

1 Eliza Xuan Wang (SBN: 256724)
 2 The Meridian Law, A Professional Law Corporation
 3 675 N. First Street, Suite 765
 4 San Jose, CA 95112
 5 Tel: (408) 289-8868
 6 Fax: (408) 289-8878
 7 Email: ewang@meridianlawcorp.com

FILED BY FAX
 ALAMEDA COUNTY
 December 14, 2012
 CLERK OF
 THE SUPERIOR COURT
 By Denise Dalton, Deputy
 CASE NUMBER:
RG12660024

8 Attorneys for Plaintiff
 9 Jun X. LIANG, a.k.a. Xiao Jun LIANG
 10

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 12 **FOR THE COUNTY OF ALAMEDA**
 13 **UNLIMITED CIVIL JURISDICTION**
 14

15
 16
 17 JUN X. LIANG, A.K.A. XIAO JUN LIANG,
 18 Plaintiff,

19 vs.

20 RENEE S. HILLIARD, M.D., an individual, SAN
 21 RAMON REGIONAL MEDICAL CENTER, a
 22 California business form unknown, PLANNED
 23 PARENTHOOD, a California business form
 24 unknown; and DOES 1 through 100,

25 Defendants.
 26

Case No.:
VERIFIED COMPLAINT FOR
MEDICAL MALPRACTICE,
NEGLIGENCE, INTENTIONAL
INFLICTION OF EMOTIONAL
DISTRESS; NEGLIGENCE
INFLICTION OF EMTIONAL
DISTRESS
DEMAND FOR JURY TRIAL

27 Come now the Plaintiff Jun X. LIANG, a.k.a. Xiao Jun LIANG (hereinafter referred to as
 28 "Plaintiff") brings this civil action and alleges as follows:

THE PARTIES

1
2 1. Plaintiff Jun X. LIANG, a.k.a. Xiao Jun LIANG, an individual, sustained injuries and
3 damages, is a resident of County of Alameda, State of California. The injuries were
4 sustained in the County of Alameda.
5

6 2. The true names and capacities, whether individual, corporate, associate or otherwise,
7 of Defendants sued herein as Does 1 through 100, inclusive, are unknown to Plaintiff, who
8 therefore sues said Defendants by such fictitious names. Plaintiff will amend this complaint
9 when that information is ascertained and/or discovered. Plaintiff is informed and believes
10 and thereon alleges that each of said fictitious Defendants caused injury and damages to
11 Plaintiff.
12

13 3. The City and County of Alameda is the proper forum in which this lawsuit should be
14 filed because the injuries and damages were sustained by Plaintiff in this case in Alameda
15 County and the relevant acts alleged and complained of occurred in the County of Alameda.
16

17 4. At all times herein mentioned, defendant RENEE S. HILLIARD, M.D. and Does 1
18 through 30, inclusive, (hereinafter "MEDICAL DEFENDANTS"), and each of them, were
19 and are physicians and surgeons licensed in the State of California to practice medicine and
20 surgery in California, and were, at all times stated herein, practicing his/her profession
21 within the State of California, with their principal place of practice located in Alameda
22 County, State of California.
23

24 5. At all times herein mentioned, defendant SAN RAMON REGIONAL MEDICAL
25 CENTER and Does 31 through 40, inclusive, (hereinafter "FACILITY DEFENDANTS"),
26 and each of them, were and are businesses, form unknown, and were and are in the business
27
28

1 of providing medical and scientific laboratory services to the public in the County of
2 Alameda.

3 6. At all times herein mentioned, defendant PLANNED PARENTHOOD and Does 41
4 through 50, inclusive, (hereinafter "FACILITY DEFENDANTS"), and each of them, were
5 and are businesses, form unknown, and were and are in the business of providing medical
6 and scientific laboratory services to the public in the County of Alameda.

