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**FILED**  
LOS ANGELES SUPERIOR COURT

JAN 27 2012

JOHN A. CLARKE, CLERK  
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5 **Attorneys for Plaintiff DAVID H. STANLEY**

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
7 **FOR THE COUNTY OF LOS ANGELES**

8 DAVID H. STANLEY, ~~an individual, et al,~~  
9 **INTERLINEATION NOTED AT TIME OF FILING**  
10 **PLAINTIFFS,**

11 vs.

12 KAISER FOUNDATION HEALTH PLAN, INC.,  
13 DAVID KIM, JOHN GONZALES, SECURITAS  
14 SECURITY SERVICES OF AMERICA, and DOES  
15 1-50,

16 **DEFENDANTS.**

17 **CASE ASSIGNED FOR**  
18 **ALL PURPOSES TO**  
19 **JUDGE D. OKI**  
20 **DEPT. "J"**

Case No. **KC063003 J**  
**COMPLAINT FOR DAMAGES**

- 1) NEGLIGENCE
- 2) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
- 3) NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
- 4) ASSAULT AND BATTERY
- 5) FALSE IMPRISONMENT

**JURY TRIAL REQUESTED**

21 COMES NOW Plaintiff DAVID H. STANLEY (hereinafter referred to as "STANLEY"  
22 or "Plaintiff ") and complains against the above-named Defendants and for causes of action  
23 against the Defendants, and each of them, alleges as follows:

24 1. At all times mentioned herein, Plaintiff was an individual residing in the County  
25 of Los Angeles, State of California. Plaintiff has since moved to the County of San Bernardino,  
26 State of California.

27 2. Plaintiff is informed and believes, and thereon alleges, that at all times relevant  
28 herein, Defendant KAISER FOUNDATION HEALTH PLAN, INC. (hereinafter "KAISER"),

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1 was, and now is, a corporation authorized to conduct business in the State of California, with  
2 offices and facilities throughout the State of California, including the facility in Baldwin Park,  
3 California, located in the County of Los Angeles.

4  
5 3. Plaintiff is informed and believes, and thereon alleges, that at all times relevant  
6 herein, Defendant DAVID KIM (hereinafter "KIM"), was, and now is, an individual residing in  
7 the County of Los Angeles, State of California. Defendant KIM was, during the time period  
8 pertinent to this action, an employee of KAISER, and at all times relevant herein, was acting  
9 both in his individual capacity and as an agent and/or representative of KAISER.

10 4. Plaintiff is informed and believes, and thereon alleges, that at all times relevant  
11 herein, Defendant SECURITAS SECURITY SERVICES USA, INC. (hereinafter  
12 "SECURITAS"), was, and now is, a corporation duly authorized to conduct business in the State  
13 of California, with operations throughout the State of California, including the County of Los  
14 Angeles. Upon information and belief, it is also alleged that SECURITAS contracted with  
15 KAISER to provide security services for KAISER, and at all times relevant herein, was acting  
16 both in its individual capacity and as an agent and/or representative of KAISER. Further,  
17 SECURITAS was the employer of defendant GONZALEZ and is therefore liable for his actions  
18 under a theory of respondeat superior.  
19

20  
21 5. Plaintiff is informed and believes, and thereon alleges, that at all times relevant  
22 herein, Defendant JOHN GONZALEZ (hereinafter "GONZALEZ"), was, and now is, an  
23 individual residing in the County of Los Angeles, State of California. Defendant GONZALEZ  
24 was, during the time period pertinent to this action, an employee of SECURITAS, took direction  
25 from and worked under the supervision of KAISER, and at all times relevant herein, was acting  
26 both in his individual capacity and as an agent and/or representative of both SECURITAS and  
27 KAISER.  
28

1           6.     Plaintiff is ignorant of the true names and capacities, whether corporate,  
2 associate, individual or otherwise, of Defendants sued herein as DOES 1 - 50, Inclusive, and  
3 therefore sues said Defendants, and each of them, by such fictitious names. Plaintiff will seek  
4 leave of court to amend this Complaint to assert the true names and capacities of the fictitiously  
5 named Defendants when the same have been ascertained. Plaintiff is informed and believes, and  
6 thereon alleges, that each Defendant designated as "DOES" herein is legally responsible for the  
7 events, happenings, acts, occurrences, indebtedness, damages and liabilities hereinafter alleged  
8 and caused injuries and damages proximately thereby to the Plaintiff, as hereinafter alleged.

