

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 26 2021

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BY FAX

1 Bruce G. Fagel, SBN 103674
2 Cole M. Hoyt, SBN 337332
3 LAW OFFICES OF BRUCE G. FAGEL & ASSOCIATES
4 9200 West Sunset Boulevard., Suite 670
5 West Hollywood, CA 90069
6 Tel: (310) 281-8700
7 Fax: (310) 281-5656
8 E: BruceFagel@fagellaw.com
9 E: ColeHoyt@fagellaw.com

10 Attorneys for Plaintiffs

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 FOR THE COUNTY OF RIVERSIDE

13 NATALIE BURGARD, BRANDON BAILEY,

14 Plaintiffs,

15 vs.

16 KAISER FOUNDATION HOSPITALS, a
17 Corporation, doing business as KAISER
18 FOUNDATION HOSPITAL - RIVERSIDE and
19 KAISER FOUNDATION HOSPITAL -
20 DOWNEY; KAISER FOUNDATION
21 HEALTH PLAN, INC., a Corporation;
22 SOUTHERN CALIFORNIA PERMANENTE
23 MEDICAL GROUP, a Partnership;
24 AMBRISHA JOSHI, M.D., SHELLEY BOSE,
25 M.D., DOES 1 through 250, inclusive,

26 Defendants.

Case No. **CVRI 2103327**

COMPLAINT FOR DAMAGES FOR
MEDICAL MALPRACTICE

1. Wrongful Death of Rylee Bailey
2. Negligence
3. Negligent Infliction of Emotional Distress
4. Intentional Infliction of Emotional Distress
5. Loss of Consortium

27 Plaintiffs NATALIE BURGARD and BRANDON BAILEY, through Counsel, complain
28 and allege in their complaint for damages for medical malpractice, as follows:

1. The true names, identities or capacities, whether individual, associate, corporate or otherwise of Defendants DOES 1 through 250, inclusive, are unknown to Plaintiffs who,

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1 therefore, sue said Defendants by such fictitious names. When the true names, identities or
2 capacities of such fictitiously-designated Defendants are ascertained, Plaintiffs will ask leave of
3 Court to amend the Complaint to insert said true names, identities and capacities, together with
4 the proper charging allegations.

5
6 2. Plaintiffs are informed and believe and thereon allege that each of the Defendants
7 sued herein as a DOE is responsible in some manner for the events and happenings herein referred
8 to, thereby legally causing the injuries and damages to the Plaintiffs as herein alleged.

9
10 3. All of the facts, acts, events and circumstances herein mentioned and described
11 occurred in the County of RIVERSIDE and LOS ANGELES, State of California, and all
12 Defendants are residents of the County of RIVERSIDE or LOS ANGELES, State of California,
13 doing business in said Counties, State of California.

14
15 4. At all times herein mentioned, Defendants AMBRISHA JOSHI, M.D.,
16 SHELLEY BOSE, M.D. and DOES 1 through 50, inclusive, were, and now are, physicians and
17 surgeons, holding themselves out as duly licensed to practice their profession under and by virtue
18 of the laws of the State of California and were, and now are, engaged in the practice of their
19 profession in the State of California.

20
21 5. At all times herein mentioned, Defendants DOES 51 through 100, inclusive, were,
22 and now are, registered nurses, nurse practitioners, nurse midwives, licensed vocational nurses,
23 practical nurses, physician assistants, aids, technicians, attendants, students or other paramedical
24 personnel, holding themselves out as duly able to practice their profession under and by virtue of
25 the laws of the State of California and were, and now are, engaged in the practice of their

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1 profession in the State of California and acting as agents, employees and servants of some or all
2 of the other Defendants within the course and scope of said agency or employment.

