



San Francisco Superior Courts
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May-28-2008 2:30 pm

Case Number: CGC-08-475755

Filing Date: May-28-2008 2:11

Juke Box: 001 Image: 02136728

COMPLAINT

JASON STEWART et al VS. STANFORD UNIVERSITY HOSPITAL & CLINICS, A BUSINESS

001C02136728

Instructions:

Please place this sheet on top of the document to be scanned.

SHORT TITLE: Stewart, et al. v. Stanford University
Hospital & Clinics, et al.

CASE NUMBER:

INSTRUCTIONS FOR USE

- ➔ This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- ➔ If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff Defendant Cross-Complainant Cross-Defendant

STANFORD UNIVERSITY HOSPITAL & CLINICS, a business entity form unknown; STANFORD UNIVERSITY MEDICAL CENTER, a business entity form unknown; STUART GOODMAN, M.D., an individual; ERIC STUFFMAN, M.D., an individual; MATTHEW WEDEMEYER, M.D., an individual; DANIEL RICHARD HAMMAN, M.D., an individual; ROBERT MAYLE, M.D., an individual; DIPANAN BANERJEE, M.D., an individual; JONERIC HOLTY, M.D., an individual; SHELLY ERFORD, M.D. an individual; IAN CARROLL M.D., an individual; ROBERT MINDELZUN, M.D., an individual; JESSE BOLTON, M.D., an individual; MARIA NERISSA M. PRIETO, M.D., an individual; ROAN GULAPA, an individual; JEFFREY MANESE, an individual; LUIS MUNOZ, an individual; YVONNE ACOSTA, an individual; EULANDA REYNO, an individual; EDGARDO TAMAYO, an individual; MIA DAVID, an individual; LALINE PANES, an individual; SUZIE TISDALE, an individual; MARA FELICIANO, an individual; LINDA GAGLIANI, an individual; MEDHANIE KIFLEYESUS AWALOM, an individual; and DOES 1 through 50, inclusive,

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address):

Christopher B. Dolan (SBN 165358)
The Dolan Law Firm
1438 Market Street

San Francisco, CA 94102
TELEPHONE NO.: 415-421-2800 FAX NO.:

ATTORNEY FOR (Name): Jason Stewart, et al.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS:
CITY AND ZIP CODE: San Francisco 94102
BRANCH NAME: Unlimited Jurisdiction

CASE NAME: Stewart, et al. v. Stanford University Hospital & Clinics, et al.

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

FOR COURT USE ONLY

FILED
Superior Court of California
County of San Francisco

MAY 28 2008

GORDON PARK LI, Clerk

BY: *Richard E. Brubaker*
Deputy Clerk

CASE NUMBER:
CGC-08-475755
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

- | | | |
|--|---|---|
| <p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PI/PI/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input checked="" type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PI/PI/D/W/D (23)</p> <p>Non-PI/PI/D/W/D (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PI/PI/D/W/D tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p> | <p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p> | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p> |
|--|---|---|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. Large number of separately represented parties d. Large number of witnesses
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): six - see attachment
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 28, 2008

Christopher B. Dolan (SBN 165358)
(TYPE OR PRINT NAME)

Richard E. Brubaker

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

1 Christopher B. Dolan (SBN 165358)
2 Shawn R. Miller (SBN 238447)
3 THE DOLAN LAW FIRM
4 1438 Market Street
5 San Francisco, California 94102
6 Telephone: (415) 421-2800
7 Facsimile: (415) 421-2830

8 Attorneys for Plaintiffs
9 JASON STEWART, JASON (JAY) STEWART,
10 HOLLY CAREY, SUZANNE STRONG, and
11 DAVID STEWART

12
13 JASON STEWART, an individual and as a
14 successor in interest; JASON (JAY)
15 STEWART, an individual; HOLLY CAREY,
16 an individual; SUZANNE STRONG, and
17 individual; and DAVID STEWART, an
18 individual,

19 Plaintiffs,

20 v.

21 STANFORD UNIVERSITY HOSPITAL &
22 CLINICS, a business entity form unknown;
23 STANFORD UNIVERSITY MEDICAL
24 CENTER, a business entity form unknown;
25 STUART GOODMAN, M.D., an individual;
26 ERIC STUFFMAN, M.D., an individual;
27 MATTHEW WEDEMEYER, M.D., an
28 individual; DANIEL RICHARD
HAMMAN, M.D., an individual; ROBERT
MAYLE, M.D., an individual; DIPANAN
BANERJEE, M.D., an individual; JONERIC
HOLTY, M.D., an individual; SHELLY
ERFORD, M.D. an individual; IAN
CARROLL M.D., an individual; ROBERT
MINDELZUN, M.D., an individual; JESSE
BOLTON, M.D., an individual; MARIA
NERISSA M. PRIETO, M.D., an individual;
ROAN GULAPA, an individual; JEFFREY

FILED
Superior Court of California
County of San Francisco
MAY 28 2008
MAY 28 2008
GORDON PARKER, Clerk
BY: [Signature] DEPUTY CLERK
CONFERENCE SET
SUMMONS ISSUED
OCT 31 2008 - 9 AM
DEPARTMENT 212

Case No.

