

FIRST AMENDED

SUM-100

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

STANFORD HOSPITALS AND CLINICS, INC., a California Corporation; DANIEL GROSSMAN, M.D.; (SEE ATTACHMENT A)

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

RENEE LYONS AND JEFF KALIBJIAN, as individuals

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: (El nombre y dirección de la corte es):

Superior Court of California County of Santa Clara 191 N. First Street, SanJose, CA 95113

CASE NUMBER: (Número del Caso):

114CV263807

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

DATE: (Fecha)

Clerk, by (Secretario)

, Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- 1. [ ] as an individual defendant.
2. [ ] as the person sued under the fictitious name of (specify):
3. [ ] on behalf of (specify):
under: [ ] CCP 416.10 (corporation) [ ] CCP 416.60 (minor)
[ ] CCP 416.20 (defunct corporation) [ ] CCP 416.70 (conservatee)
[ ] CCP 416.40 (association or partnership) [ ] CCP 416.90 (authorized person)
[ ] other (specify):
4. [ ] by personal delivery on (date):



LYONS, ET AL V. STANFORD HOSPITAL AND CLINICS (CASE NO. 114CV 263807)

SUMMONS - ATTACHMENT A

ADDITIONAL DEFENDANTS:

ERROL O. OZDALGA, M.D.; ROBERT LEE NORRIS. M.D.; CAMILLA KILBANE, M.D.;  
JOHN KUGLER, M.D.; And DOES 1-50, Inclusive;

1 Joel C. Golden (SBN 47904)  
2 2356 Moore Street, Suite 201  
3 San Diego, CA 92110  
4 Telephone: (619) 294-7918  
5 Fax: (619) 296-8229  
6 Attorney For Plaintiffs Renee Lyons and Jeffrey Kalibjian

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF SANTA CLARA**

10 RENE LYONS and JEFF KALIBJIAN, as  
11 individuals,

Case No. 1-14- cv-263807

12 Plaintiffs,

13 V,

**FIRST AMENDED  
COMPLAINT FOR DAMAGES**

15 STANFORD HOSPITAL AND CLINICS  
16 INC, a California corporation;  
17 DANIEL GROSSMAN, M.D.;  
18 ERROL O. OZDALGA, M.D.;  
19 ROBERT LEE NORRIS, M.D.; CAMILLA  
20 KILBANE, M.D.; JOHN KUGLER, M.D.;

1. BATTERY
2. ASSAULT
3. SEXUAL BATTERY
4. FALSE IMPRISONMENT
5. MEDICAL MALPRACTICE
6. BATTERY
7. LOSS OF CONSORTIUM

19 And DOES 1 -50, Inclusive; |

21 Defendants.

**EACH PLAINTIFF DEMANDS  
A JURY TRIAL**

23 \_\_\_\_\_  
24 COME NOW Plaintiffs RENE LYONS and JEFF KALIBJIAN, who allege against  
25 Defendants, and each of them, as follows:  
26  
27

## GENERAL ALLEGATIONS

1  
2 1. Plaintiffs RENEE LYONS (hereinafter referred to as (“LYONS”) and JEFF  
3 KALIBJIAN (hereinafter referred to as (“KALIBIJIAN”) (both collectively referred to as  
4 (“PLAINTIFFS" or “Plaintiffs”), are informed and believe and thereon allege, as their  
5 Complaint and causes of action against the above-named Defendants the following.

6  
7 2. At all relevant times, PLAINTIFFS were residents of the County of Alameda, State of  
8 California.

9 3. At all times herein mentioned, Defendant STANFORD HOSPITAL AND CLINICS  
10 hereinafter referred to as (“STANFORD”) was and is a California corporation, duly  
11 organized and authorized to do business in California. STANFORD is located at 300  
12 Pasteur Drive, Stanford, California, 94305, where all of the actions and omissions alleged  
13 in this Complaint occurred, except where stated otherwise.

