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ELECTRONICALLY FILED
Superior Court of California,
County of Orange

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Clerk of the Superior Court
By Enrique Veloz, Deputy Clerk

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

9
10 JULIE DeARMOND, Individually and as)
11 Successor-In-Interest to EMILY)
12 DeARMOND, deceased)

13 Plaintiff,

14 v.

15 PERMANENTE MEDICAL GROUP, a)
16 business entity form unknown, NAK)
17 BUN CHHIV, M.D., KAISER)
18 FOUNDATION HOSPITALS, a)
19 business entity form unknown, KAISER)
20 FOUNDATION HEALTH PLAN, a)
21 business entity form unknown, and Does)
22 1 through 100, inclusive)

23 Defendants.

Case No. 30-2011-00520283-CU-PO-CJC

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF (RECKLESS
NEGLECT), (WELFARE &
INSTITUTIONS CODE §15600 ET
SEQ); STATUTORY VIOLATION
(PROBATE CODE §§4742, 4781.2);
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS;
NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS; UNFAIR
BUSINESS PRACTICES (BUSINESS
& PROFESSIONS CODE §17200 ET
SEQ) UNFAIR COMPETITION
(CIVIL CODE §1750 ET SEQ)

Judge Franz E. Miller

24 Julie DeArmond, individually and as Successor-In-Interest to Emily DeArmond,
25 deceased, complains of defendants Permanente Medical Group, Nak Bun Chhiv, M.D., Kaiser
26 Foundation Hospitals, Kaiser Foundation Health Plan and Does 1 through 100, inclusive, and
27 for cause of action alleges:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

28 1. Julie DeArmond is the natural mother of Emily DeArmond, deceased. Emily
DeArmond died on November 7, 2010. Julie DeArmond is the Successor-In-Interest of Emily

1 DeArmond. No person has a superior claim as Successor-In-Interest to that of Julie
2 DeArmond.

3 2. At all times herein mentioned, defendants Permanente Medical Group, Nak Bun
4 Chhiv, M.D., Kaiser Foundation Hospital and Does 1 through 50, inclusive, were health care
5 providers who also had the care and custody of Emily DeArmond.

6 3. At all times herein mentioned, defendant Kaiser Foundation Health Plan was an
7 entity in the business of, inter alia, providing health insurance and health services in exchange
8 for payment of premiums by members of the general public.

9 4. At all times herein mentioned, decedent Emily DeArmond was a patient under the
10 care of defendants Permanente Medical Group, Nak Bun Chhiv, M.D., Kaiser Foundation
11 Hospitals and Does 1 through 50.

12 5. At all times herein mentioned, decedent was a member, subscriber and customer of
13 Kaiser Foundation Health Plan and entitled to receive, pursuant to that status, health care and
14 services which were compliant with then prevailing standards of care.

15 6. On November 6, 2010 and for a long time prior thereto, Emily DeArmond suffered
16 from multiple and severe medical illnesses and conditions, which were progressive. Emily
17 DeArmond was no longer competent and was unable to participate in making decisions
18 regarding her medical care and could not participate in any activities of daily living. Therefore,
19 decedent was at that time a dependent adult within the meaning of the Elder and Dependent
20 Adult Civil Protection Act (Welfare & Institutions Code §15600 et seq.)

21 7. Plaintiff Julie DeArmond was the primary caregiver for Emily DeArmond for the
22 entirety of her daughter's illness, which commenced at the age of 4 and progressed until her
23 death at age 18. At all times during that period, Julie DeArmond cared for her daughter at her
24 home except for the times when Emily DeArmond required hospitalization at an acute care
25 hospital or rehabilitation institution.

26 8. On or about August 27, 2010, plaintiff met with physicians who were members of the
27 Permanente Medical Group and affiliated with Kaiser Foundation Health Plan and Kaiser

1 Foundation Hospitals. The purpose of the meeting was to discuss options for care should
2 Emily DeArmond suffer a life-threatening event. Plaintiff Julie DeArmond was at that time the
3 legal decision-maker for her daughter. Following discussion and advice from participants at
4 said meeting, plaintiff Julie DeArmond decided on the terms for Physician Orders For Life
5 Sustaining Treatment ("POLST"). Said POLST was duly executed and signed by Dr. Rukmani
6 Rangunathan of the Permanent Medical Group. Said POLST represented legally-binding
7 physicians orders as to interventions to be provided or withheld in the event of a life-
8 threatening event. Said POLST provided, inter alia, that no intubation was to be initiated in
9 such an event. A true and correct copy of said POLST is attached hereto and incorporated
10 herein as exhibit 1.