COMPLAINT FOR DAMAGES FOR:
1. **WRONGFUL DEATH -
SURVIVAL ACTION;**
2. **WRONGFUL DEATH;**
3. **FRAUD;**
4. **FRAUD AND DECEIT -
CONCEALMENT;**
5. **FRAUD AND DECEIT -
CONSTRUCTIVE FRAUD;**
6. **NEGLIGENT INFLECTION OF
EMOTIONAL DISTRESS.**

DEMAND FOR JURY TRIAL

1 MANESE, an individual; LUIS MUNOZ, an
2 individual; YVONNE ACOSTA, an
3 individual; EULANDA REYNO, an
4 individual; EDGARDO TAMAYO, an
5 individual; MIA DAVID, an individual;
6 LALINE PANES, an individual; SUZIE
7 TISDALE, an individual; MARA
8 FELICIANO, an individual; LINDA
9 GAGLIANI, an individual; MEDHANIE
10 KIFLEYESUS AWALOM, an individual;
11 and DOES 1 through 50, inclusive,

12 Defendants.

13
14 Now comes JASON STEWART, JASON (JAY) STEWART, HOLLY CAREY, SUZANNE
15 STRONG, and DAVID STEWART (hereinafter "Plaintiffs"), Plaintiffs in this action, and files this
16 Complaint and further alleges as follows:

17 **PARTIES**

18 1. Decedent DIANE STEWART (hereinafter "DIANE STEWART" or "Decedent") was
19 an adult, natural person, residing in San Benito County, California. At the time of relevant incidents
20 complained of herein, Defendants knew her to be recovering from a serious surgery and, as such,
21 susceptible to complications arising from the surgery, subsequent infections, side effects of
22 anaesthesia, and/or other post-operative complications requiring medical care.

23 2. Plaintiff JASON STEWART (hereinafter "Plaintiff JASON STEWART") is an adult,
24 natural person, residing in San Benito County, California, and is the surviving spouse and an heir of
25 Decedent and is the successor in interest of Decedent.

26 3. Plaintiff JASON (JAY) STEWART (hereinafter "Plaintiff JAY STEWART") is an
27 adult, natural person, residing in the State of Utah and is a surviving descendent and heir of
28 Decedent.

4. Plaintiff HOLLY CAREY (hereinafter "Plaintiff CAREY") is an adult, natural
person, residing in San Francisco County, California and is a surviving descendent and heir of
Decedent.

1 5. Plaintiff SUZANNE STRONG (hereinafter "Plaintiff STRONG") is an adult, natural
2 person, residing in San Benito County, California and is a surviving decedent and heir of
3 Decedent.

4 6. Plaintiff DAVID STEWART (hereinafter "Plaintiff DAVID STEWART") is an adult,
5 natural person, residing in San Diego County, California and is a surviving decedent and heir of
6 Decedent.

7 7. Defendant STUART GOODMAN, M.D.(hereinafter "Defendant GOODMAN" or
8 "GOODMAN") is a natural person residing in California. Defendant GOODMAN was, at all times
9 herein mentioned, a licensed physician providing services to Decedent and responsible for insuring
10 that she was provided medical care in a lawful manner consistent with the standard of care.
11 Plaintiffs are informed and believe and thereupon allege that, at all times herein mentioned,
12 Defendant GOODMAN was employed by Defendant STANFORD as a licensed physician at
13 STANFORD's Medical Center in Stanford, California, and/or engaged in a business relationship
14 with Defendant STANFORD.

15 8. Defendant ERIC STUFFMAN, M.D.(hereinafter "Defendant STUFFMAN" or
16 "STUFFMAN") is a natural person residing in California. Defendant STUFFMAN was, at all times
17 herein mentioned, a licensed physician providing services to Decedent and responsible for insuring
18 that she was provided medical care in a lawful manner consistent with the standard of care.
19 Plaintiffs are informed and believe and thereupon allege that, at all times herein mentioned,
20 Defendant STUFFMAN was employed by Defendant STANFORD as a licensed physician at
21 STANFORD's Medical Center in Stanford, California, and/or engaged in a business relationship
22 with Defendant STANFORD.

