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Attorney for Andres Quezada Palacios

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

OCT 27 2022

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

30-2022

ANDRES QUEZADA PALACIOS,)
an individual,)

Plaintiff,)

v.)

BOARD OF REGENTS OF THE)
UNIVERSITY OF CALIFORNIA, a public)
entity; UNIVERSITY OF CALIFORNIA)
IRVINE MEDICAL CENTER, a public)
entity; UNIVERSITY OF CALIFORNIA)
HEALTH, IRVINE, a public entity;)
DINORA B. CHINCHILLA, M.D., an)
individual; AARON D. KHERIATY, M.D.,)
an individual; NIRAL MUKUND PATEL,)
M.D., an individual; MUDIT DABRAL,)
M.D., an individual; SOLOMON LIAO,)
M.D., an individual; SARAH ESSAYLI)
(MSW), an individual; MARLENE)
INYANG (CM), an individual; STEFANIE)
YOSHII (PE), an individual; JULIE ANN)
SCHNEIDER (DRM/RA), an individual;)
MINI THOMAS (CN), an individual;)
SANDY STEIN (CM), an individual;)
JENNIFER HIGGINS (SWS), an)
individual; PAUL REEVES (RN), an)
individual; JORDAN MAJOR (RN) an)
individual; SHIHO ITO, M.D., an)
individual; JEFFRY NAHMIAS, M.D., an)
individual; YUVAL PELEG, M.D., an)

Case No.

01288456

COMPLAINT FOR:

1. MEDICAL MALPRACTICE
2. GROSS NEGLIGENCE
3. ELDER ABUSE
4. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
5. FRAUD

JUDGE CRAIG GRIFFIN

Assigned for All Purposes

COMPLAINT FOR MEDICAL MALPRACTICE

spalaciosrac

1 individual; KYLE DIGRANDE, M.D., an)
individual; WILLIAM A. UENG, M.D., an)
2 individual; JASON WILLIAMS (Ethics),)
an individual; NANCY MUNOZ (PE), an)
3 individual; ELIZABETH A. BREM, M.D.,)
an individual; DEEPA JEYAKUMAR,)
4 M.D.,an individual; LINH HUYNH (RN),)
an individual; RICHARD A. LEE, MD., an)
5 individual; JEREMY P. HARRIS, M.D., an)
individual; KURT D. HILLIARD (RN), an)
6 individual; and DOES 1 THROUGH 100,)
INCLUSIVE.)
7

8 Plaintiff complains and alleges against Defendants as follows:

9 **PARTIES**

- 10 1. Plaintiff ANDRES QUEZADA PALACIOS (Plaintiff), an individual, who at all
11 times mentioned herein resided in the County of San Bernardino, State of
12 California.
- 13 2. Defendant BOARD OF REGENTS OF THE UNIVERSITY OF CALIFORNIA
14 (the BOARD) at all times mentioned herein is and was a public entity and California
15 State agency doing business offering health and medical services to the general public
16 by and through its network of various hospitals, medical centers, health departments,
17 including but not limited to, its employees in the throughout the State of California,
18 including the City of Irvine, County of Orange.
- 19 3. Defendant UNIVERSITY OF CALIFORNIA IRVINE MEDICAL CENTER
20 (UCIMC) at all times mentioned herein is and was a public entity and California State
21 agency doing business offering health and medical services to the general public
22 in the City of Irvine, County of Orange.
- 23 4. Defendant UNIVERSITY OF CALIFORNIA HEALTH, IRVINE (UCHI) at all times
24 mentioned herein is and was a public entity and California State agency doing
25 business offering health and medical services to the general public in the City of
26 Irvine, County of Orange.