3 6. At all times herein mentioned, Defendants KAISER FOUNDATION HEALTH
4 PLAN, INC., KAISER FOUNDATION HOSPITALS doing business as KAISER
5 FOUNDATION HOSPITAL - RIVERSIDE and KAISER FOUNDATION HOSPITAL -
6 DOWNEY, SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, and DOES 101
7 through 150, and each of them, were corporations, partnerships, joint ventures, or other entities
8 organized and existing under the laws of the State of California, and other States, with their
9 principal place of business situated in the State of California and other States, providing medical
10 services.
11

12 7. Defendants KAISER FOUNDATION HOSPITALS, and DOES 151 through 200,
13 inclusive, were at all times herein mentioned duly organized California corporations or hospitals
14 existing under and by virtue of the laws of the State of California and other States; that said
15 Defendant corporations, hospitals and the remaining Defendants, and each of them, owned,
16 operated, managed and controlled a general hospital facility within the Counties of RIVERSIDE
17 and LOS ANGELES, State of California, held out to the public at large and to the Plaintiffs herein,
18 as properly equipped, fully accredited, competently staffed by qualified and prudent personnel
19 and operating in compliance with the standard of due care maintained in other properly equipped,
20 efficiently operated and administered, accredited hospitals in said community commonly known
21 as KAISER FOUNDATION HOSPITAL - RIVERSIDE and KAISER FOUNDATION
22 HOSPITAL - DOWNEY.
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1 8. At all times herein mentioned Defendants DOES 201 through 250 were doing
2 business as a district or County hospital or clinic, and DOES 240-250, a hospital operated by a
3 government entity or medical clinic or hospital, open to the public, or a medical facility or clinic,
4 operated by a government entity open to the public rendering medical, surgical, hospital,
5 diagnostic, nursing and other care to the general public for compensation. All of the acts
6 complained of herein by Plaintiffs against said Defendants were done and performed by said
7 Defendants by and through their duly authorized agents, servants and employees, each of whom
8 and all of whom were at all times mentioned herein acting within the course, purpose, and scope
9 of their said agency, service and employment, and whose conduct was ratified by all Defendants,
10 and each of them.
11

12
13 9. Each Defendant ratified and affirmed the conduct of each other Defendant.
14 Each of the Defendants was the agent, servant, and employee of the other Defendants.

15 10. Plaintiffs are informed and believe and upon such information and belief allege
16 that at all times herein mentioned, Defendants and other Defendants named fictitiously, were the
17 agents, servants, employees, joint-venturers, and copartners of their said co-Defendants and, as
18 such, were acting within the course and scope of such agency, service, partnership, venture, and
19 employment at all times herein mentioned; that each and every Defendant, as aforesaid, when
20 acting as a principal, was negligent in the selection and hiring of each and every other Defendant,
21 as its agent, servant, employee, joint-venturer and partner. Further, each and every Defendant
22 ratified the conduct of the other defendants.
23
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1 I. PLAINTIFFS NATALIE BURGARD AND BRANDON BAILEY, ALLEGE
2 FOR A CAUSE OF ACTION FOR WRONGFUL DEATH OF RYLEE
3 BAILEY AGAINST DEFENDANTS AND EACH OF THEM AS FOLLOWS

4 11. Plaintiffs NATALIE BURGARD and BRANDON BAILEY, repeat and replead
5 each and every allegation contained in all prior paragraphs and incorporate the same herein by
6 reference as to Defendants and each of them.

7 12. At all times herein, NATALIE BURGARD and BRANDON BAILEY were the
8 parents of the decedent RYLEE BAILEY. As such, the named Plaintiffs are heirs at law of the
9 decedent RYLEE BAILEY.
10

11 13. At all times herein mentioned, the decedent RYLEE BAILEY was
12 in the exclusive control of the Defendants, and each of them, and that at no time prior to the
13 events, conduct, activities, care and treatment herein complained of did the Defendants herein, or
14 any of them, obtain knowledgeable, informed consent for said care, treatment or conduct; that
15 prior to the initiation of or performance of said care, treatment, procedure or conduct no
16 opportunity was afforded the Plaintiff's decedent or any authorized agent of the Plaintiff's
17 decedent to exercise voluntary, knowledgeable and informed consent to said care, treatment,
18 procedure or conduct.
19