11 9. On November 6, 2010, Emily DeArmond was found in her bed at home in a non-
12 responsive state. Her mother, Julie DeArmond, called for an ambulance and Emily DeArmond
13 was taken to the Kaiser Anaheim Medical Center. In the emergency room, Emily DeArmond
14 came under the care of defendant Nak Bun Chhiv, M.D., who was at all times an agent and
15 employee of the Permanente Medical Group. At said time, plaintiff was of the belief that her
16 daughter was in a condition which was irreversible and that she was in a state where death was
17 imminent. Plaintiff repeatedly advised defendant Nak Bun Chhiv, M.D. and agents and
18 employees of Kaiser Foundation Hospitals and Kaiser Foundation Health Plan that her
19 daughter had a POLST in place which ordered only limited measures and, in particular, that
20 intubation not be initiated. Defendant Nak Bun Chhiv, M.D. refused to review the POLST and,
21 despite plaintiff's protestations, stated that he would intubate Emily DeArmond. Over
22 plaintiff's protests and in violation of the POLST he did at that time intubate Emily DeArmond.
23 Because plaintiff was convinced that defendant Nak Bun Chhiv, M.D. would not honor the
24 POLST, she requested that her daughter be transferred. Emily DeArmond was then transferred
25 to the Kaiser facility at Lakeview. At said facility, Emily DeArmond was extubated in
26 accordance with the POLST. She was transferred to a room on a medical floor at said facility
27 where comfort measures were initiated. Plaintiff remained with her daughter until she died on

1 November 7, 2010 in the early morning hours.

2 **FIRST CAUSE OF ACTION**
3 **FOR DAMAGES PURSUANT TO WELFARE & INSTITUTIONS CODE §15600 ET**
4 **SEQ (NEGLECT OF DEPENDENT ADULT) BROUGHT BY PLAINTIFF AS**
5 **SUCCESSOR-IN-INTEREST AGAINST ALL DEFENDANTS**

6 Plaintiff Julie DeArmond, as Successor In Interest To Emily DeArmond, deceased, complains
7 of defendants, and each of them, and for cause of action alleges:

8 10. Emily DeArmond, at all times mentioned herein, was a dependent adult within the
9 meaning of Welfare & Institutions Code §15600 et seq. At said times, Emily was substantially
10 dependent upon others for carrying out activities of daily living and was unable to competently
11 make decisions as to her own self care and medical care.

12 11. At all times, herein mentioned, defendants were care custodians of Emily
13 DeArmond responsible for her care and custody. On November 6, 2010, they were aware of
14 Emily's critical physical condition and that her condition was presenting a substantial risk of
15 imminent death.

16 12. At the times and places mentioned herein, defendants had a duty to determine
17 whether there was in existence an Advance Health Care Directive, POLST or other expression
18 of the extent of medical intervention desired by the patient or her designated decision maker in
19 circumstances such as those presented. A POLST was in fact in effect at that time and it was
20 readily available, or should have been readily available, to defendant Nak Bun Chhiv, M.D. at
21 the time of his seeing her on November 6, 2010.

22 13. Despite the clear and explicit statement by plaintiff Julie DeArmond that a POLST
23 existed which directed that intubation not be instituted in the prevailing circumstances,
24 defendant Nak Bun Chhiv, M.D. intentionally and with reckless disregard of the health, safety,
25 and rights of Emily DeArmond refused to review the contents of and follow the terms of the
26 POLST or, having read the contents of the POLST, refused to follow the directive that Emily
27 not be intubated.

28 14. Such reckless and intentional conduct by Nak Bun Chhiv, M.D. was the direct result
of the reckless neglect of defendants Permanente Medical Group, Nak Bun Chhiv, M.D.,

1 Kaiser Foundation Hospitals and Kaiser Foundation Health Plan. Said neglect consisted of the
2 failure of said defendants to institute policies and procedure which were effective to ensure that
3 defendants' physicians and other health care providers understood the meaning, force and
4 effect of a POLST and other Advance Health Care Directives. Said neglect further consisted in
5 the reckless failure of defendants to train and educate their physicians and staff members to
6 inquire as to the existence of a POLST, know how to locate a POLST, and follow the contents
7 of a properly-executed POLST. Such neglect was known to defendants to carry with it the high
8 probability that harm would result to their customers, patients, and members. As evidenced by
9 the conduct of Nak Bun Chhiv, M.D. on November 6, 2010, there were no such effective
10 policies, procedures, training or education in place so as to protect the rights, health and safety
11 of patients who had executed POLSTs and Advance Health Care Directives.