23 9. Defendant MATTHEW WEDEMEYER, M.D. (hereinafter "Defendant
24 WEDEMEYER" or "WEDEMEYER") is a natural person residing in California. Defendant
25 WEDEMEYER was, at all times herein mentioned, a licensed physician providing services to
26 Decedent and responsible for insuring that she was provided medical care in a lawful manner
27 consistent with the standard of care. Plaintiffs are informed and believe and thereupon allege that, at
28

1 all times herein mentioned, Defendant WEDEMEYER was employed by Defendant STANFORD as
2 a licensed physician at STANFORD's Medical Center in Stanford, California, and/or engaged in a
3 business relationship with Defendant STANFORD.

4 10. Defendant DANIEL RICHARD HAMMAN, M.D. (hereinafter "Defendant
5 HAMMAN" or "HAMMAN") is a natural person residing in California. Defendant HAMMAN was,
6 at all times herein mentioned, a licensed physician providing services to Decedent and responsible
7 for insuring that she was provided medical care in a lawful manner consistent with the standard of
8 care. Plaintiffs are informed and believe and thereupon allege that, at all times herein mentioned,
9 Defendant HAMMAN was employed by Defendant STANFORD as a licensed physician at
10 STANFORD's Medical Center in Stanford, California, and/or engaged in a business relationship
11 with Defendant STANFORD.

12 11. Defendant ROBERT MAYLE, M.D. (hereinafter "Defendant MAYLE" or MAYLE")
13 is a natural person residing in California. Defendant MAYLE was, at all times herein mentioned, a
14 licensed physician providing services to Decedent and responsible for insuring that she was provided
15 medical care in a lawful manner consistent with the standard of care. Plaintiffs are informed and
16 believe and thereupon allege that, at all times herein mentioned, Defendant MAYLE was employed
17 by Defendant STANFORD as a licensed physician at STANFORD's Medical Center in Stanford,
18 California, and/or engaged in a business relationship with Defendant STANFORD.

19 12. Defendant DIPANAN BANERJEE, M.D. (hereinafter "Defendant BANERJEE" or
20 "BANERJEE") is a natural person residing in California. Defendant BANERJEE was, at all times
21 herein mentioned, a licensed physician providing services to Decedent and responsible for insuring
22 that she was provided medical care in a lawful manner consistent with the standard of care.
23 Plaintiffs are informed and believe and thereupon allege that, at all times herein mentioned,
24 Defendant BANERJEE was employed by Defendant STANFORD as a licensed physician at
25 STANFORD's Medical Center in Stanford, California, and/or engaged in a business relationship
26 with Defendant STANFORD.

27 13. Defendant JONERIC HOLTY, M.D.(hereinafter "Defendant HOLTY" or "HOLTY")
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1 is a natural person residing in California. Defendant HOLTY was, at all times herein mentioned, a
2 licensed physician providing services to Decedent and responsible for insuring that she was provided
3 medical care in a lawful manner consistent with the standard of care. Plaintiffs are informed and
4 believe and thereupon allege that, at all times herein mentioned, Defendant HOLTY was employed
5 by Defendant STANFORD as a licensed physician at STANFORD's Medical Center in Stanford,
6 California, and/or engaged in a business relationship with Defendant STANFORD.

7 14. Defendant SHELLY ERFORD, M.D. (hereinafter "Defendant ERFORD" or
8 ERFORD") is a natural person residing in California. Defendant ERFORD was, at all times herein
9 mentioned, a licensed physician providing services to Decedent and responsible for insuring that she
10 was provided medical care in a lawful manner consistent with the standard of care. Plaintiffs are
11 informed and believe and thereupon allege that, at all times herein mentioned, Defendant ERFORD
12 was employed by Defendant STANFORD as a licensed physician at STANFORD's Medical Center
13 in Stanford, California, and/or engaged in a business relationship with Defendant STANFORD.

14 15. Defendant IAN CARROLL M.D. (hereinafter "Defendant Ian CARROLL" or
15 CARROLL") is a natural person residing in California. Defendant CARROLL was, at all times
16 herein mentioned, a licensed physician providing services to Decedent and responsible for insuring
17 that she was provided medical care in a lawful manner consistent with the standard of care.
18 Plaintiffs are informed and believe and thereupon allege that, at all times herein mentioned,
19 Defendant CARROLL was employed by Defendant STANFORD as a licensed physician at
20 STANFORD's Medical Center in Stanford, California, and/or engaged in a business relationship
21 with Defendant STANFORD.

22 16. Defendant ROBERT MINDELZUN, M.D. (hereinafter "Defendant MINDELZUN" or
23 "MINDELZUN") is a natural person residing in California. Defendant MINDELZUN was, at all
24 times herein mentioned, a licensed physician providing services to Decedent and responsible for
25 insuring that she was provided medical care in a lawful manner consistent with the standard of care.
26 Plaintiffs are informed and believe and thereupon allege that, at all times herein mentioned,
27 Defendant MINDELZUN was employed by Defendant STANFORD as a licensed physician at
28

1 STANFORD's Medical Center in Stanford, California, and/or engaged in a business relationship
2 with Defendant STANFORD.