20 14. Prior to July 27, 2020, the date of decedent's birth, NATALIE BURGARD, the
21 mother of decedent RYLEE BAILEY, employed Defendants, and each of them, to diagnose and
22 treat decedent's medical conditions and her labor and delivery, and to do all things necessary for
23 her and the decedent's medical care and treatment.
24

25 15. While Plaintiffs' decedent was under the sole and exclusive care and control of
26 the Defendants, and each of them, Defendants, and each of them negligently, carelessly and
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1 unskillfully, examined, treated, triaged, utilized protocols and practices, cared for, diagnosed,
2 operated upon, delivered, consented, labored, transferred, performed anesthesia, attended and
3 otherwise handled and controlled the Plaintiff's Decedent herein, such that as a legal result,
4 Decedent died on August 6, 2020. Said acts of negligence include but are not limited to
5 negligently managing the prenatal care and the labor and delivery, and negligently failing to treat
6 and care for her distress and intolerance to labor, to timely cool her, and to earlier and timely
7 deliver Plaintiffs' decedent and child by Cesarean section, or at all.

9 16. Defendants KAISER FOUNDATION HOSPITALS, KAISER FOUNDATION
10 HOSPITAL - RIVERSIDE and KAISER FOUNDATION HOSPITAL - DOWNEY, and DOES
11 151-250 neglected to adequately select a competent medical staff and to periodically review the
12 competency of its medical staff and failed to adequately monitor its staff such that Plaintiffs'
13 decedent and Plaintiffs were caused to, and did suffer damages as alleged.

15 17. As a further legal result of the negligence of the Defendants, and each of them,
16 Plaintiffs were compelled to, and did, incur expenses for burial and all costs associated with that
17 burial.

19 18. As a direct and proximate result of the aforesaid negligence, carelessness and
20 unskillfulness of the Defendants, and each of them, and the resultant death of said decedent,
21 Plaintiffs have suffered the pecuniary loss of the love, affection, comfort, care, society,
22 companionship, protection, solace, moral support, physical assistance in the operation and
23 maintenance of the home, support and right to receive support from the decedent, all to their
24 damage in a sum in excess of the jurisdiction of the Municipal Court.

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1 II. PLAINTIFF NATALIE BURGARD ALLEGES FOR A SEPARATE AND
2 DISTINCT CAUSE OF ACTION FOR NEGLIGENCE AGAINST
3 DEFENDANTS AND EACH OF THEM:

4 19. Plaintiff NATALIE BURGARD repeats and repleads each and every allegation
5 contained in each of the preceding paragraphs and incorporates the same herein by reference.

6 20. At all times herein mentioned, the Plaintiff was in the exclusive control of the said
7 Defendants and that at no time prior to the events, conduct, activities, care and treatment herein
8 complained of did the said Defendants obtain knowledgeable, informed consent for said care,
9 treatment or conduct; that prior to the initiation of or performance of said care, treatment,
10 procedure or conduct no opportunity was afforded the Plaintiff or any authorized agent of the
11 Plaintiff to exercise voluntary, knowledgeable and informed consent to said care, treatment,
12 procedure or conduct.
13

14 21. Prior to July 27,2020, the date of RYLEE BAILEY's birth, and thereafter,
15 NATALIE BURGARD employed said Defendants them, to diagnose and treat her condition of
16 pregnancy and to do all things necessary for her care, including, but not limited to, pre-delivery
17 care, the delivery and post-delivery care.
18

19 22. While Plaintiff NATALIE BURGARD was under the sole and exclusive care and
20 control of the said Defendants, Defendants, negligently, carelessly and unskillfully delivered,
21 examined, treated, cared for, diagnosed, operated upon, attended and otherwise handled and
22 controlled the Plaintiff herein, thereby proximately causing injuries and damages to Plaintiff.
23

24 23. As a legal result of the negligence of the Defendants, and each of them, Plaintiff
25 was injured in her health, strength and activity, sustaining severe shock, and injury to Plaintiff's
26 body, all of which said injuries have caused and continue to cause Plaintiff great physical,
27

1 emotional, and nervous pain and suffering, and which said injuries Plaintiff is informed and
2 believes, and thereon alleges, will result in loss of earnings, permanent disability, loss of
3 enjoyment of life, and impairment of earning capacity all to Plaintiff's damage in a sum in excess
4 of the jurisdiction of the Municipal Court.