- 1 5. Defendant DINORA B. CHINCHILLA, M.D., an individual, at all times mentioned
2 herein is and was a medical doctor licensed in the State of California and an
3 employee of Defendants the BOARD, UCIMC, and UCHI.
- 4 6. Defendant AARON D. KHERIATY, M.D., an individual, at all times mentioned
5 herein is and was a medical doctor licensed in the State of California and an
6 employee of Defendants the BOARD, UCIMC, and UCHI.
- 7 7. Defendant NIRAL MUKUND PATEL, M.D., an individual, at all times mentioned
8 herein is and was a medical doctor licensed in the State of California and an
9 employee of Defendants the BOARD, UCIMC, and UCHI.
- 10 8. Defendant MUDIT DABRAL, M.D., an individual, at all times mentioned herein is
11 and was a medical doctor licensed in the State of California and an employee of
12 Defendants the BOARD, UCIMC, and UCHI.
- 13 9. Defendant SOLOMON LIAO, M.D., an individual, at all times mentioned herein is
14 and was a medical doctor licensed in the State of California and an employee of
15 Defendants the BOARD, UCIMC, and UCHI.
- 16 10. Defendant SARAH ESSAYLI (MSW), an individual, at all times mentioned herein
17 is and was an employee of Defendants the BOARD, UCIMC, and UCHI.
- 18 11. Defendant MARLENE INYANG (CM), an individual, at all times mentioned herein
19 is and was an employee of Defendants the BOARD, UCIMC, and UCHI.
- 20 12. Defendant STEFANIE YOSHII (PE), an individual, at all times mentioned herein is
21 and was an employee of Defendants the BOARD, UCIMC, and UCHI.
- 22 13. Defendant JULIE ANN SCHNEIDER (DRM/RA), an individual, at all times
23 mentioned herein is and was an employee of Defendants the BOARD, UCIMC, and
24 UCHI.
- 25 14. Defendant MINI THOMAS (CN), an individual, at all times mentioned herein is and
26 was an employee of Defendants the BOARD, UCIMC, and UCHI.

- 1 15. Defendant SANDY STEIN (CM), an individual, at all times mentioned herein is and
2 was an employee of Defendants the BOARD, UCIMC, and UCHI.
- 3 16. Defendant JENNIFER HIGGINS (SWS), an individual, at all times mentioned herein
4 is and was an employee of Defendants the BOARD, UCIMC, and UCHI.
- 5 17. Defendant PAUL REEVES (RN), an individual, at all times mentioned herein is and
6 was an employee of Defendants the BOARD, UCIMC, and UCHI.
- 7 18. Defendant JORDAN MAJOR (RN) an individual, at all times mentioned herein is
8 and was an employee of Defendants the BOARD, UCIMC, and UCHI.
- 9 19. Defendant SHIHO ITO, M.D., an individual, at all times mentioned herein is and
10 was a medical doctor licensed in the State of California and an employee of
11 Defendants the BOARD, UCIMC, and UCHI.
- 12 20. Defendant JEFFRY NAHMLIAS, M.D., an individual, at all times mentioned herein
13 is and was a medical doctor licensed in the State of California and an employee of
14 Defendants the BOARD, UCIMC, and UCHI.
- 15 21. Defendant YUVAL PELEG, M.D., an individual, at all times mentioned herein is
16 and was a medical doctor licensed in the State of California and an employee of
17 Defendants the BOARD, UCIMC, and UCHI.
- 18 22. Defendant KYLE DIGRANDE, M.D., an individual, at all times mentioned herein
19 is and was a medical doctor licensed in the State of California and an employee of
20 Defendants the BOARD, UCIMC, and UCHI.
- 21 23. Defendant WILLIAM A. UENG, M.D., an individual, at all times mentioned herein
22 is and was a medical doctor licensed in the State of California and an employee of
23 Defendants the BOARD, UCIMC, and UCHI.
- 24 24. Defendant JASON WILLIAMS (Ethics), an individual, at all times mentioned herein
25 is and was an employee of Defendants the BOARD, UCIMC, and UCHI.
- 26 25. Defendant NANCY MUNOZ (PE), an individual, at all times mentioned herein is