3 17. Defendant JESSE BOLTON, M.D. (hereinafter "Defendant BOLTON" or
4 "BOLTON") is a natural person residing in California. Defendant BOLTON was, at all times herein
5 mentioned, a licensed physician providing services to Decedent and responsible for insuring that she
6 was provided medical care in a lawful manner consistent with the standard of care. Plaintiffs are
7 informed and believe and thereupon allege that, at all times herein mentioned, Defendant BOLTON
8 was employed by Defendant STANFORD as a licensed physician at STANFORD's Medical Center
9 in Stanford, California, and/or engaged in a business relationship with Defendant STANFORD.

10 18. Defendant MARIA NERISSA M. PRIETO, M.D. (hereinafter "Defendant PRIETO"
11 or "PRIETO") is a natural person residing in New Jersey. Defendant PRIETO was, at all times
12 herein mentioned, a licensed physician providing services to Decedent and responsible for insuring
13 that she was provided medical care in a lawful manner consistent with the standard of care.
14 Plaintiffs are informed and believe and thereupon allege that, at all times herein mentioned,
15 Defendant PRIETO was employed by Defendant STANFORD as a licensed physician at
16 STANFORD's Medical Center in Stanford, California, and/or engaged in a business relationship
17 with Defendant STANFORD.

18 19. Plaintiffs are informed and believe and thereupon allege that Defendant ROAN
19 GULAPA, (hereinafter sometimes "Defendant GULAPA" or "GULAPA") is a natural person
20 residing in California. Plaintiffs are informed and believe and thereupon allege that, at all times
21 herein mentioned, Defendant GULAPA was employed by Defendant STANFORD. Defendant
22 GULAPA was not and is not licensed to practice medicine, but Plaintiffs are informed and believe,
23 and thereupon allege, he was at the time a nurse and/or medical assistant employed and/or engaged in
24 a business relationship with Defendant STANFORD at the time Decedent received treatment and/or
25 services at Defendant STANFORD.

26 20. Plaintiffs are informed and believe and thereupon allege that Defendant JEFFREY
27 MANESE, (hereinafter sometimes "Defendant MANESE" or "MANESE") is a natural person
28

1 residing in California. Plaintiffs are informed and believe and thereupon allege that, at all times
2 herein mentioned, Defendant MANESE was employed by Defendant STANFORD. Defendant
3 MANESE was not and is not licensed to practice medicine, but Plaintiffs are informed and believe,
4 and thereupon allege, he was at the time a nurse, physical therapist and/or medical assistant
5 employed and/or engaged in a business relationship with Defendant STANFORD at the time
6 Decedent received treatment and/or services at Defendant STANFORD.

7 21. Plaintiffs are informed and believe and thereupon allege that Defendant LUIS
8 MUNOZ, (hereinafter sometimes "Defendant MUNOZ" or "MUNOZ") is a natural person residing
9 in California. Plaintiffs are informed and believe and thereupon allege that, at all times herein
10 mentioned, Defendant MUNOZ was employed by Defendant STANFORD. Defendant MUNOZ was
11 not and is not licensed to practice medicine, but Plaintiffs are informed and believe, and thereupon
12 allege, he was at the time a nurse and/or medical assistant employed and/or engaged in a business
13 relationship with Defendant STANFORD at the time Decedent received treatment and/or services at
14 Defendant STANFORD.

15 22. Plaintiffs are informed and believe and thereupon allege that Defendant YVONNE
16 ACOSTA, (hereinafter sometimes "Defendant ACOSTA" or "ACOSTA") is a natural person
17 residing in California. Plaintiffs are informed and believe and thereupon allege that, at all times
18 herein mentioned, Defendant ACOSTA was employed by Defendant STANFORD. Defendant
19 ACOSTA was not and is not licensed to practice medicine, but Plaintiffs are informed and believe,
20 and thereupon allege, she was at the time a nurse and/or medical assistant employed and/or engaged
21 in a business relationship with Defendant STANFORD at the time Decedent received treatment
22 and/or services at Defendant STANFORD.

23 23. Plaintiffs are informed and believe and thereupon allege that Defendant EULANDA
24 REYNO, (hereinafter sometimes "Defendant REYNO" or "REYNO") is a natural person residing in
25 California. Plaintiffs are informed and believe and thereupon allege that, at all times herein
26 mentioned, Defendant REYNO was employed by Defendant STANFORD. Defendant REYNO was
27 not and is not licensed to practice medicine, but Plaintiffs are informed and believe, and thereupon
28

1 allege, she was at the time a nurse and/or medical assistant employed and/or engaged in a business
2 relationship with Defendant STANFORD at the time Decedent received treatment and/or services at
3 Defendant STANFORD.