14  
15 4. The true names and capacities of the DEFENDANTS, Does 1-50, whether individual,  
16 corporate, associate or otherwise, are unknown to PLAINTIFFS at the time of filing this  
17 First Amended Complaint and PLAINTIFFS, therefore, sue said DEFENDANTS by such  
18 fictitious names and will ask leave of court to amend this First Amended Complaint to  
19 show their true names or capacities when the same have been ascertained. Plaintiffs  
20 allege that each of the fictitiously named Defendants, some of whom were unlicensed  
21 physicians, are legally responsible in some manner for the occurrences herein alleged,  
22 and that Plaintiffs' damages as herein alleged were proximately caused by the negligent  
23 and/or intentional acts committed by Does 1 through 50.

24  
25  
26 5. All of the acts and omissions alleged herein were performed by, and/or attributed  
27 to, all DEFENDANTS, each acting as agents and/or employees, and/or under the

1 direction and control of each of the other DEFENDANTS, and said acts and failures to  
2 act were within the course and scope of said duties, agency, employment and/or direction  
3 and control.

4 6. At all times herein mentioned, Defendant DANIEL GROSSMAN, M.D. (hereinafter  
5 referred to as "GROSSMAN") is and was a physician duly licensed to practice medicine  
6 in the State of California.

7  
8 7. At all times herein mentioned, Defendant ERROL O. OZDALGA, M.D. (hereinafter  
9 referred to as "OZDALGA") is and was a physician duly licensed to practice medicine in  
10 the State of California.

11 8. At all times herein mentioned, Defendant ROBERT NORRIS, M.D. (hereinafter  
12 referred to as "NORRIS") was and is a physician duly licensed to practice medicine in the  
13 State of California.

14  
15 9. At all times herein mentioned, Defendant CAMILLA KILBANE, M.D. (hereinafter  
16 referred to as "KILBANE") was and is a physician duly licensed to practice medicine in  
17 the State of California.

18  
19 10. At all times herein mentioned, Defendant JOHN KUGLER, M.D. (hereinafter  
20 referred to as "KUGLER") was and is a physician duly licensed to practice medicine in  
21 the State of California.

22 11. PLAINTIFFS are informed and believe, and thereon allege, that at all times  
23 mentioned herein, each of the defendants sued herein, including the DOE defendants, was  
24 and is the agent and/ or employee of each of the remaining defendants, and was at all  
25 times acting with the purpose and scope of such agency and/or employment with  
26 STANFORD.  
27

1  
2 **FACTS COMMON TO ALL ALLEGATIONS**

3 12. On January 14, 2013 shortly after 9:00 p.m. LYONS and KALIBJIAN arrived at the  
4 parking lot near the back entrance of Stanford Hospital. LYONS and KALIBJIAN went  
5 to STANFORD for the sole purpose of finding for LYONS urgent care for her severe  
6 sore throat with associated swelling, pain and difficulty swallowing. LYONS,  
7 accompanied by her husband, Plaintiff KALIBJIAN, entered through the back entrance  
8 of STANFORD. While PLAINTIFFS were merely standing and looking at signs in  
9 order to direct them to urgent care, four (4) male STANFORD employees, whose  
10 identities are not known to PLAINTIFFS, walked into the area where PLAINTIFFS were  
11 standing and without good cause, explanation, or provocation on the part of LYONS or  
12 KALIBJIAN, violently grabbed each of LYONS' limbs without her consent and forcibly  
13 restrained her to a gurney. The four (4) male employees of STANFORD then hastily  
14 wheeled LYONS, helpless in four point restraints, through a hallway and into a small  
15 room, which the medical records later indicated was in the emergency department.  
16  
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18