- 1 and was an employee of Defendants the BOARD, UCIMC, and UCHI.
- 2 26. Defendant ELIZABETH A. BREM, M.D., an individual, at all times mentioned
3 herein is and was a medical doctor licensed in the State of California and an
4 employee of Defendants the BOARD, UCIMC, and UCHI.
- 5 27. Defendant DEEPA JEYAKUMAR, M.D., an individual, at all times mentioned
6 herein is and was a medical doctor licensed in the State of California and an
7 employee of Defendants the BOARD, UCIMC, and UCHI.
- 8 28. Defendant LINH HUYNH (RN), an individual, at all times mentioned herein
9 is and was an employee of Defendants the BOARD, UCIMC, and UCHI.
- 10 29. Defendant RICHARD A. LEE, MD., an individual, an at all times mentioned herein
11 is and was a medical doctor licensed in the State of California and an employee of
12 Defendants the BOARD, UCIMC, and UCHI.
- 13 30. Defendant JEREMY P. HARRIS, M.D., an individual, at all times mentioned herein
14 is and was a medical doctor licensed in the State of California and an employee of
15 Defendants the BOARD, UCIMC, and UCHI.
- 16 31. Defendant KURT D. HILLIARD (RN), an individual, at all times mentioned herein
17 is and was an employee of Defendants the BOARD, UCIMC, and UCHI.
- 18 32. The true names and capacities, whether individual, corporate, associate or otherwise,
19 of Defendants DOES 1 THROUGH 100, INCLUSIVE, are unknown to Plaintiff who
20 therefore sues said Defendants by such fictitious names. Plaintiff is informed and
21 believes and thereon alleges that each of the Defendants designated herein as a
22 fictitiously named Defendant and is in some manner responsible for the events and
23 happenings herein referred to, either contractually or tortiously, and caused the
24 damage to the Plaintiff as herein alleged. When Plaintiff ascertains the true names
25 and capacities of DOES 1 THROUGH 100, INCLUSIVE, he will ask leave of this
26 Court to amend his complaint by setting forth such.

1 33. Plaintiff is further informed and believes, and on that basis alleges, that all of the
2 Defendants, whether named or fictitiously designated, were the agents, servants,
3 officers, directors, employees, partners, representatives, consultants, contractors,
4 and/or joint ventures of the other Defendants and that the acts of each Defendant
5 herein alleged were within the course and scope of his, her, or its agency, service
6 or employment and were done with the permission and consent of each other
7 Defendant.

8 34. Plaintiff is informed and believes, and on that basis alleges, that each of the
9 Defendants is responsible in some manner, deed or action for Plaintiffs' damages
10 herein alleged.

11 35. Jurisdiction is proper as all Defendants do business offering health and medical
12 services to the general public within the County of Orange.

13 **FACTS OF CASE**

14 36. Plaintiff is the son of ANDRES HERRERA PALACIOS (PALACIOS), who died
15 on July 30, 2021 at UCIMC.

16 37. PALACIOS'S health problems started in January 2017 when PALACIOS felt spinal
17 pain causing him to go to a specialist in Redlands, California who discovered a small
18 mass on PALACIOS'S spine. The specialist referred PALACIOS to the University
19 of Loma Linda Medical Center (ULLMC) in Loma Linda, California.

20 38. In September 2017 a spinal biopsy was performed at ULLMC.

21 39. In December 2017 a bone marrow biopsy was performed at ULLMC.

22 40. In February 2018 an oncologist at ULLMC diagnosed PALACIOS with multiple
23 myeloma.

24 41. In March 2018 PALACIOS attended an LLS Cancer event in Anaheim, California
25 where he met oncologist ELIZABETH BREM, M.D. (BREM), a main speaker.

