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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF ORANGE**

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12 LISA AVILLA, ROBERTO CHAVEZ,

13 Plaintiffs,

14 vs.

15 AHMC ANAHEIM REGIONAL MEDICAL
16 CENTER, L.P., a Partnership, doing business as
17 AHMC ANAHEIM REGIONAL MEDICAL
18 CENTER; AHMC HEALTHCARE INC., a
19 California Corporation; FREDERICK
DIETERICH, M.D.; FREDERICK W.
20 DIETERICH, M.D., A PROFESSIONAL
CORPORATION, a California Corporation;
21 BANSARI SHAH, M.D; BANSARI SHAW, MD
22 PC, a California Corporation; JOHN W. LEE,
23 M.D., DOES 1-250,

24 Defendants.

Case No. 30-2015-00774798-CU-MM-CXC
Judge Thierry Colaw

**COMPLAINT FOR DAMAGES
FOR MEDICAL MALPRACTICE**

1. Negligence
2. Loss of Consortium

25 Plaintiffs, through counsel, allege:

26 1. The true names, identities or capacities, whether individual, associate,
27 corporate or otherwise of Defendants DOES 1 through 250, inclusive, are unknown to
28 Plaintiffs who, therefore, sue said Defendants by such fictitious names. When the true
names, identities or capacities of such fictitiously-designated Defendants are ascertained,
Plaintiffs will ask leave of Court to amend the Complaint to insert said true names,
identities and capacities, together with the proper charging allegations.

2. Plaintiffs are informed and believe and thereon allege that each of the

1 Defendants sued herein as a DOE is responsible in some manner for the events and
2 happenings herein referred to, thereby legally causing the injuries and damages to the
3 Plaintiffs as herein alleged.

4 3. All of the facts, acts, events and circumstances herein mentioned and
5 described occurred in the County of ORANGE, State of California, and all Defendants are
6 residents of the County of ORANGE, State of California, doing business in said County,
7 State of California.

8 4. At all times herein mentioned, Defendants FREDERICK DIETERICH, M.D.,
9 BANSARI SHAH, M.D., JOHN W. LEE, MD., and DOES 1 through 50, inclusive, were, and
10 now are, physicians and surgeons, holding themselves out as duly licensed to practice their
11 profession under and by virtue of the laws of the State of California and were, and now are,
12 engaged in the practice of their profession in the State of California.

13 5. At all times herein mentioned, Defendants DOES 51 through 100, inclusive,
14 were, and now are, registered nurses, licensed vocational nurses, practical nurses,
15 physician assistants, aids, technicians, attendants, students or other paramedical
16 personnel, holding themselves out as duly able to practice their profession under and by
17 virtue of the laws of the State of California and were, and now are, engaged in the practice
18 of their profession in the State of California and acting as agents, employees and servants
19 of some or all of the other Defendants within the course and scope of said agency or
20 employment.

21 6. At all times herein mentioned AHMC ANAHEIM REGIONAL MEDICAL
22 CENTER, L.P., doing business as AHMC ANAHEIM REGIONAL MEDICAL CENTER;
23 AHMC HEALTHCARE INC., FREDERICK W. DIETERICH, M.D., A PROFESSIONAL
24 CORPORATION, BANSARI SHAW, MD PC, and Defendants DOES 101 through 150, and
25 each of them, were corporations, partnerships, joint ventures, or other entities organized
26 and existing under the laws of the State of California, with their principal place of business
27 situated in the State of California.

28 7. Defendants AHMC ANAHEIM REGIONAL MEDICAL CENTER, L.P., doing

1 business as AHMC ANAHEIM REGIONAL MEDICAL CENTER, AHMC HEALTHCARE
2 INC., and Defendants DOES 151 through 200, inclusive, were at all times herein
3 mentioned duly organized California corporations or hospitals existing under and by virtue
4 of the laws of the State of California; that said Defendant corporations, hospitals and the
5 remaining Defendants, and each of them, owned, operated, managed and controlled a
6 general hospital facility within the County of ORANGE, State of California commonly
7 known as AHMC ANAHEIM REGIONAL MEDICAL CENTER.