19 13. LYONS remained calm and still in four point restraints surrounded by the four male  
20 STANFORD employees and accompanied by her husband KALIBJIAN. LYONS had  
21 been forcefully and quickly wheeled to this room without medical need or consent or  
22 provocation on the part of LYONS and against the protests of LYONS and her husband  
23 KALIBJIAN to a room where they still had not had anyone interview them or show any  
24 interest in introducing themselves or identifying who they were or what they were doing  
25 and the reasons for doing so.  
26  
27

1 14. Immediately thereafter, GROSSMAN, who did not identify himself to the  
2 PLAINTIFFS , along with unidentified STANFORD employees identified in the medical  
3 record as nurses, entered the small room which medical records later indicated was in the  
4 emergency department to which LYONS had been forcefully and hastily wheeled.  
5 LYONS was held against her will in this room and was still in four point restraints with  
6 the STANFORD male employees at the entrance of the door to the small room and  
7 without LYONS having been admitted as a patient to STANFORD still without  
8 explanation, consent, physical examination, or the taking of a medical history from  
9 LYONS or KALIBJIAN. Dr. GROSSMAN entered the room and did not introduce  
10 himself to LYONS or KALIBJIAN.  
11

12 15. GROSSMAN did not order LYONS to be unrestrained. GROSSMAN was able to  
13 observe LYONS lying quietly and helplessly with four point restraints surrounded by the  
14 men who had assaulted her unprovoked in the hallway around the corner.  
15

16 16. GROSSMAN did not ask any of the men in the room the reasons for their actions in  
17 restraining LYONS. LYONS and KALIBJIAN had been quiet at the entry of the hospital  
18 and remained quiet in the room. GROSSMAN without explanation, medical necessity  
19 or medical consent, without interview or examination other than to observe LYONS lying  
20 helplessly and quietly on a gurney in four point restraints, ordered a nurse to place an IV  
21 in LYONS and then ordered a nurse to inject LYONS with an unknown substance which  
22 he had personally brought into the room and handed to the nurse without explanation,  
23 medical necessity, history, or examination, or medical consent for treatment.  
24

25 GROSSMAN ignored all medical obligations on the part of his medical license and his  
26 federal DEA license and did without medical necessity, medical consent, examination,  
27

1 history, interview or introduction or explanation ordered the injection of medication into  
2 LYONS. GROSSMAN ordered the battery of LYONS by ordering the placement of an  
3 IV in her arm. GROSSMAN ordered another battery of LYONS by ordering a chemical  
4 be placed into the IV thereby chemically restraining LYONS rendering her immediately  
5 unconscious.

6  
7 17. GROSSMAN participated in keeping LYONS restrained in the room where she lay  
8 helplessly and quietly in four point restraints when he first entered the room.

9 GROSSMAN participated in and was grossly negligent in the misuse of his medical  
10 license and DEA privileges by ordering a medication, without medical need or consent,  
11 that rendered LYONS unconscious for approximately the next eighteen hours.

12  
13 18. Soon after LYONS was rendered unconscious, she was whisked away from the small  
14 room she and her husband were in, by STANFORD staff for alleged testing.

15 STANFORD employees did not allow Plaintiff KALIBJIAN to accompany LYONS.

16 19. LYONS was then out of KALIBJIAN's presence for approximately 45 minutes.

17 When LYONS was returned to KALIBJIAN's presence she was still unconscious.

18  
19 Other than the time LYONS was out of KALIBJIAN's presence for supposed testing,  
20 PLAINTIFFS were kept in that same small room in the emergency department the entire  
21 time while LYONS was unconscious and restrained. LYONS even remained  
22 unconscious and restrained in the transfer to the medical ward the next day. LYONS  
23 remained unconscious and restrained when moved to the room to which she was  
24 transferred on the medical ward where she eventually woke up. LYONS remained  
25 unconscious and restrained when her clothes were removed and she was changed into a  
26 hospital gown.  
27