26 ///

- 1 42. In April 2018 PALACIOS became a patient of BREM, who monitored PALACIOS'S
2 condition for one year and eight months.
- 3 43. In December 2019 BREM initiated treatment of PALACIOS with chemotherapy to
4 which PALACIOS responded well.
- 5 44. In March 2020 BREM referred PALACIOS to YU-PO LEE, M.D. (Y. LEE), a spinal
6 specialist at UCIMC, who performed a spinal biopsy on March 28, 2020, which
7 showed negative for any cancer on PALACIOS'S spine. As a result of the spinal
8 biopsy PALACIOS qualified for maintenance chemotherapy treatment.
- 9 45. In June 2020 PALACIOS'S post surgery appointment showed favorable recovery.
- 10 46. In July and August 2020 PALACIOS manifested symptoms of cancer recurrence so
11 BREM increased chemotherapy dosage for PALACIOS.
- 12 47. In September 2020 PALACIOS had an appointment with LEE who stated although
13 surgery was successful the cancer had metastasized throughout different areas of
14 PALACIOS'S upper body.
- 15 48. BREM referred PALACIOS to JEREMY P. HARRIS, M.D. (HARRIS) for radiation.
- 16 49. On October 15, 2020, PALACIOS had his first radiation treatment with HARRIS.
17 HARRIS noticed PALACIOS was not feeling well and after examining PALACIOS,
18 HARRIS ordered a CT and MRI. HARRIS asked PALACIOS if he had contracted
19 and recovered from Covid as his image showed abnormalities in PALACIOS'S lungs.
- 20 50. HARRIS had his nurse rush PALACIOS to UCIMC Emergency Department.
- 21 51. PALACIOS stayed at UCIMC Emergency Department for a few hours and at 9:00
22 p.m. PALACIOS was rolled out in a wheelchair and left out in the cold without a
23 diagnosis.
- 24 52. Plaintiff took PALACIOS home and ten days later rushed PALACIOS to ULLMC
25 Emergency Department, where PALACIOS was diagnosed and treated.
- 26 53. Thereafter, PALACIOS resumed chemotherapy and radiation treatment at UCIMC.

- 1 54. Plaintiff and PALACIOS expressed their concerns to BREM and HARRIS regarding
2 PALACIOS'S occasional challenged breathing and neither BREM nor HARRIS were
3 concerned and repeatedly denied a referral to a pulmonologist.
- 4 55. Plaintiff decided to schedule an appointment for February 28, 2021 with UCIMC
5 pulmonologist RICHARD A. LEE, M.D. (R. LEE). Prior to the appointment assistant
6 to R. LEE was instructed by R. LEE to change the appointment from in-person office
7 to telephone conference or zoom based on images and x-rays of PALACIOS'S lungs
8 as it did not appear to be an urgent matter in R. LEE'S opinion.
- 9 56. On February 28, 2021, R. Lee canceled PALACIOS'S appointment without notice.
- 10 57. Although PALACIOS was almost in complete remission, Plaintiff and PALACIOS
11 requested BREM complete and cooperate with ULLMC for further CTS and MRIS
12 for purposes of a second opinion. BREM refused Plaintiff and PALACIOS'S
13 requests.
- 14 58. On May 26, 2021, PALACIOS was short of breath and was running a fever. Plaintiff
15 contacted UCIMC oncology department and spoke to BREM'S oncology nurse LINH
16 HUYNH (HUYNH) as BREM had previously advised PALACIOS of the possible
17 side effects of chemotherapy and radiation. HUYNH stated that BREM requested
18 Plaintiff take PALACIOS to UCIMC Emergency Department and from there he be
19 transferred to the cancer unit where BREM was doing rounds and could personally
20 evaluate his symptoms and possibly rule out any side effects from chemotherapy or
21 radiation.
- 22 59. On May 27, 2021, Plaintiff took PALACIOS to UCIMC Emergency Department but
23 BREM did not examine PALACIOS nor was PALACIOS transferred to the cancer
24 unit. Instead, the UCIMC emergency physicians diagnosed PALACIOS with
25 beginning stages of pneumonia and possibly bronchitis and was treated for same.
- 26 60. Within less than twenty-four hours of arrival at UCIMC Emergency Department,