10           7.     Plaintiff is informed and believes, and thereon alleges, that at all times relevant  
11 herein, each Defendant designated, including DOES 1-50, herein was the agent, managing  
12 agent, principal, owner, partner, joint venturer, representative, supervisor, manager, servant,  
13 employee and/or co-conspirator of each of the other Defendants, and was at all times mentioned  
14 herein acting within the course and scope of said agency and employment, and that all acts or  
15 omissions alleged herein were duly committed with the ratification, knowledge, permission,  
16 encouragement, authorization and consent of each Defendant designated herein.

18           8.     The acts, communications and statements alleged herein took place, in whole or  
19 in part, within the County of Los Angeles, State of California, and involve incidents that took  
20 place within the County of Los Angeles involving individuals, businesses and properties located  
21 within the County of Los Angeles, making venue in the County of Los Angeles appropriate.

23           9.     Plaintiff is a long time patient at KAISER. His membership number is 00-  
24 18549643.

25           10.    As of February 2, 2011, plaintiff was undergoing continuing treatment at  
26 KAISER, as a result of a stroke suffered in December 2010, and other medical conditions,  
27 including diabetes. Prior to February 2, 2011, plaintiff was being provided with medical  
28

1 treatment and rehabilitation as a result of his various medical conditions.

2 11. On the morning of February 2, 2011, plaintiff awoke to find that he could not  
3 move his legs. Fearing that he had potentially suffered another stroke and/or was undergoing a  
4 new medical emergency, an ambulance was called to plaintiff's home in San Dimas, California.  
5 Plaintiff had to be carried out of his home on a stretcher and the emergency personnel  
6 transported him, at his choice, to the KAISER facility in Baldwin Park, California.

7  
8 12. Inasmuch as it was early morning, plaintiff was still in his pajamas. As he was  
9 being wheeled out of his home to the waiting ambulance, he asked his wife to retrieve his wallet  
10 [with his KAISER identification]. Plaintiff's wife [who was also insured through KAISER]  
11 followed the ambulance to the KAISER facility in Baldwin Park, arriving within minutes of her  
12 husband, with her husband's wallet.

13  
14 13. Immediately upon arrival, plaintiff was taken to a treatment area away from the  
15 family waiting area and out of the view of the area where his wife would soon arrive.

16 14. Upon arrival, the plaintiff and the emergency personnel described plaintiff's  
17 symptoms to the doctors and nurses on duty. Plaintiff was asked for his Kaiser member ship  
18 card. Plaintiff explained that his wife was following the ambulance and had his card with her.  
19 Plaintiff also explained that he was already regularly being treated at KAISER for the lingering  
20 symptoms of his stroke and other medical conditions.

21  
22 15. Thereafter, various employees of KAISER informed plaintiff that they could not  
23 find his name "in their system". On repeated occasions, plaintiff told employees of KAISER  
24 that his wife should be in the waiting area and that she had his membership card with her. On a  
25 number of occasions, employees of KAISER [including a doctor, later identified as defendant  
26 KIM] told plaintiff that they believed he was lying that that "there was no one out there for  
27 him".  
28

1           16. Over the next 20-30 minutes, KAISER employees refused to treat plaintiff.  
2 Plaintiff was left on a gurney in a hallway, continuing to beg and plead to be treated. Plaintiff  
3 heard various KAISER employees [both to his face and amongst themselves] question his  
4 legitimacy as a patient and also complain that they were being made late for their scheduled  
5 break. At one point, the emergency personnel who had transported plaintiff to the facility [and  
6 who had remained] were accused of "dumping" a homeless man at the facility and were aksed  
7 "where did you find this guy?". The emergency personnel explained that they had picked up  
8 plaintiff from his home and that he was not "homeless". At one point, the emergency personnel  
9 were told to "get this guy out of here" and to take him to another hospital. Even the emergency  
10 personnel were now pleading plaintiff's case for him, insisting that he be treated by KAISER.  
11