5
6 24. As a further legal result of the negligence of the Defendants, and each of them,
7 and the resulting injuries to the Plaintiff, said Plaintiff was compelled to, and did, incur expenses
8 for medical and surgical attention, hospitalization, nursing, medication and incidentals for said
9 Plaintiff in an amount unknown to Plaintiff at present.

10
11 25. As a further legal result of the negligence of the Defendants, and each of them,
12 and of the resulting injuries, Plaintiff will be obliged to incur expenses for medical care and
13 hospitalization for an indefinite period in the future and to pay for these expenses in the treatment
14 and relief of injuries for medical and surgical attention, hospitalization, nursing, medication, and
15 incidentals for said Plaintiff in an amount unknown to Plaintiff at present.

16
17 26. As a further legal result of the negligence of the Defendants, and each of them,
18 Plaintiff NATALIE BURGARD has suffered loss of earnings and will suffer a decreased earning
19 capacity in the future and future earnings to Plaintiff's further damage in a sum unknown at
20 present.

21 III. PLAINTIFF NATALIE BURGARD ALLEGES FOR A SEPARATE AND
22 DISTINCT CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF
23 EMOTIONAL DISTRESS AGAINST DEFENDANTS AND EACH OF
24 THEM, AS FOLLOWS

25 27. Plaintiff NATALIE BURGARD repeats and repleads each and every allegation
26 contained in the preceding paragraphs and incorporates the same herein by reference.

1 28. At all times herein mentioned, NATALIE BURGARD was the mother of RYLEE
2 BAILEY, the now deceased minor Plaintiff, and was and is under a duty to care for the minor
3 child herein. Plaintiff NATALIE BURGARD employed said Defendants to care for her minor
4 child, during the pregnancy.

5
6 29. At all times mentioned, said Defendants were under a legal duty to Plaintiff with
7 respect to the care and treatment of the child, RYLEE BAILEY while the child was a patient in
8 the said hospital and under the care of the said Defendants. Said Defendants treated and cared for
9 both RYLEE BAILEY and NATALIE BURGARD during the labor and delivery of NATALIE
10 BURGARD and thereafter.

11
12 30. At all times mentioned, there existed a close relationship between Plaintiff
13 NATALIE BURGARD and RYLEE BAILEY namely, mother and child, and said Defendants
14 were aware of this close relationship when they agreed to care for the child. It was foreseeable
15 that Plaintiff NATALIE BURGARD would be damaged directly by negligent acts or omissions
16 to act and committed upon the child. Said Defendants were aware that Plaintiff NATALIE
17 BURGARD was concerned about the physical wellbeing of her child when Defendants agreed to
18 treat both the child and mother.

19
20 31. It was reasonably foreseeable and easily predictable that any acts of negligence by
21 these Defendants that would injure the child would lead to serious emotional distress in Plaintiff
22 NATALIE BURGARD. Because the risk of harm to the Plaintiff was reasonably foreseeable and
23 easily predictable, Defendants owed Plaintiff a duty to exercise due care in diagnosing, caring
24 for, and treating Plaintiff's child, RYLEE BAILEY. This is especially true as Defendants agreed
25 to and did treat both NATALIE BURGARD and RYLEE BAILEY at the same time.

1 32. Said Defendants in disregard of the probability that their actions would cause
2 severe emotional distress, in failing to provide the necessary medical treatment to Plaintiff
3 NATALIE BURGARD and her child RYLEE BAILEY, caused Plaintiff NATALIE BURGARD
4 severe emotional distress arising from the abnormal event of participating in a negligent and
5 untimely delivery and labor concerning her child RYLEE BAILEY, and reacting to the tragic
6 outcome with fright nervousness and shock, grief, anxiety, worry, mortification, shock,
7 humiliation and indignity.

9 33. These damages for emotional distress accrued separately, and at separate
10 times from Plaintiff NATALIE BURGARD's previous cause of action for negligence from which
11 she suffered physical injuries and pain and suffering during the negligently conducted labor and
12 delivery.