7 7. At all times relevant herein, each of the Defendants was the agent or employee of the
8 remaining Defendants.
9

10 8. At all times relevant herein, DOES 51 to 80, inclusive, and each of them, were
11 physicians, nurses, medical assistants, technicians, clinicians, and other persons rendering
12 medical care, treatment and services to patients, and were at all times mentioned herein
13 providing such care, treatment and services within Alameda County for Plaintiff herein.
14

15 9. At all times relevant herein, DOES 81 to 100, inclusive, and each of them, were non-
16 medical and non-technical persons, i.e. they were office personnel and/or support staff, and
17 were at all times mentioned herein providing such office and/or support staff service within
18 Alameda County for Plaintiff herein.
19

20 10. At all times relevant herein, all FACILITY DEFENDANTS and MEDICAL
21 DEFENDANTS, and each of them, were agents and/or employees of the other said
22 Defendants for the purpose of providing medical and scientific laboratory services to the
23 Plaintiff, and were, at all times, acting within the scope and purpose of said agency and said
24 acts were ratified and approved by said Defendants.
25

26 11. Plaintiff is informed and believe and thereon allege that at all times herein mentioned
27 there existed a unity of interests and ownership between the individual Defendants, and each
28

1 of them, and the Defendant businesses, and each of them, and between Defendant
2 businesses and individual Defendants, and each of them, as principals, agents, employers,
3 employees, joint venturers, associates, and/or shareholders.

4
5 **FACTUAL ALLEGATIONS**

6 12. Plaintiff Jun X. Liang, a.k.a. Xiao Jun Liang, is a married woman, and at all times
7 relevant to this lawsuit, utilized services of Defendants in the County of Alameda.

8 13. In or around late 2011, Plaintiff experienced bleeding during her early pregnancy.
9 On or around December 9, 2011, Plaintiff was seen by doctors at Defendant Planned
10 Parenthood, Shasta Diablo, in the City of San Ramon. Upon consent of the Plaintiff,
11 Plaintiff was given abortion pill to terminate her pregnancy of around eight (8) weeks.
12 Plaintiff made follow-up office visits at Defendant Planned Parenthood on December 12,
13 2011 and had ultrasound and other medical examinations taken to confirm termination of
14 her pregnancy. She was then requested to make another office visit on the date of December
15 15, 2011 when she was again examined to confirm termination of her pregnancy. During
16 the office visit of December 15, 2011, she was given additional abortion pills to take to
17 terminate her pregnancy. Shortly after she took the additional abortion pills, Plaintiff started
18 to experience excessive bleeding.

19
20
21 14. To stop the excessive bleeding, she was transferred by ambulance to another medical
22 facility Defendant San Ramon Regional Medical Center's emergency room for treatment.

23 15. In or around the afternoon of December 15, 2011, Plaintiff was admitted to the
24 Emergency Room of San Ramon Regional Medical Center for treatment of excessive
25 vaginal bleeding resulting from termination of early pregnancy. She was examined and
26 treated by the hospital staff Defendant Renee Hilliard, M.D.
27
28

1 16. In the late afternoon and evening of December 15, 2011, Plaintiff was examined and
2 treated by the hospital staff and primarily Defendant Renee Hilliard, M.D. and, among other
3 things, an ultrasound was taken before she was released with no further instruction but to
4 take certain medication.

5
6 17. After Plaintiff was released from the Emergency Room of San Ramon Regional
7 Medical Center, she experienced continuous bleeding and considerably more bleeding,
8 abnormal pain and strong unpleasant odor which became very noticeable starting from the
9 third day after her release which is around December 18, 2011.

10
11 18. Plaintiff was scared and immediately called the Defendant San Ramon Regional
12 Medical Center and requested to speak to Defendant Dr. Renee Hilliard seeking instruction
13 and advice regarding the symptoms experienced which appeared to be abnormal, but was
14 not able to speak to Defendant Dr. Hilliard. She was assured by the hospital staff that her
15 symptoms were normal.