12 15. The reckless and intentional conduct of Nak Bun Chhiv, M.D. in purposefully and
13 consciously ignoring the provisions of the POLST which was in place on November 6, 2010
14 has been ratified by defendants Permanente Medical Group, Kaiser Foundation Hospitals and
15 Kaiser Foundation Health Plan. Said ratification consists of the decision by said defendants to
16 take no steps to discipline, counsel, retrain, or otherwise take corrective action with regard to
17 Nak Bun Chhiv, M.D. Further, despite the requests of Julie DeArmond that said defendants
18 initiate training, policies, procedures, and competency assessments with respect to the
19 significance and force of a POLST, said defendants have refused to provide assurance of any
20 change in current practice.

21 16. Defendants Permanente Medical Group, Kaiser Foundation Hospitals and Kaiser
22 Foundation Health Plan authorized the conduct of Nak Bun Chhiv, M.D. as described herein
23 because they knew in advance that there were no effective policies, procedures, training
24 program or competency assessment in place to ensure that POLSTs and Advance Health Care
25 Directives would be accessed, observed and followed. Thus, the conduct of Nak Bun Chhiv,
26 M.D. on November 6, 2010 was the type of neglect which defendants knew or should have
27 known was highly probably to occur.

1 17. Defendant Nak Bun Chhiv, M.D. knew or should have known, had he read the
2 applicable POLST, that intubation had been previously ordered not to be initiated in the
3 circumstances presented on November 6, 2010. He knew or should have known that only
4 limited intervention was the previously ordered protocol under the circumstances. Defendant
5 Nak Bun Chhiv, M.D. knew that it was highly probable that, if he initiated intubation for Emily
6 that she would suffer discomfort and pain as a result of the invasive procedure necessary to
7 establish intubation.

8 18. When intubation was done by defendant Nak Bun Chhiv, M.D. in violation of the
9 POLST, Julie DeArmond observed reactions of pain and discomfort in her daughter. Thus, the
10 intentional and reckless disregard of the provisions of the POLST caused injury and damage to
11 Emily and plaintiff is entitled to general damages pursuant to Welfare & Institutions Code
12 §15657.

13 19. Because of the disregard of the POLST and the specific requests of Julie
14 DeArmond, Emily's designated decision maker, plaintiff Julie DeArmond was required to ask
15 that Emily be transferred by ambulance to the Kaiser Lakeview facility where she hoped the
16 POLST would be honored. The transfer process denied Emily the comfort care to which she
17 was entitled for the duration of the transfer and instead she was placed in an ambulance and
18 driven from one facility to another.

19 20. The aforesaid conduct constitutes fraud, oppression and malice and plaintiff is
20 entitled to an aware of punitive damages.

21 Wherefore, plaintiff prays for judgement as hereinbelow set forth.

22 **SECOND CAUSE OF ACTION**
23 **BROUGHT BY PLAINTIFF JULIE DeARMOND AS SUCCESSOR-IN-INTEREST**
24 **AGAINST ALL DEFENDANTS FOR REMEDIES PURSUANT TO**
25 **PROBATE CODE §4742**

26 As And For A Further, Separate, Second and Distinct Court, plaintiff complains of defendants,
27 and each of them, and for cause of action alleges:

28 21. Plaintiff hereby incorporates the allegations of the preceding paragraphs and
incorporate them herein as though fully set forth.

1 22. The aforementioned POLST incorporated the contents of the decision made by
2 Emily's designated decision maker, plaintiff Julie DeArmond, with regard to the provision or
3 withholding of care should Emily suffer a life-threatening event. In the course of her
4 discussions with defendant's physicians and agents at the meeting resulting in the execution of
5 the POLST, plaintiff was assured that the POLST would be tantamount to an Advance Health
6 Care Directive but would carry more weight as it would incorporate physicians' orders
7 regarding the provision or withholding of treatment in the event of the onset of a life-
8 threatening condition.

9 23. Probate Code §4742 provides that there shall be a penalty of \$2500 for each
10 instance in which a health care provider fails to follow the provision of an Advance Health
11 Care Directive and that attorneys fees shall be awardable for each action initiated under said
12 statute.

13 24. As has been set forth in the preceding paragraphs, defendants did not follow the
14 provisions of the POLST executed on behalf of Emily DeArmond in violation of Probate Code
15 §4781.2.

