedent. However, when
12 the EKG was subsequently read on October 1, 2018, by Mingsum Lee, M.D., it was noted
13 to show marked sinus bradycardia (heart rate down to 45 from 58 on August 23, 2018).
14 Dr. Lee's impression was abnormal EKG when compared to EKG of August 23, 2018. Dr.
15 Lee also noted that the bundle branch block shown on the August 23, 2018 EKG, was no
16 longer present. Dr. Aghayan's diagnosis was costochondritis for which he recommended
17 over the counter anti-inflammatories. Dr. Aghayan did not refer Decedent to a cardiologist
18 for a cardiology consultation.

19 14. On October 25, 2018, Decedent suffered a cardiac arrest and died. An
20 autopsy performed by the Los Angeles County Coroner's Office revealed that Decedent
21 suffered sudden cardiac death due to or as a consequence of atherosclerotic coronary
22 artery disease.

23 15. Commencing on August 23, 2018, and continuing thereafter until Decedent's
24 death on October 25, 2018, Defendants, and each of them, negligently and carelessly
25 examined, diagnosed and treated Decedent so as to proximately and legally cause his
26 death. Said negligence and carelessness included, but was not limited to, the erroneous
27 interpretation of the EKGs of August 23, 2018 and September 27, 2018, the failure to
28 inform Decedent that his EKGs were abnormal, the failure to make a differential diagnosis

1 that included coronary artery disease, the failure to make a plan and issue the necessary
2 order for tests to rule out coronary artery disease, and the failure to order a cardiology
3 consultation for Decedent to be assessed and treated by cardiologists.

4 16. As a further result of the negligence and carelessness of Defendants, and
5 each of them, and of the consequent death of Decedent, Plaintiffs have sustained a loss
6 of love, society, affection, comfort, companionship, care, training, advice, moral support,
7 financial support, services, contributions, and gifts from Decedent.

8 17. As a further result of the negligence and carelessness of Defendants, and
9 each of them, and of the consequent death of Decedent, Plaintiffs have incurred funeral
10 and burial expenses in an amount according to proof at the time of trial.

11 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of
12 them, as follows:

- 13 1. For general damages according to proof;
- 14 2. For loss of financial support, funeral and burial expenses, and other
15 pecuniary losses according to proof;
- 16 3. For interest as allowed by law;
- 17 4. For costs of suit herein incurred; and
- 18 5. For such other and further relief as the Court may deem just and proper.

19
20 Dated: July 31, 2019

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22 By Gary M. Schneider
23 GARY M. SCHNEIDER
24 Attorney for Plaintiffs

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