4 24. Plaintiffs are informed and believe and thereupon allege that Defendant EDGARDO
5 TAMAYO, (hereinafter sometimes "Defendant TAMAYO" or "TAMAYO") is a natural person
6 residing in California. Plaintiffs are informed and believe and thereupon allege that, at all times
7 herein mentioned, Defendant TAMAYO was employed by Defendant STANFORD. Defendant
8 TAMAYO was not and is not licensed to practice medicine, but Plaintiffs are informed and believe,
9 and thereupon allege, he was at the time a nurse and/or medical assistant employed and/or engaged in
10 a business relationship with Defendant STANFORD at the time Decedent received treatment and/or
11 services at Defendant STANFORD.

12 25. Plaintiffs are informed and believe and thereupon allege that Defendant MIA DAVID,
13 (hereinafter sometimes "Defendant DAVID" or "DAVID") is a natural person residing in California.
14 Plaintiffs are informed and believe and thereupon allege that, at all times herein mentioned,
15 Defendant DAVID was employed by Defendant STANFORD. Defendant DAVID was not and is not
16 licensed to practice medicine, but Plaintiffs are informed and believe, and thereupon allege, she was
17 at the time a nurse and/or medical assistant employed and/or engaged in a business relationship with
18 Defendant STANFORD at the time Decedent received treatment and/or services at Defendant
19 STANFORD.

20 26. Plaintiffs are informed and believe and thereupon allege that Defendant LALINE
21 PANES, (hereinafter sometimes "Defendant PANES" or "PANES") is a natural person residing in
22 California. Plaintiffs are informed and believe and thereupon allege that, at all times herein
23 mentioned, Defendant PANES was employed by Defendant STANFORD. Defendant PANES was
24 not and is not licensed to practice medicine, but Plaintiffs are informed and believe, and thereupon
25 allege, she was at the time a nurse and/or medical assistant employed and/or engaged in a business
26 relationship with Defendant STANFORD at the time Decedent received treatment and/or services at
27 Defendant STANFORD.

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1 27. Plaintiffs are informed and believe and thereupon allege that Defendant SUZIE
2 TISDALE, (hereinafter sometimes "Defendant TISDALE" or "TISDALE") is a natural person
3 residing in California. Plaintiffs are informed and believe and thereupon allege that, at all times
4 herein mentioned, Defendant TISDALE was employed by Defendant STANFORD. Defendant
5 TISDALE was not and is not licensed to practice medicine, but Plaintiffs are informed and believe,
6 and thereupon allege, she was at the time a nurse and/or medical assistant employed and/or engaged
7 in a business relationship with Defendant STANFORD at the time Decedent received treatment
8 and/or services at Defendant STANFORD.

9 28. Plaintiffs are informed and believe and thereupon allege that Defendant MARA
10 FELICIANO, (hereinafter sometimes "Defendant FELICIANO" or "FELICIANO") is a natural
11 person residing in California. Plaintiffs are informed and believe and thereupon allege that, at all
12 times herein mentioned, Defendant FELICIANO was employed by Defendant STANFORD.
13 Defendant FELICIANO was not and is not licensed to practice medicine, but Plaintiffs are informed
14 and believe, and thereupon allege, she was at the time a nurse and/or medical assistant employed
15 and/or engaged in a business relationship with Defendant STANFORD at the time Decedent received
16 treatment and/or services at Defendant STANFORD.

17 29. Plaintiffs are informed and believe and thereupon allege that Defendant LINDA
18 GAGLIANI, (hereinafter sometimes "Defendant GAGLIANI" or "GAGLIANI") is a natural person
19 residing in California. Plaintiffs are informed and believe and thereupon allege that, at all times
20 herein mentioned, Defendant GAGLIANI was employed by Defendant STANFORD. Defendant
21 GAGLIANI was not and is not licensed to practice medicine, but Plaintiffs are informed and believe,
22 and thereupon allege, she was at the time a nurse and/or medical assistant employed and/or engaged
23 in a business relationship with Defendant STANFORD at the time Decedent received treatment
24 and/or services at Defendant STANFORD.

25 30. Plaintiffs are informed and believe and thereupon allege that Defendant MEDHANIE
26 KIFLEYESUS AWALOM, (hereinafter sometimes "Defendant AWALOM" or "AWALOM") is a
27 natural person residing in California. Plaintiffs are informed and believe and thereupon allege that,
28

1 at all times herein mentioned, Defendant AWALOM was employed by Defendant STANFORD.
2 Defendant AWALOM was not and is not licensed to practice medicine, but Plaintiffs are informed
3 and believe, and thereupon allege, she was at the time a nurse and/or medical assistant employed
4 and/or engaged in a business relationship with Defendant STANFORD at the time Decedent received
5 treatment and/or services at Defendant STANFORD and DOES 1 through 10.