14 34. As a further legal result of the negligence of the Defendants, and of the resulting
15 injuries, Plaintiff will be obliged to incur expenses for medical care and hospitalization for an
16 indefinite period in the future and to pay for these expenses in the treatment and relief of injuries
17 for medical and surgical attention, hospitalization, nursing, medication, and incidentals for said
18 Plaintiff in an amount unknown to Plaintiff at present.

20 35. As a further legal result of the negligence of the Defendants, Plaintiff has suffered
21 loss of earnings and will suffer a decreased earning capacity in the future and future earnings to
22 Plaintiff's further damage in a sum unknown at present.

24 36. By reason of the negligence of said Defendants, Plaintiff NATALIE BURGARD
25 suffered severe and serious emotional distress and shock and injury to her nervous system and

1 body, all to her general damage in a sum within the jurisdiction of this Court and pursuant to
2 *Burgess v. Superior Court* (1992) 2 Cal.4th 1064.

3 IV. PLAINTIFFS NATALIE BURGARD AND BRANDON BAILEY ALLEGE
4 FOR A CAUSE OF ACTION FOR INTENTIONAL INFLICTION OF
5 EMOTIONAL DISTRESS AGAINST DEFENDANTS AND EACH OF
6 THEM, AS FOLLOWS

7 37. Plaintiffs NATALIE BURGARD and BRANDON BAILEY repeat and replead
8 each and every allegation contained in the previous causes of action and incorporate the same
9 herein by reference.

10 38. On or about July 27, 2020, Plaintiff's decedent was transferred from
11 KAISER FOUNDATION HOSPITAL-RIVERSIDE to KAISER FOUNDATION HOSPITAL-
12 DOWNEY for brain cooling and further care and treatment of her post-partum condition of
13 hypoxemia caused by the negligence of said defendants, as herein alleged.

14 39. Defendants KAISER FOUNDATION HOSPITALS and SOUTHERN
15 CALIFORNIA PERMANENTE MEDICAL GROUP and DOES 1-250, were all in a position of
16 authority and trust with the requirement of fiduciary care and knew the Plaintiffs were in an
17 extremely vulnerable position with respect to the care and treatment of their child.

18 40. As health care providers, the said defendants knew that their conduct intentionally
19 delaying the treatment of Plaintiffs' child and her subsequent death would likely result in harm
20 to the Plaintiffs herein due to extreme emotional distress.

21 41. Despite the extremely vulnerable position of Plaintiffs, said defendants gave little
22 or no thought to the probable effects of their conduct and were concerned only that the child
23 would survive for a longer period of time and intentionally ignored the fact that the child was

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1 alive and breathing and knew their failure to intervene and to compel the parents to remove the
2 child's life support, would likely cause the child to die.

3 42. Plaintiff BRANDON BAILEY was first able to see his daughter in the KAISER
4 DOWNEY neonatal intensive care unit on July 30, 2020. On July 31, 2020, NATALIE
5 BURGARD was first able to see her child since she cleared the COVID quarantine imposed by
6 the hospital.
7

8 43. On or about July 31, 2020, while the child was in KAISER FOUNDATION
9 HOSPITAL-DOWNEY, Plaintiffs were advised by agents and employees of the defendants that
10 RYLEE was "brain dead."
11

12 44. In the early morning on Saturday August 1, 2020, Plaintiff NATALIE BURGARD
13 received a phone call from a medical professional at said hospital who explained that Natalie and
14 Brandon should make their way to the hospital because RYLEE "was doing much better" and
15 "was moving around."
16

17 45. Plaintiffs took this communication as fact that RYLEE was no longer "brain dead"
18 and would hopefully make a strong recovery.

