



FILED 982.1(1)

FOR COURT USE ONLY
Superior Court of California
County of Alameda

2005 AUG -1 PM 3:18

Allen E. Brassard
Justice Center
Executive Officer/Clerk
By Deputy

Summons Issued

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
STEVEN R. JACOBSEN (State Bar # 95246)
LAW OFFICES OF STEVEN R. JACOBSEN
901 Clay Street
Oakland, California 94607
TELEPHONE NO: (510) 465-1500 FAX NO. (Optional):
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name): **Plaintiff BERTHA MORENO**

NAME OF COURT: **SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**
STREET ADDRESS: **1225 Fallon Street**
MAILING ADDRESS:
CITY AND ZIP CODE: **Oakland, California 94612**
BRANCH NAME: **Rene C. Davidson Courthouse**

PLAINTIFF: **BERTHA MORENO**
DOCTORS MEDICAL CENTER-SAN PABLO/PINOLE, INC.;
DEFENDANT: **IAN D. BARONOFSKY, M.D.; PLANNED PARENTHOOD;
SHASTA-DIABLO; PLANNED PARENTHOOD AFFILIATES OF
CALIFORNIA, INC.; CHRISTINE COSTA.**
 DOES 1 TO 100

COMPLAINT—Personal Injury, Property Damage, Wrongful Death
 AMENDED (Number):
Type (check all that apply):
 MOTORVEHICLE **OTHER (specify):** General Negligence, Medical Negligence, Negligent Infliction of Emotional Distress
 Property Damage **Wrongful Death**
 Personal Injury **Other Damages (specify):** According to Proof

Jurisdiction (check all that apply):
 ACTION IS A LIMITED CIVIL CASE
Amount demanded does not exceed \$10,000
 exceeds \$10,000, but does not exceed \$25,000
 ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)
 ACTION IS RECLASSIFIED by this amended complaint
 from limited to unlimited
 from unlimited to limited

CASE NUMBER:
RG05225581

1. PLAINTIFF (name): **BERTHA MORENO**
alleges causes of action against DEFENDANT (name): **All defendants**
 2. This pleading, including attachments and exhibits, consists of the following number of pages: 7
 3. Each plaintiff named above is a competent adult
 - a. **except** plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):
 - b. **except** plaintiff (name):
 - (1) a corporation qualified to do business in California
 - (2) an unincorporated entity (describe):
 - (3) a public entity (describe):
 - (4) a minor an adult
 - (a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) other (specify):
 - (5) other (specify):
- Information about additional plaintiffs who are not competent adults is shown in Complaint—Attachment 3.

SHORT TITLE: Moreno v. Doctors Medical Center - San Pablo/Pinole, Inc, et al.	CASE NUMBER:
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4. Plaintiff (*name*):
is doing business under the fictitious name (*specify*):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- | | |
|--|--|
| <p>a. <input checked="" type="checkbox"/> except defendant (<i>name</i>): Doctors Medical Center-San Pablo/Pinole, Inc.</p> <p>(1) <input type="checkbox"/> a business organization, form unknown</p> <p>(2) <input checked="" type="checkbox"/> a corporation</p> <p>(3) <input type="checkbox"/> an unincorporated entity (<i>describe</i>):</p> <p>(4) <input type="checkbox"/> a public entity (<i>describe</i>):</p> <p>(5) <input type="checkbox"/> other (<i>specify</i>):</p> | <p>c. <input checked="" type="checkbox"/> except defendant (<i>name</i>): Planned Parenthood Affiliates of California, Inc.</p> <p>(1) <input type="checkbox"/> a business organization, form unknown</p> <p>(2) <input checked="" type="checkbox"/> a corporation</p> <p>(3) <input type="checkbox"/> an unincorporated entity (<i>describe</i>):</p> <p>(4) <input type="checkbox"/> a public entity (<i>describe</i>):</p> <p>(5) <input type="checkbox"/> other (<i>specify</i>):</p> |
| <p>b. <input checked="" type="checkbox"/> except defendant (<i>name</i>): Planned Parenthood: Shasta/Diablo</p> <p>(1) <input checked="" type="checkbox"/> a business organization, form unknown</p> <p>(2) <input type="checkbox"/> a corporation</p> <p>(3) <input type="checkbox"/> an unincorporated entity (<i>describe</i>):</p> <p>(4) <input type="checkbox"/> a public entity (<i>describe</i>):</p> <p>(5) <input type="checkbox"/> other (<i>specify</i>):</p> | <p>d. <input type="checkbox"/> except defendant (<i>name</i>):</p> <p>(1) <input type="checkbox"/> a business organization, form unknown</p> <p>(2) <input type="checkbox"/> a corporation</p> <p>(3) <input type="checkbox"/> an unincorporated entity (<i>describe</i>):</p> <p>(4) <input type="checkbox"/> a public entity (<i>describe</i>):</p> <p>(5) <input type="checkbox"/> other (<i>specify</i>):</p> |
- Information about additional defendants who are not natural persons is contained in Complaint—Attachment 5.
6. The true names and capacities of defendants sued as Does are unknown to plaintiff.
7. Defendants who are joined pursuant to Code of Civil Procedure section 382 are (*names*):
8. This court is the proper court because
- at least one defendant now resides in its jurisdictional area.
 - the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
 - injury to person or damage to personal property occurred in its jurisdictional area.
 - other (*specify*):
9. Plaintiff is required to comply with a claims statute, and
- plaintiff has complied with applicable claims statutes, or
 - plaintiff is excused from complying because (*specify*):

