

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Douglas Stern

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**THE TRIAL LAW OFFICES OF  
BRADLEY I. KRAMER, M.D., ESQ.**  
BRADLEY I. KRAMER (SBN 234351)  
8840 Wilshire Blvd., Suite 350  
Beverly Hills, California 90211  
Telephone: (310) 289-2600  
Email: bkramer@biklaw.com

Attorneys for Plaintiff  
JEANNE CAREY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

JEANNE M. CAREY, an individual, by and  
through her Guardian ad Litem, David Carey,

Plaintiff,

vs.

REGENTS OF THE UNIVERSITY OF  
CALIFORNIA; STEVEN Y. CHANG, M.D.;  
NADA QADIR, M.D.; RAJAN SAGGAR,  
M.D.; RAMIN SALEHIRAD, M.D.;  
KATHRYN H. MELAMED; TISHA S.  
WANG, M.D.; NEAL WENGER, M.D.; and  
DOES 1-100,

Defendants.

Case No. **22STCV36750**

**COMPLAINT FOR:**

- 1. PROFESSIONAL NEGLIGENCE**
- 2. VIOLATION OF HEALTH CARE DIRECTIVE; CALIFORNIA PROBATE CODE §4735, 4736**
- 3. DECLARATORY RELIEF**

**REQUEST FOR TRIAL BY JURY**

1 Plaintiff Jeanne M. Carey by and through her Guardian ad Litem David Carey (“Ms.  
2 Carey”) hereby complains and alleges as follows:

3 **THE PARTIES**

4 1. At all times herein mentioned, Ms. Carey was an individual residing in the county  
5 of San Bernardino, California.

6 2. For the purpose of this action, an Application for Appointment of Guardian Ad  
7 Litem was filed on or about \_\_\_\_\_ and David Carey was duly appointed  
8 Guardian ad Litem of plaintiff Jeanne Carey by order of the above-captioned court on or about  
9 \_\_\_\_\_.

10 3. Plaintiff is informed and believes and based thereon alleges, that Regents of the  
11 University of California (“REGENTS”) is a government entity which owns or operates a  
12 medical facility located in Los Angeles, California commonly known as Ronald Reagan UCLA  
13 Medical Center (“UCLA”) which is licensed to do business and does business in the county of  
14 Los Angeles, California.

15 4. Plaintiff is informed and believes and based thereon alleges, that Nada Qadir,  
16 M.D. (“Dr. Qadir”) is a physician and surgeon licensed to practice medicine in the State of  
17 California and doing business in the County of Los Angeles, California.

18 5. Plaintiff is informed and believes and based thereon alleges, that Rajan Saggur,  
19 M.D. (“Dr. Saggur”) is a physician and surgeon licensed to practice medicine in the State of  
20 California and doing business in the County of Los Angeles, California.

21 6. Plaintiff is informed and believes and based thereon alleges, that Ramin  
22 Salehirad, M.D. (“Dr. Salehirad”) is a physician and surgeon licensed to practice medicine in the  
23 State of California and doing business in the County of Los Angeles, California.

24 7. Plaintiff is informed and believes and based thereon alleges, that Kathryn H.  
25 Melamed, M.D. (“Dr. Melamed”) is a physician and surgeon licensed to practice medicine in the  
26 State of California and doing business in the County of Los Angeles, California.



1 Full Treatment by all medically effective means under any situation, including Cardiopulmonary  
2 Resuscitation (CPR) and full respiratory support, including intubation.

3 14. On or about October 13, 2022, Ms. Carey arrived at UCLA Medical Center after  
4 being driven to UCLA directly from Cedars Sinai Medical Center by her son, David.

5 15. Prior to her arrival at UCLA, Ms. Carey had a dual feeding tubes in place. The  
6 Jejunum (J) tube was to be used for feeds from an electric feeding pump. The Gastric (G) tube  
7 was to used for fully dissolved medications that were placed by hand syringe (bolus).

8 16. Upon arrival to UCLA, Ms. Carey was intubated and remains such as of the  
9 present date.