16 Wherefore, plaintiff prays for judgement against defendants, and each of them, as
17 hereinbelow set forth

18 **THIRD CAUSE OF ACTION**
19 **BROUGHT BY PLAINTIFF JULIE DeARMOND AGAINST ALL DEFENDANTS FOR**
20 **DAMAGES FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

21 As And For A Further, Third, Separate and Distinct Count, plaintiff complains of defendants,
22 and each of them, and for cause of action alleges:

23 25. Plaintiff hereby incorporates the allegations of the preceding causes of action and
24 makes them a part of this, the Third Cause of Action, as though fully set out herein.

25 26. Plaintiff Jule DeArmond was present with her daughter Emily, throughout the time
26 she spent at the Kaiser Anaheim facility and while she was under the care of defendant Nak
27 Bun Chhiv, M.D. Defendants knew or should have known that plaintiff Julie DeArmond was
28 the natural mother and appointed decision maker for her daughter Emily DeArmond and further
knew that Emily's condition at that time presented a substantial likelihood that she would die in

1 a matter of hours or days. Defendants knew that Julie DeArmond was at that time particularly
2 susceptible to the infliction of emotional distress and was contemporaneously observing that
3 the conduct of defendant Nak Bun Chhiv, M.D. thus, defendants knew said conduct was
4 causing plaintiff Julie DeArmond severe emotional distress.

5 27. Defendant Nak Bun Chhiv, M.D., in ignoring the information being provided by
6 Julie DeArmond, including the information being provided by Julie DeArmond, including the
7 existence of the POLST, ignoring the directives for care conveyed to him by Julie DeArmond,
8 refusing to read the provisions of the POLST and/or to follow the orders contained therein,
9 intentionally inflicted emotional distress upon Julie DeArmond. Further, defendants knew that
10 the intubation procedure carried out over the objection of Julie DeArmond and in violation of
11 the POLST, was highly probable to, and did cause Julie DeArmond severe emotional distress,
12 as did the necessity that Emily be placed in an ambulance and sent to another hospital.

13 28. The conduct of defendants was outrageous and of a type that would not be tolerated
14 in an civilized society. The conduct thus constituted malice, fraud, and oppression.

15 **FOURTH CAUSE OF ACTION**
16 **BROUGHT BY PLAINTIFF JULIE DeARMOND**
17 **AGAINST ALL DEFENDANTS FOR**
18 **NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS (DIRECT VICTIM)**

19 As And For A Further, Separate, Distinct and Fourth Count, plaintiff complains of defendants,
20 and each of them, and for cause of action alleges:

21 29. Plaintiff hereby incorporates the allegations of the preceding causes of action as
22 though fully set out herein.

23 30. At the aforementioned meeting with physicians and agents of defendants wherein
24 the POLST for Emily DeArmond was executed, representations were made directly to Julie
25 DeArmond that the POLST was a more effective vehicle for carrying out her decisions as to
26 Emily than an Advance Directive and that its provisions would be carried out by defendants in
27 the event of the onset of a life-threatening condition. Thus, a direct and special relationship
28 existed thereafter between defendants and plaintiff Julie DeArmond.

31. At the times and places hereinbefore described, defendants so negligently and

1 carelessly organized and operated their businesses, so negligently and carelessly failed to carry
2 out their promises to plaintiff Julie DeArmond regarding the POLST, and so negligently and
3 carelessly failed to carry out the provisions of the POLST so as to cause plaintiff Julie
4 DeArmond to suffer severe emotional distress and to sustain general damages.

5 Wherefore, plaintiff prays for judgement against defendants, and each of them, as
6 hereinbelow set forth.

7 **FIFTH CAUSE OF ACTION**
8 **BROUGHT BY PLAINTIFF JULIE DeARMOND**
9 **AGAINST ALL DEFENDANTS FOR NEGLIGENT INFLICTION OF EMOTIONAL**
10 **DISTRESS (BYSTANDER)**

11 As And For A Further, Separate, Distinct, and Fifth Count, plaintiff complains of defendant
12 and for cause of action alleges:

13 Plaintiff hereby incorporates the allegations of the preceding cause of action and makes
14 them a part of this, the Fifth Cause of Action, as though fully set out herein.

15 32. At all times herein mentioned, plaintiff Julie DeArmond was present and
16 contemporaneously witnessed the conduct of defendants, including Nak Bun Chhiv, M.D. At
17 said time, plaintiff Julie DeArmond was clearly aware that the conduct of defendant Nak Bun
18 Chhiv, M.D. was wrongful, negligent and reckless. Plaintiff subsequently contemporaneously
19 observed the pain and discomfort caused to her daughter by the intubation and transfer of her
20 daughter and by the denial and delay in the initiation of comfort care for her. As a legal
21 consequence of said experience, Julie DeArmond suffered severe emotional distress and
22 sustained general damages.