8 8. At all times herein mentioned Defendants DOES 201 through 250 were doing
9 business as a district hospital, a hospital operated by a government entity open to the
10 public, or a medical facility operated by a government entity open to the public rendering
11 medical, surgical, hospital, diagnostic, nursing and other care to the general public for
12 compensation.

13 9. All of the acts complained of herein by Plaintiffs against said
14 Defendants were done and performed by said Defendants by and through their duly
15 authorized agents, servants and employees, each of whom and all of whom were at all
16 times mentioned herein acting within the course, purpose, and scope of their said agency,
17 service and employment, and whose conduct was ratified by all Defendants, and each of
18 them. Further, each Defendant ratified and affirmed the conduct of each other Defendant.
19 Each of the Defendants were the agents, servants, and employees of the other Defendants.

20 10. Plaintiffs are informed and believe and upon such information and belief
21 allege that at all times herein mentioned, Defendants and other Defendants named
22 fictitiously, were the agents, servants, employees, joint-venturers, and copartners of their
23 said co-Defendants and, as such, were acting within the course and scope of such agency,
24 service, partnership, venture, and employment at all times herein mentioned; that each
25 and every Defendant, as aforesaid, when acting as a principal, was negligent in the
26 selection and hiring of each and every other Defendant, as its agent, servant, employee,
27 joint-venturer and partner. Further, each and every Defendant ratified the conduct of the
28 other Defendants.

I.

PLAINTIFF LISA AVILLA ALLEGES FOR A CAUSE OF ACTION FOR MEDICAL MALPRACTICE AND NEGLIGENCE AGAINST DEFENDANTS AND EACH OF THEM AS FOLLOWS:

11. Plaintiff LISA AVILLA repeats and repleads each and every allegation contained in all prior paragraphs and incorporates the same herein by reference.

12. At all times herein mentioned, the Plaintiff was in the exclusive control of the Defendants, and each of them, and that at no time prior to the events, conduct, activities, care and treatment herein complained of did the Defendants herein, or any of them, obtain knowledgeable, informed consent for said care, treatment or conduct; that prior to the initiation of or performance of said care, treatment, procedure or conduct no opportunity was afforded the Plaintiff or any authorized agent of the Plaintiff to exercise voluntary, knowledgeable and informed consent to said care, treatment, procedure or conduct.

13. Prior to, and on or about February 14, 2015, and thereafter, LISA AVILLA employed Defendants, and each of them, to diagnose and treat her medical condition, and to do all things necessary for his care, including, but not limited to, testing, hospitalization, surgery and post surgical care.

14. While Plaintiff LISA AVILLA was under the sole and exclusive care and control of the Defendants, and each of them, Defendants, and each of them negligently, carelessly and unskillfully examined, treated, cared for, diagnosed, operated upon, attended, discharged, and otherwise handled and controlled the Plaintiff herein, thereby proximately causing injuries and damages to Plaintiff, including, but not limited to, negligently and carelessly failing to diagnose, treat or care for her tubal pregnancy and discharged her from the hospital despite a protest from her husband and request that the Emergency Room staff give her pain medication before discharge, and evidence of unstable and deteriorating vital signs, indicative of bleeding. The tubal pregnancy ruptured within the hour after discharge, with the loss of several liters of blood, resulting in a cardio-

1 pulmonary arrest, and ultimately severe hypoxic brain damage such that plaintiff is now in
2 a coma.

3 15. Defendants AHMC ANAHEIM REGIONAL MEDICAL CENTER, L.P., doing
4 business as AHMC ANAHEIM REGIONAL MEDICAL CENTER, AHMC HEALTHCARE
5 INC. , and DOES 101 through 150, and, and DOES 151-200, failed and neglected to
6 adequately select a competent medical staff and to periodically review the competency of
7 its medical staff, and failed to adequately monitor its staff such that the minor Plaintiff
8 was caused to, and did suffer injuries and damages as herein alleged.

9 16. As a legal result of the negligence of the Defendants, and each of them,
10 Plaintiff was injured in her health, strength and activity, sustaining severe shock, and
11 injury to Plaintiff's body, all of which said injuries have caused and continue to cause
12 Plaintiff great physical, emotional, and nervous pain and suffering, and which said injuries
13 Plaintiff is informed and believes, and thereon alleges, will result in loss of earnings,
14 permanent disability, loss of enjoyment of life, and impairment of earning capacity all to
15 Plaintiff's damage in a sum in excess of the jurisdiction of the Municipal Court.