16
17 19. On the date of December 19, 2011, there was even more bleeding in black and
18 stronger odor. Plaintiff and her family were all scared and believed that such symptoms
19 were not normal as a result of an abortion. Being unable to speak to Defendant Dr. Hilliard,
20 Plaintiff called again to Defendant San Ramon Regional Medical Center and requested
21 again to speak with Defendant Dr. Renee Hilliard.

22
23 20. In the late afternoon of December 19, 2011, Defendant Dr. Hilliard called back to the
24 Plaintiff when Plaintiff informed the detailed symptoms to Defendant Dr. Hilliard. Dr.
25 Hilliard reassured Plaintiff that what she experienced was normal and prescribed to her 7
26 days' antibiotics to take which Plaintiff purchased from CVS Pharmacy immediately.

1 21. Even though Plaintiff followed the advice of Defendant Dr. Hilliard and has taken all
2 the prescription by Defendant Dr. Hilliard, Plaintiff experienced more and more bleeding,
3 pain and even stronger odor which was intense and noticeable by anyone around her. She
4 was terrified and went to Asian Health Services Medical Clinic located in Oakland for an
5 examination immediately on the same date of December 19, 2011, where she was examined
6 by Dr. Yang with nurse's presence.

8 22. Upon examination, Dr. Yang removed around three to four gauges or cotton balls left
9 unremoved in her vaginal area and already turned hard and inseparable in the presence of
10 the nurse and the Plaintiff.

11 23. Plaintiff was shocked and distraught about the mistake, negligence and oversight
12 continuing thereafter of all defendants including Dr. Hilliard and other medical staff who
13 involved in her medical examinations taken and treatment. The cotton balls should have
14 been removed or at least be scheduled to be removed upon her release from San Ramon
15 Regional Medical Center as they should have been noticed by the treating physicians and
16 medical staff because various medical exams were taken including ultrasounds by all
17 defendants.

18 24. As a direct result of the mistake, negligence and oversight of all defendants, Plaintiff
19 has sustained abnormal pain, experienced prolonged bleeding, emotional distress and
20 prolonged recovery, more doctor visits and medication. She and her family were shocked
21 and suffered emotional distress resulting from the shock from unremoved gauge and
22 concern of the effect on her future fertility.

23 25. As a direct result of the aforesaid conduct of said Defendants, and each of them,
24 Plaintiffs were required to and did employ attorneys and have incurred legal and related
25
26
27
28

1 expenses. Plaintiff has also incurred the cost of Defendants' services and other medical
2 costs in an amount according to proof.

3 26. As a further direct result of Defendants' conduct, Plaintiff has suffered and will
4 continue to suffer severe and permanent physical and emotional distress.

5 27. As a result of Defendants' conduct, Plaintiff has required medical and/or
6 psychological services in an amount according to proof and will sustain injuries and
7 damages, according to proof.

8 28. As a further direct result of the conduct of Defendants, and each of them, Plaintiff
9 incurred and will incur medical and incidental expenses, according to proof.

10 29. Plaintiff expended significant monies to pay Defendants for their services and
11 suffered a loss according to proof.

12
13
14 **FIRST CAUSE OF ACTION**
15 **(Medical Malpractice: By Plaintiff Against All Defendants)**

16 As the first cause of action for Medical Malpractice, standing alone and pled in the
17 alternative, Plaintiff complains against All Defendants, including Does 1-100, and for a
18 cause of action, alleges:

19 30. Plaintiff hereby incorporates by reference, as if fully set forth herein, each and every
20 allegation contained in paragraphs 1-29 of this Complaint.

21 31. All Defendants, including DOES 1 through 100, are medical professionals who shall
22 follow the accepted standards of medical practice in their profession in providing medical
23 services to the diagnoses and/or treatment to the Plaintiff.