23 Wherefore, plaintiff prays for judgement against defendants, and each of them, as
24 hereinbelow set forth

25 **SIXTH CAUSE OF ACTION**
26 **BROUGHT BY PLAINTIFF JULIE DeARMOND**
27 **FOR REMEDIES PURSUANT TO BUSINESS AND PROFESSIONS**
28 **CODE §17200 ET SEQ**

As And For A Further, Separate, Distinct And Sixth Count, plaintiff complains defendants, and
each of them, and for cause of action alleges:

33. Plaintiff hereby incorporates the allegations of the preceding causes of action and
makes them a part of this, the Sixth Cause of Action as fully set out herein.

1 34. Plaintiff Julie DeArmond and her daughter, Emily, were patients, members and
2 customers of defendants. Defendants provided medical and medically-related services for
3 Emily DeArmond in exchange for payment for those services through a periodic premium.

4 35. Defendants, at all times herein mentioned, were in competition with other health
5 care providers and insurers to attract and keep customers, patients and members. To that end,
6 defendants have regularly advertised in the media regarding the quality of their care and their
7 concern for their customers, patients and members.

8 36. At all times herein mentioned, defendants had a duty to comply with all applicable
9 statutes and regulations governing their business. Further, said defendants had a duty to deliver
10 the quality and extent of services they promised to deliver and represented would be delivered
11 to their customers, patients and members.

12 37. Defendants, and each of them, engaged in unfair and deceptive competition and
13 business practices in violation of Business & Professions Code §17200 et seq by, inter alia,
14 failing to provide policies, procedures, training and competency evaluation so that their
15 patients, customers and members would have the benefit of the laws regarding POLSTs and
16 would have the provisions of properly executed POLST's complied with by defendants,
17 physicians and employees.

18 38. Plaintiff is entitled to restitution of all funds paid to defendants for the medical
19 interventions rendered to Emily on November 6, 2011 and for any other services rendered by
20 defendants in the course of execution of the POLST.

21 39. Plaintiff is also entitled to an injunction prohibiting defendants from engaging in
22 conduct of the type described herein and compelling defendants to initiate and effect policies,
23 procedures, training and competency evaluation which will result in uncompromising
24 adherence to POLSTs and Advance Health Care Directives executed by their customers,
25 members, and patients.

26 40. Plaintiff is entitled to attorneys fees pursuant to California Code of Civil Procedure
27 §1021.5 in connection with pursuing a remedy for the aforementioned unfair business practice.

1 Wherefore, plaintiff prays for judgement as hereinbelow set forth.

2 **SEVENTH CAUSE OF ACTION**
3 **BROUGHT BY PLAINTIFF AGAINST ALL DEFENDANTS**
4 **FOR REMEDIES UNDER CIVIL CODE §1750 ET SEQ**

5 As And For A Further, Separate, Seventh and Distinct Count, plaintiff complains of
6 defendants, and each of them, and for cause of action alleges.

7 Plaintiff hereby incorporates the allegations of the preceding causes of action and makes
8 them a part of this, the Seventh Cause of Action, as though fully set out herein.

9 41. The conduct of defendants as hereinbefore described, and, in particular that related
10 to the business practice of failing to honor POLSTs and Advance Health Care Directives,
11 constitutes a violation of the Consumer Legal Remedies Act (Civil Code §1750). Said statute
12 was, and is, violated by the fact that defendants represented their services as being of high
13 quality and compliant with prevailing standards, whereas they had no effective system or
14 practice to ensure that physicians and other employees would honor the provision of POLSTs
15 or the state laws and regulations governing them including, but not limited to, Probate Code
16 §4781.2. The statute is further violated because defendants have represented in
17 communications with patients, members, and customers that the executors of a POLST or
18 Advance Health Care Directive will confer upon them certain rights and remedies, whereas, in
19 fact, defendants have had in place no effective system to ensure that the provision of POLSTs
20 and Advance Health Care Directives are carried out.

21 42. Pursuant to Civil Code §1782, plaintiff has caused to be served on defendants in the
22 manner required by law a notice of said unfair practices and a demand that the practices be
23 remedied.

24 43. Plaintiff in both her representative capacity and in her personal capacity has been
25 harmed by the aforementioned deceptive business practice and is, therefore, entitled to
26 remedies pursuant to Civil Code §1780, including actual damages, an order enjoining said
27 methods, acts and practices, punitive damages, and costs and attorneys fees.