- 1 PALACIOS was transferred to Intensive Care Unit (ICU) because PALACIOS'S
2 breathing had become more challenged.
- 3 61. PALACIOS was erroneously diagnosed by UCIMC with cryptococcus, a fungal
4 infection.
- 5 62. BREM and DEEPA JEYAKUMAR, M.D. (JEYAKUMAR) arrived at ICU after
6 PALACIOS'S admission. Plaintiff requested that BREM and JEYAKUMAR
7 intercede with the ICU physicians and inform them that PALACIOS was suffering
8 from the side effects of chemotherapy and radiation. BREM and JEYAKUMAR
9 did not intervene and as a result PALACIOS did not receive the proper treatment and
10 continued to deteriorate.
- 11 63. Commencing with PALACIOS date of admission to UCIMC on May 27, 2021 up to
12 and including date of death July 30, 2021, UCIMC misdiagnosed PALACIOS'S
13 condition, administered treatment inconsistent with his condition, prescribed
14 medications, including but not limited to, fentanyl, opiates, sedatives, paralytics while
15 intubated, which affected PALACIOS'S brain function and caused encephalopathy,
16 cerebral microhemorrhage, cranial pressure, which provoked failure of the lungs,
17 kidneys, heart and other organs. All the foregoing prevented PALACIOS from
18 recovering. Instead PALACIOS developed large and fatal stage four bedsores,
19 which caused recurring fevers, infections, sepsis, shock, pain and suffering in his
20 final days of life. PALACIOS had a profound desire to live. He did not request a
21 Do Not Resuscitate Order (DNR) but one was ordered by the doctors and staff of
22 UCIMC, thereby denying PALACIOS of his civil rights, civil liberties, and patient
23 rights.
- 24 64. UCIMC, its doctors, nurses, staff, and employees, falsified PALACIOS'S cause of
25 death to cover up their incompetence, negligence, and abuse of an elderly, ill, and
26 fragile man. UCIMC perpetrated a fraud by conspiring to hide the truth.

FIRST CAUSE OF ACTION

Medical Malpractice

(As to All Defendants)

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- 4 65. Plaintiff realleges and incorporates by reference as though fully set forth herein each
- 5 and every allegation set forth in Paragraphs 1 through 64 above.
- 6 66. The California Department of Public Health licensed and certified UCIMC as a
- 7 hospital permitting UCIMC to offer medical and health services to the general public.
- 8 As a state licensed and certified medical facility, UCIMC must adhere to the Business
- 9 and Professions Code as well as the Health and Safety Code.
- 10 67. It is the duty of UCIMC to use reasonable care in caring for a patient as well as
- 11 maintaining and ensuring the competency of its staff. UCIMC failed its duty to
- 12 PALACIOS in that it did not use the standard of care acceptable in the medical
- 13 community by misdiagnosing PALACIOS, administering treatment inconsistent with
- 14 his medical needs, and administering medications that exacerbated his decline and
- 15 ultimately led to PALACIOS'S unnecessary and untimely death. UCIMC did not
- 16 supervise its medical staff and employees thus negligently causing the suffering
- 17 and death of PALACIOS.
- 18 68. Medical staff, including but not limited to, doctors and nurses had a duty to
- 19 PALACIOS to use their education, skill and knowledge with reasonable diligence.
- 20 The acts and/or omissions of UCIMC and its medical staff and employees constitutes
- 21 professional negligence and as such are the proximate cause of PALACIOS'S death.
- 22 69. As a direct and proximate result of UCIMC and all Defendants' malicious actions
- 23 which amount to medical malpractice, Plaintiff is entitled to damages not to exceed
- 24 \$250,000.
- 25 70. As a direct and proximate result of UCIMC and all Defendants' acts alleged herein
- 26 committed with a conscious disregard for PALACIOS'S and Plaintiff's suffering,

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grief and anguish, Plaintiff is entitled to an award of punitive damages and attorney fees in an amount to be determined at trial but no less an amount than \$1,000,000..

SECOND CAUSE OF ACTION

Gross Negligence

(As to All Defendants)

71. Plaintiff realleges and incorporates by reference as though fully set forth herein each and every allegation set forth in Paragraphs 1 through 70 above.