24 32. The Defendants failed to follow the accepted standards of practice in their profession
25 resulting in excessive bleeding, failure to remove gauzes or cotton balls, negligence and
26
27
28

1 oversight in treatment and advice to the Plaintiff resulting in severe injuries and damages
2 sustained by the Plaintiff.

3 33. In acting as set forth herein, all Defendants, and each of them, were providing
4 healthcare services to Plaintiff, including but not limited to diagnosis, sampling, assessment,
5 advice and/or treatment failing to following the accepted standards of practice in their
6 profession directly causing and resulting in the mistake, negligence and oversight in
7 treatment and the unfortunate severe physical injuries and damages of the Plaintiff.
8

9 Wherefore, Plaintiff prays for judgment as set forth herein.
10

11 **SECOND CAUSE OF ACTION**
12 **(Negligence: By Plaintiff as Against All Defendants)**

13 As the second cause of action for Negligence, standing alone and pled in the
14 alternative, Plaintiff complains against all defendants, including Does 1 through 100, and,
15 for a cause of action, alleges:

16 34. Plaintiff incorporates into this cause of action the allegations contained in Paragraphs
17 1 through 33 of this Complaint as if the same were set out at full herein.

18 35. All Defendants, including DOES 1 through 100, and each of them, owe a duty of
19 care to the Plaintiff in providing medical, laboratory, technical and/or medical-related
20 services to the Plaintiff.
21

22 36. In acting as set forth herein, all Defendants, and each of them, breached their duty of
23 care owed to the Plaintiff by negligently performed respective medical, laboratory, technical
24 and/or medical-related services to the Plaintiff, including but not limited to: medical
25 treatment, examination, the laboratory and administrative services, creating and enforcing
26 policies and procedures to regulate, control and supervise the biopsy process, supervision
27
28

1 and control of employees, technicians, medical staff, and/or independent contractors in
2 connection therewith.

3 37. All Defendants negligently provided health-care and/or medical services to Plaintiff
4 by failing to adequately supervise and control their employees, staff, agents and/or
5 independent contractors in connection with the medical and health-care services provided.
6

7 38. Plaintiff justifiably relied upon the medical and/or health-care services and advice
8 negligently provided by all Defendants.

9 39. As a direct and approximate result of the negligence of all Defendants, Plaintiff
10 sustained severe physical injuries and damages all in amount according to proof, as well as
11 punitive damages.
12

13 Wherefore, Plaintiff prays as set forth herein.

14 **THIRD CAUSE OF ACTION**
15 **(Intentional Infliction of Emotional Distress: By Plaintiff as Against All**
16 **Defendants)**

17 As the third cause of action for Intentional Infliction of Emotional Distress, standing
18 alone and pled in the alternative, Plaintiff complains against all defendants, including Does
19 1 through 100, and, for a cause of action, alleges:

20 40. Plaintiff incorporates herein paragraphs 1 through 39 into this cause of action as
21 though set forth in full and alleges against the Defendants as follows:
22

23 41. In justifiable reliance on all Defendants as professionals in respective area and
24 profession, Plaintiff accepted services, paid bills, followed advice and thereon suffered
25 severe physical injuries and damages to her shock and mental distress.

26 42. The conduct of the Defendants, and each of them, was intentional, outrageous,
27 malicious and done with the intent to cause or with reckless disregard of the fact that it
28

1 would cause Plaintiff to suffer humiliation, pain, mental anguish, shock, and emotional and
2 physical distress.

3 Wherefore, Plaintiff prays as set forth herein.

4 **FOURTH CAUSE OF ACTION**
5 **(Negligent Infliction of Emotional Distress: By Plaintiff as Against All**
6 **Defendants)**

7 As the fourth cause of action for Negligent Infliction of Emotional Distress, standing
8 alone and pled in the alternative, Plaintiff complains against all defendants, including Does
9 1 through 100, and, for a cause of action, alleges:

10 43. Plaintiff incorporates into this cause of action the allegations contained in Paragraphs
11 1 through 42 of this complaint as if the same were set out in full herein.