6 31. Plaintiffs are informed and believe and thereupon allege that, at all times herein
7 mentioned, Defendants STANFORD UNIVERSITY HOSPITAL & CLINICS, STANFORD
8 UNIVERSITY MEDICAL CENTER, and/or DOES 1 through 10 (herein collectively "Defendant
9 STANFORD" or "STANFORD") are, and at all times herein mentioned were, business entities, form
10 unknown, doing business in California and were the employer of all other Defendants at all times
11 mentioned herein. Plaintiffs are informed and believe and thereupon allege that there exists, and at
12 all times herein mentioned existed, a unity of interests between Defendants STANFORD
13 UNIVERSITY HOSPITAL & CLINICS, STANFORD MEDICAL CENTER AND CLINICS, and
14 DOES 1 through 10, such that any individuality and separateness between these certain Defendants
15 has ceased, and they are the alter ego of each other and exerted control over each other. Defendant
16 STANFORD was, at all times herein mentioned, providing medical services, including the provision
17 of the services of physicians, nurses, medical assistants, and others to Plaintiff.

18 32. Plaintiffs are informed and believe and thereupon allege that at all times herein
19 mentioned each and every defendant was the agent, employee and partner of each and every other
20 defendant, and in doing the things herein alleged each defendant was acting within the scope of such
21 agency, employment, and partnership and was aided and abetted in the conduct which forms the
22 basis of the instant action.

23 33. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as
24 DOES 1 through 50, inclusive, and therefore sue these defendants by such fictitious names, pursuant
25 to California Code of Civil Procedure §474. DOES 1 through 10 are believed to be other business
26 entities related to and/or connected to Defendant STANFORD involved in the provision of services
27 involving the treatment and/or care received by Decedent. Further, DOES 11 through 50, inclusive,
28

1 are believed to be employees and/or independent contractors of Defendant STANFORD involved in
2 the treatment and/or care, or lack thereof, provided to Decedent. DOES 11 through 20, inclusive, are
3 believed to be physicians and DOES 21 through 50, inclusive, are believed to be other employees
4 and/or independent contractors of Defendant STANFORD who provided health care services.
5 Plaintiffs will amend this Complaint to allege their true names and capacities when ascertained.
6 Plaintiffs are informed and believe and thereupon allege that each of the fictitiously named
7 defendants aided and abetted and/or is otherwise tortiously responsible in some manner for the
8 occurrences herein alleged, and that Plaintiffs' damages as herein alleged were proximately caused
9 by such negligence and/or tortious conduct.

10 34. Plaintiffs are informed and believe and thereupon allege that there exists, and at all
11 times herein mentioned existed, a unity of interests between certain of the Defendants such that any
12 individuality and separateness between these certain Defendants has ceased, and those certain
13 Defendants are the alter ego of the other certain Defendants and exerted control over each other.
14 Adherence to the fiction of the separate existence of these certain Defendants as an entity distinct
15 from other certain Defendants will permit an abuse of the corporate privilege and would sanction
16 fraud and/or promote injustice.

17
18 **JURISDICTION AND VENUE**

19 35. Subject matter is properly heard by this Court, as the amount in controversy as set
20 forth in this Complaint exceeds the statutory minimum.

21 36. Venue is proper as Plaintiffs are informed and believe and thereupon allege that, at all
22 times herein mentioned, one or more defendants has their principle place of business and/or resides
23 within the County of San Francisco. Further, the claims of Plaintiffs are over \$25,000.00.

24 37. Plaintiffs have complied with Code of Civil Procedure section 364 by providing
25 Defendants with notice in writing of the grievance giving rise to this civil action, attempting to settle
26 this action in good faith.

27 38. Plaintiff JASON STEWART has complied with CCP §377.32 by attaching the
28

1 required Declaration of Successor in Interest to the original Complaint in this action pursuant to CCP
2 §377.32.

3
4 GENERAL ALLEGATIONS

5 39. Decedent went to Defendant STANFORD's medical facilities located in Santa Clara
6 County on or about March 30, 2007, to have bilateral knee replacement surgery (hereinafter
7 "PROCEDURE"). This surgery was to improved Decedent's quality of life by reducing the pain in
8 her knees and allowing her to be more mobile.

9 40. Decedent put herself into the care of the Defendants, individually and collectively, to
10 perform the knee replacement procedure and/or examine, diagnosis, treat, and supervised the
11 activities provided by others in providing health care to decedent so as to assure the standard of care
12 in the community was met.