12           17. At other times, KAISER personnel [including KIM] claimed that plaintiff was  
13 simply out for medication and that his was making up symptoms in order to secure drugs.  
14 Plaintiff heard KAISER personnel accuse him of being a drug addict and claiming that his  
15 "alleged symptoms" were the result of him "detoxing" and that they "saw it all the time".  
16

17           18. Plaintiff continued to insist that he was a patient at KAISER and was a  
18 legitimate patient. Because he was being treated so callously, plaintiff began to become upset  
19 and agitated, believing that the KAISER personnel were going to remove him from the  
20 premises. he repeatedly asked that someone go look for his wife, who he believed was in the  
21 waiting area. Thereafter, plaintiff was pushed around a corner away from the KAISER  
22 personnel. At one point, a nurse attempted to take his vitals, because of his frustration, plaintiff  
23 refused to cooperate, the nurse stated, "without me taking your vitals, the doctors can't give you  
24 drugs."  
25

26           19. While waiting to be treated, plaintiff began to experience extreme gastric distress  
27 and believed that he would soon lose control of his bowels. Plaintiff repeatedly requested that  
28

1 he be helped to a bathroom or that he be given a bed pan so that he would not soil himself. His  
2 requests were ignored and eventually plaintiff lost control of his bowels and soiled himself.  
3 Thereafter, plaintiff repeatedly requested that he be cleaned up. Again, his requests were  
4 ignored (one nurse stated, "don't worry about it") and he was left sitting in a hallway, in full  
5 view of others.  
6

7 20. While waiting for someone at KAISER to show him any care or kindness  
8 whatsoever, plaintiff heard numerous KAISER employees accuse him of being, amongst other  
9 things, homeless, a drug addict looking to "score" drugs and a liar. Eventually, understandably  
10 frustrated, plaintiff began to raise his voice, insisting that he be treated. KIM told him that,  
11 unless he "shut up", security and/or the police would be called and plaintiff would be forcibly  
12 removed from the facility. In one exchange, after plaintiff grew more frustrated, a nurse told  
13 plaintiff, "you can lay there in your own shit".  
14

15 21. Eventually, plaintiff was moved into an area that appeared to be an examination  
16 room that was being used as a storage area for medical supplies. KAISER personnel still  
17 refused to treat him in any manner whatsoever and refused to clean him or aid him in any way.  
18 Plaintiff was left alone in the room, covered in his own excrement. Plaintiff continued to be told  
19 that there was "no one there for him" and that police would be called if he did not "do what they  
20 said".  
21

22 22. After being left alone for some time, plaintiff attempted to get up from the  
23 gurney so that he could go look for his wife himself. He was also yelling for KAISER personnel  
24 to come help him. As he began to stand, supporting himself with a chair, KIM entered the  
25 room, followed by 2-3 guards and 2 nurses. One of the guards [GONZALEZ] yelled, "he's  
26 gonna charge" and immediately rushed plaintiff and tackled him, driving plaintiff into the wall  
27 and kneeling plaintiff in the midsection. Plaintiff's head struck the wall and his arm was  
28

1 scrapped as he fell to the floor, with GONZALEZ on top of him. KIM yelled, "get off of him",  
2 but once plaintiff was on the floor, GONZALEZ continued to hit and kick plaintiff, who was  
3 defenseless. Thereafter, someone yelled "get up", plaintiff indicated that he could not get up and  
4 that he was injured. Plaintiffs injuries were significant enough to leave blood on the wall and  
5 floor. Plaintiff also felt dizzy and had pain in his head and neck.  
6

7 23. Plaintiff was told to stay where he was and believed he was not free to leave.  
8 Plaintiff was left lying on the floor, covered with his own excrement and now bloodied. An  
9 orderly was placed in the room to "watch" plaintiff, although neither the orderly nor any other  
10 KAISER employee sought to aid or assist plaintiff in any way.  
11