12 44. In acting as set forth herein, Defendants negligently and carelessly caused Plaintiff
13 severe emotional distress.

14 Wherefore, Plaintiff prays for the judgment as set below.

15 **FIFTH CAUSE OF ACTION**
16 **(Unlawful Business Practices: By Plaintiff as Against All Defendants)**

17 As the fifth cause of action for Unlawful Business Practices, standing alone and pled
18 in the alternative, Plaintiff complains against all defendants, including Does 1 through 100,
19 and, for a cause of action, alleges:

20 45. Plaintiff incorporates into this cause of action the allegations contained in Paragraphs
21 1 through 44 of this complaint as if the same were set out in full herein.

22 46. Defendants provided medical and health-care related services to Plaintiff in the year
23 of 2011, as set forth herein.

24 47. At all times mentioned herein, said Defendants, and each of them, represented and
25 informed Plaintiff and the public by offering the medical and health-care related services to
26

1 the public that the services rendered to Plaintiff would be given in a competent fashion in
2 accordance with the customary and usual standards, and would be of a certain quality,
3 ordinarily followed by persons and/or business entities providing such services.

4
5 48. In truth and in fact said services rendered were not competently or properly provided
6 in accordance with customary and usual standards, and were no of good quality, for the
7 reasons set forth in detail herein. Therefore, Defendants, and each of them violated Civil
8 Code §1770(a)(7) and proximately caused Plaintiff herein described injuries and damages.

9
10 49. Prior to filing of this Complaint, Plaintiff complied with the provisions of Civil Code
11 §1782 by requesting in writing that Defendants rectify or agree to rectify their failure to
12 perform represented services in this matter, in violation of Civil Code §1770.

13 Wherefore, Plaintiff prays for the judgment as set below, including but not limited to
14 punitive damages pursuant to Civil Code Civil Code §1780(a)(4) and attorney's fees
15 pursuant to Civil Code §1780(d).

16 17 **PUNITIVE DAMAGES**

18 50. Plaintiff hereby incorporates by reference, as if fully set forth herein, each and every
19 allegation contained in paragraphs 45-49 of this Complaint.

20 51. The conduct of Defendants, and each of them, was malicious, oppressive and
21 fraudulent as denied in California Civil Code §3294 and was in willful and conscious
22 disregard of the rights and safety of Plaintiff to require the imposition of punitive damages.

23 24 **PRAYER FOR JUDGMENT**

25 WHEREFORE, Plaintiff prays for:

26 1. For general damages in an amount within the jurisdiction of the Superior
27 Court;
28

- 1 2. For legal and related expenses incurred in pursuing the action in an amount
2 according to proof;
3 3. For consequential and incidental damages including medical and related
4 expenses according to proof;
5 4. For attorney's fees pursuant to Civil Code §1717(a);
6 5. For attorney's fees pursuant to Civil Code §1780(d);
7 6. For interest according to law;
8 7. For costs of this suit;
9 8. For punitive damages according to proof; and
10 9. Such other relief as the Court may deem just and proper.
11
12
13

14 Dated: December 14, 2012

Respectively Submitted,
The Meridian Law, A Professional
Law Corporation

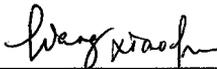


Eliza X. Wang
Attorneys for Plaintiff
Jun X. Liang, a.k.a. Xiao Jun Liang

VERIFICATION

I am the Plaintiff to this action, and I have read the foregoing Complaint for Medical Malpractice, Negligence, Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress, Unlawful Business Practices and know its contents. I am informed and believe that the matters stated therein are true and on that ground certify or declare under penalty of perjury under the laws of the State of California that the same are true and correct.

Executed on December 14, 2012 at Fremont, California.



Jun X. LIANG, a.k.a. Xiao Jun LIANG