10 17. Throughout Ms. Carey's stay, several incidents have occurred which are believed  
11 to be inconsistent with the applicable standard of care, including but not limited to the following:  
12 On Wednesday, October 19, 2022, Ms. Carey's nurses erroneously provided high pressure feeds  
13 at 50 milliliter per hour through the G-tube over a 12-hour night shift and into the next morning,  
14 October 20, 2022 – at least 15 hours of feeds (nearly .75 liter) were pumped into the wrong port  
15 that overwhelmed her stomach which is much shrunken in size because of a July 21, 2022  
16 original GJ-Tube placement, and caused the food to erupt out of the stoma hole and then spread  
17 over her body. Two days later, on October 22, 2022, the day nurse clogged the G-tube with  
18 thick granular medications without first diluting them with water. Then, the tube was left  
19 clogged for the rest of the day without a single flush. After many unsuccessful attempts to  
20 unclog the tube, the nurses gave up trying and left the tube clogged for five days during which  
21 time Ms. Carey did not receive her medications through the G-tube. The tube was finally  
22 replaced with an identical G-J Tube on October 27, 2022 by interventional radiology.

23 18. On the following Wednesday, November 2, 2022, the same mistake occurred  
24 wherein the night nurse connected a 50 ml/hr rate of feeds to the G-tube. This was discovered at  
25 10:00am on Thursday, November 3, 2022, following the administration of over 15 hours of  
26 formula once again with nowhere to go.

1           19.     On or about November 15, 2022, a determination was made by, among other  
2 physicians, Neil Wenger, M.D., chairman of the Ethics Department, that “comfort measures”  
3 would be implemented for Ms. Carey as soon as November 25, 2022, rather than “full code”  
4 treatment. By doing so, UCLA would not attempt to resuscitate Ms. Carey if the need were to  
5 arise, would not re-intubate her if the need were to arise, and would stop all supportive measures  
6 such as suctioning, giving feeds, medications, and water, all of which is in contravention of the  
7 above-referenced POLST.

8           20.     As of November 18, 2020, UCLA has ceased taking lab tests to monitor Ms.  
9 Carey’s condition.

10          21.     In or around the end of October, 2022 or early November, 2022, a brain MRI was  
11 performed which demonstrated that Ms. Carey was not brain dead. Conversely, while Ms. Carey  
12 is currently intubated and breathes with the assistance of a ventilator, she is able to follow  
13 commands and is responsive to her son.

14          22.     Within the past week, Dr. Neil Wenger (chairman of the Ethics Committee), Dr.  
15 Tisha Wang, M.D., Dr. Nada Qadir, and/or Dr. Steven Chang have indicated to Ms. Carey’s son  
16 (and POA) that they will not agree to re-intubate Ms. Carey if she fails a breathing trial, nor are  
17 they willing to maintain her Full Code status. Rather, one or more of the above physicians has  
18 indicated UCLA’s intent to change her POLST to Comfort Measures only, in violation of Cal.  
19 Probate Code §4735.

20          23.     On or about November 21, 2022, UCLA personnel indicated to Ms. Carey’s son  
21 that a Do Not Resuscitate (DNR) order is in place and that no further efforts to monitor her  
22 medical condition will be made, including but not limited to laboratory testing. Moreover, Ms.  
23 Carey’s son was told on November 21, 2022 by his mother’s nurse that on November 25, 2022  
24 (10 days after the Ethics Committee’s meeting on November 15, 2022), Ms. Carey will be  
25 extubated and placed on oxygen via high flow nasal canula, and will be monitored thereafter,  
26 however, if such extubation fails or she experiences respiratory distress, she will not be  
27 reintubated. Dr. Chang and Dr. Wang have also indicated that they will not place a  
28

1 tracheostomy before or after November 25, 2022, nor are they willing to perform any trial  
2 extubations, as previously discussed between Ms. Carey’s son and Drs. Qadir and Wang.