12 24. Once alone with the orderly, plaintiff begged him to go to the waiting area to  
13 locate his wife. Initially, the orderly refused, stating that he had been told to stay with plaintiff  
14 and make sure he did not leave. Eventually, the orderly relented and left to go to the waiting  
15 area. Within minutes, the orderly returned with plaintiff's wife, who also had plaintiff's  
16 KAISER identification.  
17

18 25. Needless to say, plaintiff's wife was less than happy with the treatment her  
19 husband had received [that is to say, complete lack of treatment or basic human care]. The  
20 attitude of the KAISER employees instantly changed. Plaintiff was immediately taken to  
21 another area, where he was cleaned and was given treatment for his complaints. Plaintiff was  
22 also provided with a bed pan and hot towels.  
23

24 26. It was later determined that plaintiff's gastric distress was a lingering symptom  
25 of his earlier stroke and was caused by a partial paralysis of his bowels. This was what also lead  
26 to plaintiff being unable to move his legs upon waking that morning. Plaintiff was also later  
27 diagnosed with a concussion, as a result of being physically assaulted by GONZALEZ, as well  
28 as suffering cuts and abrasions.

1 27. Employees of KAISER also immediately began to clean the area where plaintiff  
2 had been assaulted, attempting to clean up all evidence of excrement and blood from the floor  
3 and walls.

4  
5 First Cause of Action

6 Negligence

7 (Against All Defendants)

8 28. Plaintiff re-alleges and incorporates herein by reference all of the allegations and  
9 statements contained within paragraphs 1 through 27, above, as though fully set out here.

10 29. Defendants owed to plaintiff a basic duty of care to use reasonable care to  
11 prevent harm to plaintiff.

12 30. Defendants were negligent in their actions as described within this complaint.

13 31. As a direct and foreseeable and proximate result of defendant's negligence,  
14 plaintiff suffered and continues to suffer significant harm, including physical injuries,  
15 humiliation, embarrassment, mental and emotional distress and discomfort all to plaintiff's  
16 damage in an amount to be proven at trial but above the jurisdictional limits of this court.  
17

18 Second Cause of Action

19 Intentional Infliction of Emotional Distress

20 (Against All Defendants)

21 32. Plaintiff re-alleges and incorporates herein by reference all of the allegations and  
22 statements contained within paragraphs 1 through 31, above, as though fully set out here.  
23

24 33. The actions of defendants described herein were outrageous.

25 34. Defendants intended to cause plaintiff emotional distress and/or acted with  
26 reckless disregard of the probability that plaintiff would suffer emotional distress as a result of  
27 defendants' actions.  
28



1           35.     As a result of defendants' actions, plaintiff did suffer severe emotional distress  
2 and defendants' conduct was a substantial factor in causing plaintiff's severe emotional distress.

3           36.     Plaintiff is informed and believes and on that basis alleged that, at all times  
4 mentioned herein, Defendants acted willfully with the wrongful intention of injuring Plaintiff  
5 and from an improper or evil motive amounting to malice and oppression in conscious disregard  
6 of Plaintiff's rights, thereby warranting an assessment of punitive damages in an amount  
7 appropriate to punish defendants and deter others from engaging in similar misconduct.  
8

9           37.     As a direct and foreseeable and proximate result of Defendants' acts, Plaintiff  
10 has suffered and continues to suffer substantial harm and has suffered and continues to suffer  
11 humiliation, embarrassment, mental and emotional distress and discomfort all to Plaintiff's  
12 damage in an amount to be proven at trial but above the jurisdictional limits of this court.  
13

#### 14                               Third Cause of Action

#### 15                                     Negligent Infliction of Emotional Distress

16                                     (Against All Defendants)

17           38.     Plaintiff re-alleges and incorporates by reference all of the allegations and  
18 statements contained within paragraphs 1 through 37, above, as though fully set out here.

19           39.     The actions of defendants described herein were negligent.

20           40.     Defendants failed to take reasonable care and acted in a manner with a high  
21 probability of causing plaintiff to suffer emotional distress.