19 46. As a result of the August 1, 2020, phone call, Plaintiffs rushed to the hospital to
20 be with RYLEE and witness the alleged progress that she had made. However, upon speaking to
21 the nurse assigned to RYLEE, the nurse seemed confused and stated that there in fact was no
22 improvements to RYLEE'S condition. To demonstrate this, the nurse raised RYLEE'S limp
23 limbs.
24

25 47. In the days following August 1, 2020, until August 6, 2020 (the date of RYLEE'S
26 death), NATALIE and BRANDON experienced a Kaiser physician who unduly pressured
27

1 Plaintiffs to extubate RYLEE and take her off life support. This doctor, on a daily basis, would
2 ask NATALIE and BRANDON if they had made their decision yet. To add to the stress and
3 pressure of making this monumental decision, this doctor insisted that time of the essence in
4 making this decision.

5
6 48. DOE 51 physician explained that if NATALIE did not make this decision soon,
7 and since RYLEE was slowly improving, RYLEE would soon have to be extubated but would
8 then remain in a vegetative state for the rest of her life, however long that may be. In effect,
9 NATALIE and RYLEE took this to mean that they really did not have a choice in waiting to
10 make a decision.

11
12 49. Defendants subjected Plaintiffs to extraordinary pressures from Kaiser physicians to
13 withdraw life support for RYLEE.

14 50. On a different occasion after August 1, 2020, defendant SHELLY BOSE, M.D.,
15 told Natalie that Dr. BOSE had known other families who got upset with her for not telling them
16 how difficult their lives would be with a "brain dead" baby. Dr. BOSE also explained that Natalie
17 could "be held accountable" if anything were to happen to RYLEE, including if RYLEE was
18 unable to be fed. Dr. BOSE went on to explain that if NATALIE and BRANDON did not take
19 RYLEE off of life support and chose to keep RYLEE alive, that their lives would be forever
20 altered, and that simple tasks such as going to the grocery store would be unimaginably difficult.

21
22 51. Additionally, on August 5, 2020, defendant Dr. JOSHI charted, "PICC line
23 ordered but parents would like to hold off on PICC placement. I had discussed extensively with
24 the parents on August 5, 2020, the risks of keeping in umbilical lines for an extended period of
25 time, including but not limited to increased risk of infection and thromboembolic events." On
26

1 August 4th and August 5th, 2020, NATALIE and BRANDON were again pressured to make a
2 decision to either keep RYLEE on life support or take RYLEE off life support because doctors
3 expressed that they had to make a decision on whether or not to keep the umbilical line and do a
4 PICC placement. However, as of August 5, 2020, RYLEE was intubated and just 10 days old.
5 NATALIE and BRANDON experienced a doctor explain that the PICC procedure was very
6 invasive and should only be done in the event that NATALIE and BRANDON did not want to
7 take RYLEE from life support.
8

9 52. In reality, however, placing a PICC is not an extremely invasive procedure, and
10 given the fact that RYLEE was sedated and intubated, would not have caused much, if any, pain.
11 Additionally, it is not uncommon to keep the umbilical lines for up to two weeks, meaning that
12 NATALIE and BRANDON had more time to think and make a decision that was most
13 appropriate for them. From a medical standpoint, placing a PICC and removing the umbilical line
14 would have no effect on whether or not RYLEE should have been taken off life support. Therefore,
15 as a direct result of doctors and staff using this misleading information in an attempt to remove
16 RYLEE from life support, the next day, on August 6, 2020, NATALIE and BRANDON decided
17 to take RYLEE of life support who thereafter died.
18

19 53. On August 5, 2020, NATALIE and BRANDON met throughout the day with a
20 team of doctors to discuss RYLEE'S prognosis. At these meeting, NATALIE and BRANDON
21 felt extraordinary pressures from doctors to withdraw life support for RYLEE. The doctor
22 explained that it would be possible that RYLEE would have up to eight seizures a day and that
23 NATALIE and BRANDON could be held responsible if their care of RYLEE resulted in negative
24 outcomes.
25

1 54. As a direct result of the pressure from doctors and other health care professionals
2 at Kaiser Downey, NATALIE and BRANDON changed RYLEE'S code status from full code to
3 do not resuscitate on August 5, 2020.

4 55. On August 5, 2020, at 4:26PM, it was noted in the medical chart that the parents
5 decided to take RYLEE of life support, yet still wanted a second opinion of RYLEE'S prognosis
6 from a medical doctor.