72. UCIMC owed a duty to PALACIOS to use due care and prevent injury. UCIMC was negligent in supervising its medical staff and employees which could have prevented suffering by PALACIOS. Misdiagnosis of PALACIOS by UCIMC doctors, treatment or lack of treatment by doctors, nurses and medical staff further exacerbated PALACIOS'S suffering. PALACIOS was in the care of UCIMC for two months or more and was administered medications that caused damage to multiple organs preventing PALACIOS'S recovery and instead leading to his unnecessary and untimely death.

73. The doctor/patient relationship was breached by PALACIOS'S doctors, nurses and medical staff either by incompetence, omission, negligent conduct, lack of will, carelessness, and lack of knowledge. The doctors, nurses, and medical staff who were responsible for a duty of care to PALACIOS failed as professionals. They should have foreseen their actions or omissions would result in PALACIOS'S injury and death.

74. Defendants, and all of them, engaged in conduct towards PALACIOS with malice and oppression and such gross negligence was a substantial factor in PALACIOS'S injury and death.

75. As a direct and proximate result of UCIMC and all Defendants' acts alleged herein which were committed maliciously, fraudulently, oppressively and with a conscious

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1 disregard for PALACIOS'S and Plaintiff's suffering, grief and anguish, Plaintiff is
2 entitled to an award of compensatory damages, punitive damages, and attorney fees
3 to be determined at trial but in no less an amount than \$1,000,000.

4 **THIRD CAUSE OF ACTION**

5 **Elder Abuse**

6 **(As to All Defendants)**

7 76. Plaintiff realleges and incorporates by reference as though fully set forth herein each
8 and every allegation set forth in Paragraphs 1 through 75 above.

9 77. PALACIOS was in the care of custody of UCIMC and while a patient was treated
10 by doctors, nurses, and medical staff. PALACIOS was seventy years old, elderly and
11 vulnerable. PALACIOS relied upon and trusted UCIMC and the doctors, nurses, and
12 medical staff to treat him without causing harm or injury. Instead, PALACIOS was
13 a helpless victim of UCIMC and their doctors, nurses, and medical staff.

14 78. Defendants, and all of them, breached their duty to PALACIOS, by omission of
15 treatment which could have alleviated PALACIOS'S suffering, by depriving
16 PALACIOS of services which could have restored his health to the condition he was
17 in when admitted or better, by causing PALACIOS injury, harm, and fear, and
18 while fully aware of PALACIOS'S helplessness while in Defendants' custodial care.

19 79. Defendants, and all of them, owed PALACIOS a standard of care, which by
20 Defendants' negligence of PALACIOS accelerated his suffering and death.

21 80. Defendants, and all of them, are substantially responsible for PALACIOS'S injury
22 and untimely death and must be held accountable for causing PALACIOS'S and
23 Plaintiff's suffering, grief, and anguish.

24 81. As a proximate and direct result of UCIMC and all Defendants' acts alleged herein
25 Plaintiff is entitled to general damages, punitive damages, and attorney fees in an
26 amount to be determined at trial but in no less and amount than \$1,000,000.

FOURTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress

(As to All Defendants)

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4 82. Plaintiff realleges and incorporates by reference as though fully set forth herein each
5 and every allegation set forth in Paragraphs 1 through 81 above.

6 83. UCIMC, doctors, nurses, and medical staff ignored PALACIOS'S pleas and
7 Plaintiff's inquiries regarding PALACIOS'S treatment. Plaintiff was present during
8 examination and treatment of PALACIOS and was PALACIOS'S advocate, asking
9 doctors, nurses and medical staff questions regarding treatment of PALACIOS,
10 including but not limited to, diagnosis, prognosis, medications, various treatments,
11 lack of progress in PALACIOS'S recovery, increasing bed sores, reactions of
12 PALACIOS to medications, lack of treatment, and more. Plaintiff was fully involved
13 and participated in all discussions, even having to initiate discussions with doctors
14 and nurses when they ignored his inquiries regarding treatment or omission of
15 treatment of PALACIOS.