3 24. As of the date of this filing, it is Plaintiff’s understanding and opinion that UCLA  
4 is imminently planning to disconnect mechanical ventilation, withhold vasopressor medications,  
5 withhold dialysis if necessary, and withhold laboratory testing or other investigatory testing, and  
6 instead will be transitioning Ms. Carey to strictly “comfort care” measures in the coming week.  
7 Should UCLA be allowed to withhold such medical treatment, Ms. Carey will almost certainly  
8 die, possibly due to over-sedation and/or suffocation. Instead, Ms. Carey and/or her family  
9 should be given sufficient time to find another hospital to provide for her life-sustaining medical  
10 needs (such as Barlow Respiratory Hospital), and should be given an opportunity for a trial  
11 extubation and/or tracheostomy placement if unsuccessful.

12 **FIRST CAUSE OF ACTION**

13 **For Professional Negligence**

14 (Against All Defendants)

15 25. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1  
16 through 24, inclusive as though fully set forth herein.

17 26. During all periods of time during which Ms. Carey was a patient of Defendants,  
18 the Defendants, and each of them, agreed to perform and undertook to perform for Ms. Carey all  
19 services necessary to Ms. Carey’s care, which included, but was not limited to, observation,  
20 examination, evaluation, diagnosis, care and treatment of Ms. Carey, and in so doing, the  
21 Defendants, and each of them, established a relationship with Ms. Carey, giving rise to each  
22 Defendants’ duty to Ms. Carey to provide skillful management of her health condition, including  
23 but not limited to observation, evaluation, examination, diagnosis, care and treatment of Ms.  
24 Carey.

25 27. Defendants and each of them breached their duty to Ms. Carey to provide skillful  
26 management of her health condition, including but not limited to observation, examination,  
27 diagnosis, care and treatment.

1           28.     At all times herein mentioned, Defendants and each of them so negligently and  
2 carelessly cared for, treated and rendered medical services upon the person and body of Ms.  
3 Carey and so negligently and carelessly operated, managed, controlled and conducted their  
4 services, activities and supervision in connection with Ms. Carey’s care and treatment that as a  
5 direct and proximate result thereof Ms. Carey was caused to and did suffer the injuries herein  
6 alleged.

7           29.     During said periods of time herein above alleged, Defendants and each of them,  
8 were negligent, careless and unskillful in their management of the health of Ms. Carey, including  
9 but not limited to the observation, examination, diagnosis, care and treatment that were or should  
10 have been provided to Ms. Carey.

11           30.     The negligence of Defendants and each of them, includes but is not limited to the  
12 following: (1) failing to appropriately provide feeding care to Ms. Carey, (2) failing to timely  
13 monitor Ms. Carey’s condition for complications and provide appropriate or timely follow-up  
14 care, and (3) failing to otherwise treat her condition in an appropriate or reasonable manner.

15           31.     As a direct and legal result of the aforesaid negligence, carelessness and  
16 unskillfulness of Defendants, and each of them, Ms. Carey suffered grave physical and  
17 emotional injuries. Plaintiff is informed and believes and therefore alleges that said injuries  
18 would not have occurred if not for the negligence of Defendants.

19           32.     As a further, direct and legal result of said negligence, carelessness and  
20 unskillfulness of the Defendants, and each of them, Plaintiff is entitled to recover prejudgment  
21 interest under California Code of Civil Procedure §998 and California Civil Code §3291.

22   **SECOND CAUSE OF ACTION**

23   **For Violations of Cal. Probate Code §4735, 4736**

24   (Against All Defendants)

25           33.     Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1  
26 through 32, inclusive as though fully set forth herein.





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1. For general damages according to proof;
2. For special damages according to proof;
3. For legal interest on judgment from the filing of this complaint to the date of judgment;
4. For costs of suit;
5. For declaratory relief and a determination of the respective rights and obligations of the parties;
5. And, for any other and further relief as the Court deems just and proper.

DATED: November 20, 2022

**THE TRIAL LAW OFFICES OF  
BRADLEY I. KRAMER, M.D., ESQ.  
BRADLEY I. KRAMER**

By:   
BRADLEY I. KRAMER, M.D., ESQ.  
Attorneys for Plaintiff JEANNE CAREY