28 44. Attached hereto as Exhibit 2 is a Affidavit of James Geagan Pursuant to Civil Code
§1780(d) attesting that this County is a proper place for bringing this action.

1 Wherefore, plaintiff prays for judgement against defendants, and each of them, as
2 follows:

3 (1) For general damages pursuant to Welfare & Institutions Code §15657.

4 (2) For general damages for negligent and intentional infliction of emotional distress;

5 (3) For damages in the amount of \$2500 pursuant to Probate Code §4742.

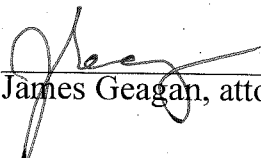
6 (4) For restitution and damages pursuant to Business & Professions Code §17200 et seq
7 and Civil Code §1750 et seq.

8 (5) For injunctive relief consisting of appropriate orders enjoining the conduct
9 complained of herein and mandatory measures to remedy the practices and procedures leading
10 to said conduct.

11 (6) For punitive damages pursuant to the First, Third and Seventh Causes of Action;

12 (7) For attorneys fees and costs pursuant to Welfare & Institutions Code §15657, Civil
13 Code §1021.5, Probate Code §4742 and Civil Code §1780.

14
15 Dated: November 3, 2011


James Geagan, attorney for Plaintiff



EMSA #111 B
(Effective 1/1/2009)

Physician Orders for Life-Sustaining Treatment (POLST)

First follow these orders, then contact physician. This is a Physician Order Sheet based on the person's current medical condition and wishes. Any section not completed implies full treatment for that section. Everyone shall be treated with dignity and respect.

Last Name <i>De Armond</i>	
First/Middle Name <i>Emily</i>	
Date of Birth <i>MRN 10584711</i>	Date Form Prepared <i>8/27/10</i>

A
Check One

CARDIOPULMONARY RESUSCITATION (CPR): *Person has no pulse and is not breathing.*

Attempt Resuscitation/CPR (Section B: Full Treatment required) Do Not Attempt Resuscitation/DNR (Allow Natural Death)

When not in cardiopulmonary arrest, follow orders in B and C.

B
Check One

MEDICAL INTERVENTIONS: *Person has pulse and/or is breathing.*

Comfort Measures Only Use medication by any route, positioning, wound care and other measures to relieve pain and suffering. Use oxygen, suction and manual treatment of airway obstruction as needed for comfort. Antibiotics only to promote comfort. **Transfer** if comfort needs cannot be met in current location.

Limited Additional Interventions Includes care described above. Use medical treatment, antibiotics, and IV fluids as indicated. Do not intubate. May use non-invasive positive airway pressure. Generally avoid intensive care.

Do Not Transfer to hospital for medical interventions. Transfer if comfort needs cannot be met in current location.

Full Treatment Includes care described above. Use intubation, advanced airway interventions, mechanical ventilation, and defibrillation/cardioversion as indicated. **Transfer to hospital if indicated.** Includes intensive care.

Additional Orders: *May give Lorazepam for Seizures*

C
Check One

ARTIFICIALLY ADMINISTERED NUTRITION: *Offer food by mouth if feasible and desired.*

No artificial nutrition by tube. Defined trial period of artificial nutrition by tube.

Long-term artificial nutrition by tube.

Additional Orders: _____

D

SIGNATURES AND SUMMARY OF MEDICAL CONDITION:

Discussed with:
 Patient Health Care Decisionmaker Parent of Minor Court Appointed Conservator Other:

Signature of Physician
My signature below indicates to the best of my knowledge that these orders are consistent with the person's medical condition and preferences.

Print Physician Name <i>RUKMANI RAGHUNATHAN</i>	Physician Phone Number <i>714-279-4824</i>	Date <i>8-27-2010</i>
Physician Signature (required) <i>Rukmani Raghunathan</i>	Physician License # <i>A030536</i>	

Signature of Patient, Decisionmaker, Parent of Minor or Conservator
By signing this form, the legally recognized decisionmaker acknowledges that this request regarding resuscitative measures is consistent with the known desires of, and with the best interest of, the individual who is the subject of the form.