7 56. RYLEE BAILEY taken off life support and was pronounced dead on August 6,
8 2020, at 7:40PM.

9 57. The conduct of the defendants as herein alleged in concealing the true facts and
10 conspiring among themselves to deny treatment to the child and to pressure the parents to
11 terminate life support was outrageous and was intended to cause, or the defendants acted with
12 reckless disregard of the probability that Plaintiffs would suffer emotional distress, as herein
13 alleged.

14 58. The above acts were intended to cause such emotional distress in the Plaintiffs and
15 said defendants acted with a reckless disregard of the probability that Plaintiffs would suffer
16 emotional distress.

17 59. As a direct result of the conduct of said defendants, Plaintiffs suffered severe
18 emotional distress, and such conduct was a substantial factor in causing the severe emotional
19 distress as suffered by said Plaintiffs.

20 60. That the conduct of the defendants was outrageous and was conduct so extreme,
21 and fraudulent, and carried on by the defendants with a willful and conscious disregard of the
22 rights and safety of others, that it went beyond all possible bounds of decency.

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1 61. As a legal result of the acts of the said Defendants, Plaintiffs were caused to suffer
2 severe emotional, and nervous pain and suffering, and which said injuries Plaintiff is informed
3 and believes, and thereon alleges, will result in loss of earnings, permanent disability, loss of
4 enjoyment of life, and impairment of earning capacity all to Plaintiffs' damage in a sum in excess
5 of the jurisdiction of the Municipal Court.
6

7 62. As a further legal result of the acts of the Defendants, and each of them, and the
8 resulting injuries to the Plaintiffs, said Plaintiffs were compelled to, and did, incur expenses for
9 medical and surgical attention, hospitalization, nursing, medication and incidentals for said
10 Plaintiffs in an amount unknown to Plaintiffs at present.
11

12 63. As a further legal result of the acts of the Defendants, and each of them, and of the
13 resulting emotional distress Plaintiffs will be obliged to incur expenses for medical care and
14 hospitalization for an indefinite period in the future and to pay for these expenses in the treatment
15 and relief of injuries for medical and surgical attention, hospitalization, nursing, medication, and
16 incidentals for said Plaintiffs in an amount unknown to Plaintiffs at present.
17

18 64. As a further legal result of the acts of the Defendants, and each of them, Plaintiffs
19 have suffered loss of earnings and will suffer a decreased earning capacity in the future, and
20 future earnings to Plaintiffs' further damage in a sum unknown at present.
21

22 V. PLAINTIFF BRANDON BAILEY ALLEGES FOR A SEPARATE AND
23 DISTINCT CAUSE OF ACTION FOR LOSS OF CONSORTIUM
24 AGAINST DEFENDANTS AND EACH OF THEM AS FOLLOWS

25 65. Plaintiff BRANDON BAILEY repeats and repleads each and every allegation
26 contained in all prior paragraphs and incorporates the same herein by reference as to said
27 Defendants and each of them.
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5. For such other and further relief as to the Court appears just and proper.

FOR THE CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF EMOTIONAL
DISTRESS FOR PLAINTIFF NATALIE BURGARD

- 1. General damages, according to proof;
- 2. Special 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.

FOR THE CAUSE OF ACTION FOR INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS

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

FOR THE CAUSE OF ACTION FOR LOSS OF CONSORTIUM FOR PLAINTIFF
BRANDON BAILEY

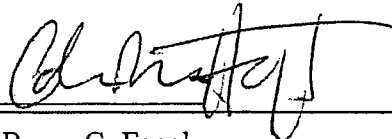
- 1. General damages, according to proof;
- 2. Special damages, according to proof;
- 3. Costs of suit incurred herein, and;
- 4. For such other and further relief as to the Court appears just and proper.

[SIGNATURE ON FOLLOWING PAGE]

Law Offices
of
Bruce G. Fagel
&
Associates

1 DATED: July 22, 2021

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3 By: 
4 Bruce G. Fagel
5 Cole M. Hoyt
6 Attorney for Plaintiffs

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