22           41.     As a result of defendants' actions, plaintiff did suffer severe emotional distress  
23 and defendants' conduct was a substantial factor in causing plaintiff's severe emotional distress.  
24

25           42.     As a direct and foreseeable and proximate result of Defendants' acts, Plaintiff  
26 has suffered and continues to suffer harm and has suffered and continues to suffer humiliation,  
27 embarrassment, mental and emotional distress and discomfort all to Plaintiff's damage in an  
28

1 amount to be proven at trial but above the jurisdictional limits of this court.

2 Fourth Cause of Action

3 Assault and Battery

4 (Against Defendants KAISER, SECURTAS and GONZALEZ)

5 43. Plaintiff re-alleges and incorporates herein by reference all of the allegations and  
6 statements contained within paragraphs 1 through 42, above, as though fully set forth here.

7 44. Defendant GONZALEZ touched plaintiff with the intent to do him harm.

8 45. Defendant GONZALEZ acted within the course and scope of his employment  
9 with defendant SECURITAS and under the direction and supervision of defendant KASIER.  
10 Thus, those defendants are liable for defendant GONZALEZ' actions under the theory of  
11 respondeat superior.  
12

13 46. Plaintiff did not consent to be touched by defendant GONZALEZ and took no  
14 actions to infer such consent or to justify the actions of defendant GONZALEZ.

15 47. Plaintiff was harmed by defendant GONZALEZ' conduct and actions.

16 48. Plaintiff is informed and believes and on that basis alleges that, at all times  
17 mentioned herein, Defendants acted willfully and with the wrongful intention of injuring  
18 Plaintiff and from an improper or evil motive amounting to malice and oppression in conscious  
19 disregard of Plaintiff's rights, thereby warranting an assessment of punitive damages in an  
20 amount appropriate to punish defendants and deter others from engaging in similar misconduct.  
21

22 49. As a direct and foreseeable and proximate result of defendants' actions, plaintiff  
23 suffered and continues to suffer significant harm, including physical injuries, humiliation,  
24 embarrassment, mental and emotional distress and discomfort all to plaintiff's damage in an  
25 amount to be proven at trial but above the jurisdictional limits of the court.  
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1 Fifth Cause of Action

2 False Imprisonment

3 (Against All Defendants)

4 50. Plaintiff re-alleges and incorporates herein by reference all of the allegations and  
5 statements contained within paragraphs 1 through 49, above, as though fully set out here.  
6

7 51. By their actions, defendants intentionally deprived plaintiff of his freedom of  
8 movement by use of force and threats of continued force and potential arrest.

9 52. The restraint compelled plaintiff to stay for an appreciable amount of time.

10 53. Plaintiff did not consent to being restrained.

11 54. Plaintiff was actually harmed as a result of defendants' actions.

12 55. Defendants' actions were a substantial factor in causing harm to plaintiff.

13 56. Plaintiff is informed and believes and on that basis alleges that, at all times  
14 mentioned herein, Defendants acted willfully with the wrongful intention of injuring Plaintiff  
15 and from an improper or evil motive amounting to malice and oppression in conscious disregard  
16 of Plaintiff's rights, thereby warranting an assessment of punitive damages in an amount  
17 appropriate to punish defendants and deter others from engaging in similar misconduct.  
18

19 57. As a direct and foreseeable and proximate result of defendants' actions, plaintiff  
20 suffered and continues significant harm, including physical injuries, humiliation,  
21 embarrassment, mental and emotional distress and discomfort all to plaintiff's damage in an  
22 amount to be proven at trial but above the jurisdictional limits of this court.  
23

24 WHEREFORE, Plaintiff demands judgment against defendants as follows:

- 25 1. For compensatory damages in an amount to be proven at trial;
- 26 2. For general damages in an amount to be proven at trial;
- 27 3. For punitive damages in an amount to be proven at trial (As to the Second,
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Fourth and Fifth Causes of Action);

- 4. For costs incurred in this suit;
- 5. For prejudgment interest on all amounts claimed; and
- 6. For any other and further relief that the court considers proper.

Plaintiff demands a jury trial in this matter.

Dated: November 7, 2011

LAW OFFICES OF G. PETER NORREGARD

By: 

G. Peter Norregard

Attorneys for Plaintiff