Signature (required) <i>Julie DeArmond</i>	Name (print) <i>Julie DeArmond</i>	Relationship (write self if patient) <i>Mother</i>
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Summary of Medical Condition	Office Use Only	EXHIBIT <u>1</u>
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HIPAA PERMITS DISCLOSURE OF POLST TO OTHER HEALTH CARE PROFESSIONALS AS NECESSARY

Patient Name (last, first, middle) <i>De Armond, Emily</i>		Date of Birth <i>10/28/2010</i>	Gender: M <input type="radio"/> F <input checked="" type="radio"/>
Patient Address <i>24192 Twig Lake Forest CA 92630</i>			
Contact Information			
Health Care Decisionmaker <i>Julie DeArmond</i>	Address <i>24192 Twig St</i>		Phone Number <i>(949) 230-4380</i>
Health Care Professional Preparing Form <i>RUKMANI RAGHUNATHAN</i>	Preparer Title <i>M.D.</i>	Phone Number <i>714-279-4824</i>	Date Prepared <i>Aug 30 2010</i>

Directions for Health Care Professional

Completing POLST

- Must be completed by health care professional based on patient preferences and medical indications.
- POLST must be signed by a physician and the patient/decisionmaker to be valid. Verbal orders are acceptable with follow-up signature by physician in accordance with facility/community policy.
- Certain medical conditions or medical treatments may prohibit a person from residing in a residential care facility for the elderly.
- Use of original form is strongly encouraged. Photocopies and FAXes of signed POLST forms are legal and valid.

Using POLST

- Any incomplete section of POLST implies full treatment for that section.

Section A:

- No defibrillator (including automated external defibrillators) should be used on a person who has chosen "Do Not Attempt Resuscitation."

Section B:

- When comfort cannot be achieved in the current setting, the person, including someone with "Comfort Measures Only," should be transferred to a setting able to provide comfort (e.g., treatment of a hip fracture).
- IV medication to enhance comfort may be appropriate for a person who has chosen "Comfort Measures Only."
- Non-invasive positive airway pressure includes continuous positive airway pressure (CPAP), bi-level positive airway pressure (BiPAP), and bag valve mask (BVM) assisted respirations.
- Treatment of dehydration prolongs life. A person who desires IV fluids should indicate "Limited Interventions" or "Full Treatment."

Reviewing POLST

It is recommended that POLST be reviewed periodically. Review is recommended when:

- The person is transferred from one care setting or care level to another, or
- There is a substantial change in the person's health status, or
- The person's treatment preferences change.

Modifying and Voiding POLST

- A person with capacity can, at any time, void the POLST form or change his/her mind about his/her treatment preferences by executing a verbal or written advance directive or a new POLST form.
- To void POLST, draw a line through Sections A through D and write "VOID" in large letters. Sign and date this line.
- A health care decisionmaker may request to modify the orders based on the known desires of the individual or, if unknown, the individual's best interests.

California Coalition for Compassionate Care

The Coalition is the lead agency for implementation of POLST in California. This form is approved by the Emergency Medical Services Authority in cooperation with the California Coalition for Compassionate Care and the statewide POLST Task Force.

For more information or a copy of the form, visit www.finalchoices.org.

SEND FORM WITH PERSON WHENEVER TRANSFERRED OR DISCHARGED

1 **JAMES GEAGAN, ESQ., (SBN 68922)**
2 **LAW OFFICES OF JAMES GEAGAN**

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4 Sonoma, CA 95476
5 Telephone: (707) 939-9593
6 Facsimile: (707) 996-2460

7 Attorneys for Plaintiff JULIE DeARMOND

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

9
10 JULIE DeARMOND, Individually and as)
11 successor-in-interest to EMILY)
12 DeARMOND, deceased)

13 Plaintiff,

14 v.

15 PERMANENTE MEDICAL GROUP, a)
16 business entity form unknown, NAK)
17 BUN CHHIV, M.D., KAISER)
18 FOUNDATION HOSPITALS, a)
19 business entity form unknown, KAISER)
20 FOUNDATION HEALTH PLAN, a)
21 business entity form unknown, and Does)
22 1 through 100, inclusive)

23 Defendants.

Case No.

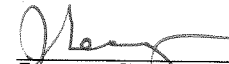
AFFIDAVIT OF JAMES GEAGAN
PURSUANT TO CIVIL CODE §1780

24 James Geagan declares under penalty of perjury that the following is true and correct:

25 1. I am an attorney at law authorized to practice in the State of California and am the
26 attorney for plaintiff Julie DeArmond in the above-entitled action.

27 2. The acts, practices, procedures and wrongful conduct complained of in the above-
28 entitled action occurred in the County of Orange, State of California. Therefore, that County is
a proper venue within which to bring the above-entitled action pursuant to California Civil
Code Section 1780(d).

Executed this 3rd day of November 2011 at Sonoma, California.