16 17. As a further legal result of the negligence of the Defendants, and each of
17 them, and the resulting injuries to the Plaintiff, said Plaintiff was compelled to, and did,
18 incur expenses for medical and surgical attention, hospitalization, nursing, medication and
19 incidentals for said Plaintiff in an amount unknown to Plaintiff at present.

20 18. As a further legal result of the negligence of the Defendants, and each of
21 them, and of the resulting injuries, Plaintiff will be obliged to incur expenses for medical
22 care and hospitalization for an indefinite period in the future and to pay for these expenses
23 in the treatment and relief of injuries for medical and surgical attention, hospitalization,
24 nursing, medication, and incidentals for said Plaintiff in an amount unknown to Plaintiff
25 at present.

26 19. As a further legal result of the negligence of the Defendants, and each of
27 them, Plaintiff LISA AVILLA has suffered loss of earnings and will suffer a decreased
28 earning capacity in the future and future earnings to Plaintiff's further damage in a sum

1 unknown at present.

2 II.

3 PLAINTIFF ROBERTO CHAVEZ ALLEGES FOR A SEPARATE AND DISTINCT
4 CAUSE OF ACTION FOR LOSS OF CONSORTIUM AGAINST DEFENDANTS
5 AND EACH OF THEM AS FOLLOWS:

6 20. Plaintiff ROBERTO CHAVEZ repeats and repleads each and every allegation
7 contained in all prior paragraphs and incorporates the same herein by reference.

8 21. At all times herein mentioned, LISA AVILLA and ROBERTO CHAVEZ were
9 married and are husband and wife.

10 22. As a direct and proximate result of the aforesaid conduct of Defendants, and
11 each of them, and the resultant injuries to Plaintiff LISA AVILLA, Plaintiff ROBERTO
12 CHAVEZ has suffered and is reasonably certain to suffer in the future the non-economic
13 damages for the loss of consortium, love, companionship, comfort, affection, society, solace,
14 moral support, enjoyment of sexual relations and special and economic damages for the
15 loss of his spouse's physical assistance in the operation and maintenance of the home,
16 causing damages in a sum in excess of the jurisdiction of the Municipal Court.

17 WHEREFORE, Plaintiffs pray for damages against the Defendants, and each of
18 them, as follows:

19 FOR THE CAUSE OF ACTION FOR NEGLIGENCE AND
20 MEDICAL MALPRACTICE FOR PLAINTIFF LISA AVILLA:

- 21 1. General damages, according to proof;
- 22 2. Past and future medical expenses, according to proof;
- 23 3. For loss of past and future earning and earning capacity, according to proof;
- 24 4. Costs of suit incurred herein, and
- 25 5. For such other and further relief as to the Court appears just and proper.

26 FOR THE CAUSE OF ACTION FOR LOSS OF CONSORTIUM FOR PLAINTIFF
27 ROBERTO CHAVEZ:

- 28 1. General and non-economic damages, according to proof;

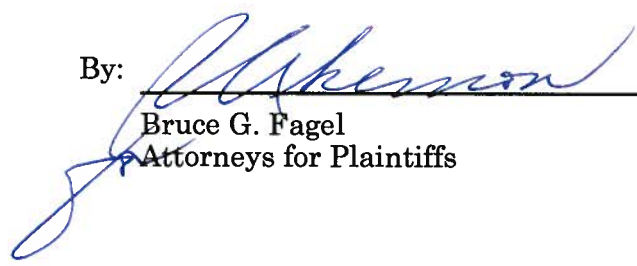
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- 2. Special damages and economic damages, according to proof;
- 3. Costs of suit incurred herein, and
- 4. For such other and further relief as to the Court appears just and proper.

DATED: February 27, 2015

Law Offices of Bruce G. Fagel and Associates

By: _____



Bruce G. Fagel
Attorneys for Plaintiffs

Law Offices
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Bruce G. Fagel
&
Associates