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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

JANET PACELLI,

Plaintiff,

vs.

MICHAEL ABRAHAM ALEMAN, M.D., an individual; KAISER FOUNDATION HEALTH PLAN, INC., a California corporation; KAISER FOUNDATION HOSPITALS, a business entity of unknown form; SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, a business entity of unknown form; and DOES 1 through 50, inclusive,

Defendants.

CASE NO: **20STCV14314**

COMPLAINT FOR DAMAGES:
WRONGFUL DEATH (MEDICAL MALPRACTICE)

Plaintiff JANET PACELLI ("Plaintiff") alleges as follows:

1. At all times mentioned herein, Defendants MICHAEL ABRAHAM ALEMAN, M.D., ("ALEMAN"), an individual, KAISER FOUNDATION HEALTH PLAN, INC., a California corporation, and KAISER FOUNDATION HOSPITALS and SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, business entities of unknown form (hereinafter collectively referred to as "KAISER"), were physicians and surgeons licensed to practice medicine and perform surgery under the laws of the State of California and were engaged in the practice of medicine in California. Defendant ALEMAN was at all times mentioned in this complaint, employed by Defendant KAISER.

1 10. Thereafter, Decedent had additional appointments with Defendant ALEMAN during
2 May of 2017 due to ongoing problems with pain during urination. Defendant ALEMAN
3 performed cystoscopies and placed medicine in her bladder. During one of these appointments,
4 Decedent explained to Defendant ALEMAN that what she was experiencing was not normal, and
5 she requested that he perform some type of diagnostic procedure. Defendant ALEMAN ordered
6 a CT scan of her abdomen, which revealed a mass in her bladder.

7 11. On June 8, 2017, Decedent underwent surgery to biopsy the mass. Decedent stayed
8 all night in ICU, and she was released home on June 9, 2017 with a catheter.

9 12. On June 12, 2017, Decedent was taken by Plaintiff to Defendant KAISER's
10 emergency room, and she was sent home with antibiotics.

11 13. On June 15, 2017, Decedent presented to Defendant ALEMAN for removal of her
12 catheter and one stent in her ureter.

13 14. On June 16, 2017, Decedent went back to Defendant KAISER's emergency room,
14 because urine was leaking out of her. Decedent was admitted to Defendant KAISER's hospital
15 on June 17, 2017 with a diagnosis of urosepsis. Decedent was discharged on June 22, 2017 with
16 swollen feet and legs.

17 15. On June 22, 2017, Decedent was examined by Dr. Feng, head of the Urology
18 Department at Defendant KAISER's Baldwin Park Medical Center. At no time did Defendant
19 ALEMAN or any of Defendant KAISER's doctors or nurses advise Decedent of the results of
20 her June 8, 2017 biopsy of the mass in her bladder.

21 16. On July 3, 2017, Decedent presented to City of Hope for a second opinion on her
22 medical condition, but because City of Hope did not accept her medical insurance, she was
23 referred to Defendant KAISER's Los Angeles Urology Department.

24 17. On July 7, 2017, after being examined at Defendant KAISER's Los Angeles Urology
25 Department, Decedent was informed that she had cancer of the bladder, cancer of the left ureter,
26 and possibly the left kidney.

1 18. In August of 2017, Decedent underwent surgery to remove her bladder, lymph nodes,
2 and uterus. As a result, Decedent had to wear a permanent urostomy bag strapped to her
3 abdomen.

4 19. As Decedent's physicians, nurses, and medical assistants Defendants ALEMAN,
5 KAISER and DOES 1-50, and each of them, had a qualified fiduciary relationship with Decedent
6 which required Defendants ALEMAN, KAISER and DOES 1-50, and each of them, to make a
7 full and fair disclosure of all material facts related to Decedent's care, treatment, complications
8 and prognosis to Decedent. In addition, as Decedent's physicians, nurses, and medical assistants,
9 Defendants ALEMAN, KAISER and DOES 1-50, and each of them, had a duty of a professional
10 to use such skill, prudence, and diligence as other members of his/her profession commonly
11 possess and exercise.

12 20. From and after the time of employment, Defendants ALEMAN, KAISER and DOES
13 1-50, and each of them, so negligently failed to exercise the proper degree of knowledge and
14 skill in examining, diagnosing, treating and caring for Decedent -- including the failure to make a
15 proper diagnosis of Decedent's condition.

16 21. As a proximate result of Defendants ALEMAN, KAISER and DOES 1-50, and each
17 of their, negligence Decedent died on April 20, 2019.

18 22. As a further proximate result of Defendants' negligence, Plaintiff has sustained great
19 mental and nervous pain and suffering. As a result of Decedent's injuries, Plaintiff has sustained
20 general damages in an amount to be proven at trial, but within the jurisdiction of this Court.

21 24. As a further proximate result of Defendants' negligence, Plaintiff has incurred
22 medical, hospital, and related expenses, all to her special damage in an amount to be proven at
23 trial.

24 25. As a direct and legal result of the negligence of Defendants, and each of them,
25 Plaintiff's mother died, and Plaintiff has suffered the loss of society, comfort, attention, and
26 services of her mother.

1 26. On or about May 14, 2017, Plaintiff, pursuant to *Code of Civil Procedure* section
2 364, caused to be served on Defendants ALEMAN and KAISER a notice of Plaintiff's intention
3 to commence this action.

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5 WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as
6 follows:

- 7 1. For general damages in an amount to be proven at trial;
- 8 2. For medical, hospital, and related expenses in an amount to be proven at trial;
- 9 3. For pecuniary damages according to proof;
- 10 4. For prejudgment and post-judgment interest at the legal rate on all damages awarded;
- 11 5. For costs of suit herein incurred; and
- 12 6. For such other and further relief as the Court may deem proper.

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16 Dated: April 14, 2020



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18 Peter R. Nasmyth, Jr., Attorney for
19 Plaintiff JANET PACELLI