13 41. On or about the evening of March 31, 2007, Decedent began experiencing nausea,
14 lack of appetite, and vomiting, among other symptoms, which were recorded by and to her health
15 care providers.

16 42. On or about April 1, 2007, Decedent was exhibiting increasing symptoms of distress
17 as noted and/or recorded in her medical records, including but not limited to: Decedent described the
18 abdominal pain she was experiencing as being an 10 on a 1-10 scale (10 being severe pain);
19 decedent's urine output had dropped dramatically; she was having difficulty drinking fluids;
20 decedent's blood oxygen levels were low; and decedent was experiencing drops in her blood
21 pressure and elevated heart rate.

22 43. On or around noon on April 1, 2007, decedent's family members made a request to
23 Defendants to have an abdominal x-ray or similar taken of decedent as they feared the pain
24 experienced by decedent was an indication of appendicitis or another serious condition. Plaintiffs
25 are informed and believe, and thereupon allege, that Defendants denied the request for an x-ray
26 and/or no other diagnostic test was conducted pursuant to the request.

27 44. On or around mid-afternoon on April 1, 2007, decedent was spitting up fluids
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1 believed to be stomach bile. Also, Decedent informed one or more of the Defendants that her
2 abdominal pain was an 8 or higher and her knee pain was a 3. The health care provider replied that
3 he was not concerned with her abdominal pain. Defendant GULAPA assured Plaintiff HOLLY
4 CAREY that decedent was having a bad reaction to the anesthesia used for the surgery and that
5 everything was fine. Plaintiff SUZANNE STRONG asked Defendant GULAPA to contact a doctor
6 when decedent's pain and discomfort continued to increase. Defendant GULAPA informed Plaintiff
7 SUZANNE STRONG that the team responsible for decedent's care was aware of the abdominal
8 issues, that the pain was being caused by "ileus," and that two doctors, Defendants STUFFMAN and
9 HAMMAN, had been contacted and they had taken a course of no action other than palliative
10 medicinal treatment. Plaintiffs at that point became concerned that negligence was occurring and
11 were aware as a result that their mother / wife was suffering further injury.

12 45. Plaintiffs are informed and believe, and thereupon allege, that on or around late
13 afternoon on April 1, 2007, Decedent informed Defendant GULAPA and/or other Defendant health
14 care providers that her abdominal pain was a 10. Plaintiffs are further informed and believe, and
15 thereupon allege, that Defendants failed to evaluate Decedent at this time but instead directed others
16 employed by Defendant STANFORD, who were not doctors, to treat Decedent with pain medication
17 and failed to order any tests and/or studies to determine the cause, origin of pain, discomfort and
18 disability of Decedent. Defendant GULAPA and/or another health care provider told Decedent that
19 their job was to manage the pain and not to do anything else and directed Decedent to use the
20 Patient-Controlled Analgesia or "PCA" device to administer pain medication.

21 46. Plaintiffs are informed and believe, and thereupon allege, that on or around 11:40
22 p.m. of April 1, 2007, Decedent's blood pressure had dropped to 92 / 46, placing her blood pressure
23 within a range requiring notification of a doctor, but that the Defendants caring for her failed to
24 notify a doctor and/or take other steps within the standard of care.

25 47. Plaintiffs are informed and believe, and thereupon allege, that contrary to a physician
26 order of March 30, 2007, to monitor the intake and output of fluids from Decedent every eight hours,
27 Defendants failed to do so and/or assure that others were following the order.

28

1 48. On or around the morning of April 2, 2007, Decedent was moved to Defendant
2 STANFORD's Intensive Care Unit where she died shortly thereafter from an incarcerated small
3 intestine. The symptoms of which Decedent complained and/or her family asked to be examined,
4 diagnosed, and treated, were symptoms which Defendants knew and/or should have known to be
5 indicative of an incarcerated small intestine which has an extremely high risk of death if left
6 untreated.

7 49. Plaintiffs are informed and believe, and thereupon allege, that on or about April 10,
8 2007, a late entry was added to Decedent's medical records in a deliberate attempt to alter the
9 medical record and/or cover up the negligence / misfeasance.

10 50. Plaintiffs are informed and believe, and thereupon allege, that on or about April 11,
11 2007, a late entry was added to Decedent's medical records in a deliberate attempt to alter the
12 medical record and/or cover up the negligence / misfeasance.

13 51. Plaintiffs are informed and believe, and thereupon allege, that on or before September
14 2007, portions of Decedent's medical records had been deleted from the permanent record, including
15 but not limited to, records regarding the communications between family members, health care
16 providers, and/or physicians, which occurred between March 30 and April 3, 2007.