16 84. Plaintiff suffered severe emotional distress by witnessing treatment or lack of
17 treatment of PALACIOS by doctors, nurses, and medical staff. Plaintiff suffered
18 severe emotional distress by the willful and negligent conduct of doctors, nurses,
19 medical staff, including but not limited to administrative and clerical staff of UCIMC.

20 85. Plaintiff has suffered severe emotional distress by loss of PALACIOS who if he had
21 received the standard care of a patient in like circumstances PALACIOS would have
22 been restored to health and return home to his family, son, daughter-in-law, and
23 grandchildren.

24 86. Plaintiff's distress is severe, substantial and continuing, and as such Plaintiff should
25 not be expected to endure it.

26 87. As a direct and proximate result of UCIMC, doctors, nurses, medical staff,

1 administrative and clerical staff's breach of duty to not cause injury or harm, Plaintiff
2 has suffered severe emotional distress that no ordinary man should have to endure.
3 Thus Plaintiff is entitled to recover compensatory damages, emotional distress
4 damages, punitive damages, and attorney fees in an amount to be determined at trial
5 but in no less and amount than \$1,000,000.

6 **FIFTH CAUSE OF ACTION**

7 Fraud

8 (As to All Defendants)

9 88. Plaintiff realleges and incorporates by reference as though fully set forth herein each
10 and every allegation set forth in Paragraphs 1 through 87 above.

11 89. Plaintiff and PALACIOS relied on UCIMC, doctors, nurses and medical staff's
12 misrepresentations and false promises that the care and treatment of PALACIOS
13 was correct and reasonable. These assurances misled PALACIOS and Plaintiff into
14 continuing PALACIOS treatment by Defendants and all of them.

15 90. When Plaintiff and PALACIOS expressed their doubts and considered transferring
16 PALACIOS to another medical facility, UCIMC, doctors, nurses, medical staff,
17 administrative staff and clerical staff told Plaintiff and PALACIOS that PALACIOS
18 could not be transferred. Plaintiff and PALACIOS relied on this misrepresentation
19 of a material fact affecting PALACIOS'S treatment and if Plaintiff and PALACIOS
20 had known otherwise, Plaintiff would have transferred PALACIOS to another
21 hospital. In effect, PALACIOS was held prisoner by UCIMC, doctors, nurses,
22 medical staff, administrative staff, and clerical staff.

23 91. Defendants and all of them knew the falsity of the misrepresentation and concealed
24 a material fact from Plaintiff and PALACIOS that would have altered their decision
25 to keep PALACIOS in the care and custody of UCIMC.

26 92. Defendants and all of them intended to induce Plaintiff and PALACIOS to alter their

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decision to transfer PALACIOS to another medical facility and justifiably relied on Defendants' misrepresentation. Reliance on Defendants' misrepresentation caused PALACIOS further injury and an untimely death.

93. As a direct and proximate result of UCIMC, doctors, nurses, medical staff, administrative and clerical staff's fraud and misrepresentation Plaintiff is entitled to recover compensatory damages, punitive damages, and attorney fees in an amount to be determined at trial but in no less and amount than \$1,000,000.

PRAYER

WHEREFORE, Plaintiff prays for judgment as follows:

1. For general damages and special damages in an amount according to proof;
2. For exemplary damages;
3. For non-economic damages in the amount \$250,000 under Civil Code §3333.2(b) (First Cause of Action Only);
4. For compensatory damages in amount according to proof;
5. For punitive damages in an amount not less than \$1,000,000;
6. That Plaintiff reserves the right to amend this complaint;
7. For cost of suit incurred herein, including reasonable attorney fees; and
8. For such other and further relief as the court may deem just and proper.

Dated: 10/21/22



Andres Quezada Palacios

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Verification

I am the plaintiff in the above entitled action. I have read the foregoing COMPLAINT FOR MEDICAL MALPRACTICE and know its contents. I am informed and believe, and on that ground allege, that the matters stated in the complaint are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on Oct. 21, 2022, at Colton, California.



Andres Quezada Palacios