James Geagan

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
JAMES GEAGAN (SBN 68922)
LAW OFFICES OF JAMES GEAGAN
846 BROADWAY

SONOMA, CA 95476
 TELEPHONE NO.: _____ FAX NO.: (707) 996-2460
 ATTORNEY FOR (Name): **PLAINTIFF JULIE DeARMOND**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
 STREET ADDRESS: **700 CIVIC CENTER DRIVE WEST**
 MAILING ADDRESS: _____
 CITY AND ZIP CODE: **SANTA ANA, CA 92701**
 BRANCH NAME: **CENTRAL JUSTICE CENTER**

CASE NAME: **DeARMOND v. PERMANENTE MEDICAL GROUP, et al.**

FOR COURT USE ONLY

ELECTRONICALLY FILED
 Superior Court of California,
 County of Orange
11/03/2011 at 02:19:44 PM
 Clerk of the Superior Court
 By Enrique Veloz, Deputy Clerk

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) **Limited** (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter **Joinder**
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **30-2011-00520263-CU-PO-CJC**

JUDGE: **Judge Franz E. Miller**

DEPT: _____

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input checked="" type="checkbox"/> Other PI/PD/WD (23)</p> <p>Non-PI/PD/WD (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PI/PD/WD tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p>	<p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p>	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p>
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): **7**
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **November 3, 2011**
JAMES GEAGAN (SBN 68922)
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.



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Civil Case Access

Please Note

This Civil Case Access system returns case information for Unlimited, Limited and Complex Civil case categories. Unlimited and Complex Civil (actions filed for more than \$25,000) cases filed since 1996 are available. Limited Civil (actions filed for less than \$25,000) cases filed at Central Justice Center since 2004 are available. Limited Civil cases filed at North, West and Harbor Justice Centers since 2005 are available. Information can be retrieved by searching via: - The Superior Court of California, County of Orange Case number - A person (or participant) associated with a case - A business associated with a case

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CASE SUMMARY				
Case No.	Case Title	Case Type	Filing Date	Category
30-2011-00520263-CU-PO-CJC	JULIE DEARMOND VS. PERMANENTE MEDICAL GROUP	PI/PD/WD - OTHER	11/03/2011	CIVIL - UNLIMITED

Participants

Results 1 - 7 of 7000000000000

Name	Type	Assoc	Start Date	End Date
KAISER FOUNDATION HEALTH PLAN	DEFENDANT		11/03/2011	
KAISER FOUNDATION HOSPITALS	DEFENDANT		11/03/2011	
LAW OFFICES OF JAMES GEAGAN	ATTORNEY		11/03/2011	

NAK BUN CHHIV, M.D.	DEFENDANT	11/03/2011
JULIE DEARMOND	PLAINTIFF	11/03/2011
PERMANENTE MEDICAL GROUP	DEFENDANT	11/03/2011
JULIE DEARMOND SUCCESSOR IN INTEREST T	PLAINTIFF	11/03/2011

Hearings

Event Scheduled Date Start Time Dept Judge

No Records Found

Cart ID : CIVIL5266308 Total Pages : 17



Register of Actions

Results 1 - 7 of 7000000000000

ROA #	<input type="checkbox"/>	Add to Cart +/-	Docket Entry	Filing Date	Pages
7	<input type="checkbox"/>		CASE ASSIGNED TO JUDICIAL OFFICER MILLER, FRANZ ON 11/03/2011.	11/03/2011	1
6	<input type="checkbox"/>		PAYMENT RECEIVED BY FOR 166 - COMPLAINT OR OTHER 1ST PAPER IN THE AMOUNT OF 395.00, TRANSACTION NUMBER 11023204 AND RECEIPT NUMBER 10847096.	11/03/2011	1
5	<input type="checkbox"/>	+	DECLARATION - OTHER FILED BY DEARMOND, JULIE ON 11/03/2011	11/03/2011	2
4	<input type="checkbox"/>	+	SUMMONS ISSUED AND FILED FILED BY DEARMOND, JULIE ON 11/03/2011	11/03/2011	1
3	<input checked="" type="checkbox"/>	+	CIVIL CASE COVER SHEET FILED BY DEARMOND, JULIE ON 11/03/2011	11/03/2011	1
2	<input checked="" type="checkbox"/>	-	COMPLAINT FILED BY DEARMOND, JULIE; JULIE DEARMOND SUCCESSOR IN INTEREST TO EMILY DEARMOND ON 11/03/2011 DEARMOND, JULIE; JULIE DEARMOND SUCCESSOR IN INTEREST TO EMILY DEARMOND ON 11/03/2011	11/03/2011	16
1			E-FILING TRANSACTION 269298 RECEIVED ON 11/03/2011 11:51:17 AM.	11/03/2011	

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