17 52. On or about September 17, 2007, an employee of Defendant STANFORD reported to
18 the California Department of Public Health that another employee of Defendant STANFORD had
19 admitted that she had not measured the urine output of Decedent for the eight hour shift from 3 p.m.
20 to 11 p.m. on April 1, 2007.

21 53. Plaintiffs are informed and believe, and thereupon allege, that the care provided by
22 Defendants to Decedent failed to satisfy the standard of care insofar as Defendants, among other
23 things, failed to investigate and/or diagnose the source of Decedent's severe abdominal pain, the
24 cause of the drop in her urine output, her nausea and vomiting, her low blood pressure, etc. which
25 were all signs of an incarcerated small intestine.

26 54. Plaintiffs are informed and believe, and thereupon allege, that the conduct of
27 Defendants in failing to provide sufficient training and/or supervision of the treatment and/or care
28

1 provided to Decedent.

2 55. Plaintiffs are informed and believe, and thereupon allege, that subsequent to the death
3 of Decedent, Defendants STANFORD and others concealed and/or attempted to conceal the events
4 and/or lack of care resulting in Decedent's death from Plaintiffs, by among other things attempting to
5 modify the medical record.

6
7 **FIRST CAUSE OF ACTION**
Wrongful Death - Survival Action
8 **CCP § 377.20 et seq.**

9 **Plaintiff Jason Stewart, Successor in Interest, Against All Defendants**

10 56. Plaintiff incorporates by reference paragraphs 1 through 58, inclusive, as though fully
11 set forth herein.

12 57. Plaintiff is informed and believe and thereupon allege that, at all times herein
13 mentioned, Defendants, and each of them, were holding themselves out as physicians, nurses, and/or
14 health care providers in the State of California and Defendants, and each of them, were engaged in
15 the provision of health care services to the Decedent.

16 58. Defendants, and each of them, had a duty to provide the same degree of skill and care
17 usually exercised by practitioners in the community under similar circumstances.

18 59. Defendants STANFORD and/or DOES 1 through 10 owed Decedent a duty to
19 carefully and reasonably act in the hiring, retention and supervision of all individual Defendants
20 and/or DOES 11 through 50 as it related to the provision of competent health care related services to
21 Decedent.

22 60. Decedent was under the care of Defendants for her medical condition and/or recovery
23 relevant to the PROCEDURE conducted on or about March 30, 2007. Subsequent to the
24 PROCEDURE, Decedent was seen by Defendants, in their various capacities, as a patient for the
25 purposes of ensuring her medical well being and/or health during her recovery from the
26 PROCEDURE.

27 61. Defendants, and each of them, breached their duty to Plaintiff while she was in their
28 care in that Defendants, and each of them, failed to use the knowledge, skill and care ordinarily

1 exercised by members of their respective communities. Plaintiffs are informed and believe, and
2 thereupon allege, that Defendants, and each of them, failed, among other things, to conform to the
3 standard of care required for the care of patients recovering from surgery, patients reporting severe
4 abdominal pain, and/or patients suffering the symptoms experienced by Decedent as described
5 herein. Defendants were also negligent in their hiring, retention and/or supervision of Defendant
6 DOCTORS and/or other health care providers.

7 62. As a proximate result of the conduct of Defendants, and each of them, Decedent
8 suffered damages recoverable pursuant to Code of Civil Procedure § 377.34.

9 63. As a further proximate result of the negligence of defendants, and each of them,
10 Decedent suffered, prior to her death, special damages, including but not limited to, expending
11 money and incurring obligations for medical services, drugs, and sundries, reasonably required from
12 the prolonged recovery period herein alleged. Decedent has been economically damaged thereby in
13 an amount to be proved at trial.

14
15 **SECOND CAUSE OF ACTION**

16 **Wrongful Death**

17 **CCP § 377.60 et seq.**

18 **Plaintiffs Jason Stewart, Jay Stewart, Holly Carey, Suzanne Strong, and David Stewart**
19 **Against All Defendants**

20 64. Plaintiffs incorporate by reference paragraphs 1 through 66, inclusive, as though fully
21 set forth herein.

22 65. On or about March 30, 2007, Defendants, and each of them, undertook the care,
23 treatment and examinations of the Decedent.

24 66. Subsequent to the surgery performed on Decedent, Defendants, and each of them, so
25 negligently, carelessly, recklessly, wantonly, and unlawfully treated, provided medical care,
26 monitoring, examination, diagnosis and other medical services so as to directly and proximately
27 cause death to the decedent.

28 67. At all times herein mentioned, Plaintiff JASON STEWART was the spouse of
Decedent, and Plaintiffs, JAY STEWART, HOLLY CAREY, SUZANNE STRONG, and DAVID