SHORT TITLE:

Moreno v. Doctors Medical Center - San Pablo/Pinole, Inc, et al.

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (specify):

Medical Negligence;
Negligent Infliction of Emotional Distress

11. Plaintiff has suffered

- a. wage loss
- b. loss of use of property
- c. hospital and medical expenses
- d. general damage
- e. property damage
- f. loss of earning capacity
- g. other damage (specify):

Plaintiff has suffered severe emotional distress, fright, nervousness, grief, anxiety, worry, mortification, shock, humiliation and indignity, physical pain, or other similar distress, great bodily injury, and the loss of the care, society, companionship, comfort, love and affection, and future financial contributions of decedent, her son, Emilio Arriaga.

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Complaint—Attachment 12.
- b. as follows:

Bertha Moreno, mother of decedent, has suffered fright, nervousness, grief, anxiety, worry, mortification, shock, humiliation and indignity, physical pain, or other similar distress, and the loss of the care, society, companionship, comfort, love and affection, and future financial contributions of decedent, Emilio Arriaga.

13. The relief sought in this complaint is within the jurisdiction of this court.

14. PLAINTIFF PRAYS for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) compensatory damages
- (2) punitive damages
- b. The amount of damages is (you must check (1) in cases for personal injury or wrongful death):
- (1) according to proof
- (2) in the amount of: \$

15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

5, 8 GN-1, Second and Third Causes of Action.

Date: August 1, 2005

STEVEN R. JACOBSEN

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

Moreno v. Doctors Medical Center - San Pablo/Pinole, Inc, et al.

CASE NUMBER:

FIRST
(number)

CAUSE OF ACTION—General Negligence

Page 4

ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): BERTHA MORENO

alleges that defendant (name): DOCTORS MEDICAL CENTER-SAN PABLO/PINOLE, INC.; IAN D. BARONOFKY, M.D.; PLANNED PARENTHOOD: SHASTA-DIABLO; PLANNED PARENTHOOD AFFILIATES OF CALIFORNIA, INC.; CHRISTINE COSTA.

Does 1 to 100

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): From March 19, 2004 to May 5, 2004

at (place): Doctor's Medical Center and Planned Parenthood

(description of reasons for liability):

Between or about the above dates, defendants, and each of them, undertook to care for a treat plaintiff for her pregnancy. During that time, defendants, and each of them negligently failed to heed the results of tests administered to and taken by plaintiff and decedent, her unborn son, failed to administer tests to plaintiff and to decedent, failed to properly diagnose and treat plaintiff and decedent, and failed to render proper medical care to plaintiff and to decedent within the applicable standard of care of physicians in this area. As a result of the negligent acts and omissions of defendants, and of each of them, and of the substandard medical care rendered by defendants, and by each of them, to plaintiff and to decedent, decedent died and plaintiff suffered the losses and damages herein alleged.

1 of the notices are attached hereto as Exhibit A, and made a part hereof.

2 7. Prior to March 19, 2004, plaintiff employed defendants, and each of them, to give medical
3 treatment and care to plaintiff and to decedent. Pursuant to this employment, defendants rendered
4 professional services in the diagnosis, treatment and care of plaintiff, for her pregnancy, and
5 decedent.

6 8. From and after the time of the employment, defendants, and each of them, so negligently
7 failed to exercise the proper degree of knowledge and skill in examining, diagnosing, treating, and
8 caring for plaintiff, that plaintiff was caused to suffer the unbearable pain of losing a child. The
9 death of plaintiff's unborn child resulted in the injuries and damages to plaintiff herein alleged.

10 9. As a proximate result of the negligence of defendants, and of each of them, plaintiff suffered
11 pain, sadness and despair, the need for surgery and other remedial medical care, and great physical
12 and emotional pain and suffering.

13 10. As a further proximate result of the negligence of defendants, and of each of them, plaintiff
14 incurred medical, hospital and related expenses, all to the detriment of plaintiff in an amount as yet
15 unascertained, which shall be adduced at trial.

16 Wherefore, plaintiffs pray judgment as herein set forth.
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