1 20. During LYONS' eighteen hours of unconsciousness KALIBJIAN protested to at least  
2 three doctors who the record shows were only interns in STANFORD hospital residency  
3 programs regarding the wrongful and inappropriate use of medication on LYONS. No  
4 one in the record is identified as a STANFORD attending Physician other than  
5 GROSSMAN and NORRIS, both of whom did not take a history or perform a physical  
6 for LYONS in the presence of KALIBJIAN or when LYONS was conscious.  
7

8 21. KALIBJIAN repeatedly objected to these STANFORD physicians who interviewed  
9 him, identified in the records as interns in residency programs of STANFORD about the  
10 lack of any medical reasons to render LYONS unconscious. A male, identified in the  
11 medical record as a medical intern, identity unknown, informed KALIBJIAN that they  
12 thought LYONS had a brain infection/encephalitis. Not one of the STANFORD  
13 physicians who interviewed KALIBJIAN in those 18 hours took action upon being  
14 informed by KALIBJIAN of his protests about GROSSMAN'S behavior and about  
15 GROSSMAN'S grossly negligent battery of LYONS by wrongfully chemically  
16 restraining her and rendering her unconscious without any cause or justification.  
17  
18 Instead, all the physicians who interviewed him ignored KALIBJIAN's protests and plea  
19 to look into the fact that GROSSMAN had wrongly and without medical need or  
20 examination or explanation wrongfully rendered her unconscious. These physicians  
21 repeatedly told him all night that LYONS had a brain infection/encephalitis.  
22

23 22. On Tuesday, January 15, 2013, LYONS became conscious in the room on the  
24 medical ward to which she had been transferred from the emergency room that day. She  
25 was still laboring under the deleterious and prolonged side-effects of the wrongful  
26 medication which rendered her immediately unconscious for eighteen hours. LYONS in  
27

1 the presence of KALIBJIAN requested an Infectious Disease consultation from all the  
2 doctors she saw that day and every other day she was at STANFORD because she was  
3 told by STANFORD employees that she was suffering from encephalitis. The request  
4 was summarily denied.

5 23. During her hospital stay, and instead of ordering an evaluation by an Infectious  
6 disease physician for which LYONS had made repeated requests, DEFENDANTS  
7 OZDALGA, KILBANE, and KUGLER and the physicians they supervised, and the  
8 intern supervised by DEFENDANT NORRIS, without any medical indication,  
9 wrongfully diagnosed LYONS with altered mental status and knowingly made false  
10 entries into the medical records in an attempt to support a theory of psychosis. They  
11 repeatedly ordered psychiatry consultations to evaluate LYONS. DEFENDANTS  
12 OZDALGA, KILBANE, and KUGLER and the physicians they supervised, and the  
13 intern supervised by NORRIS repeatedly omitted from the STANFORD medical record  
14 important and relevant clear and consistent reports by LYONS and KALIBJIAN..  
15 DEFENDANTS OZDALGA, KILBANE, KUGLER and other DEFENDANTS also  
16 became aware of the assault, battery and false imprisonment committed upon LYONS on  
17 the evening PLAINTIFFS entered the hospital and took actions to cover up the fact that  
18 those torts were committed by STANFORD. STANFORD Defendants falsified and  
19 omitted documentation in the STANFORD medical records of the serious detailed  
20 complaints made by LYONS and KALIBJIAN.  
21

22 24. On Wednesday January 16th, 2013, LYONS reported that she was experiencing  
23 significant vaginal bleeding, which she believed resulted from vaginal penetration during  
24 her unconscious state. LYONS demanded to be interviewed and evaluated by an  
25  
26  
27

1 OBGYN, which requests were consistently refused by DEFENDANTS along with  
2 consistently refusing her continuous requests to see an Infectious Disease specialist.

3 25. On Thursday, January 17, 2013 LYONS again requested both OBGYN and  
4 Infectious Disease consultations from the medical ward physicians she came into contact  
5 with that day but all of LYONS' requests were refused without explanation.

6  
7 26. On January 17, 2013 LYONS then told DEFENDANTS she was considering leaving  
8 the hospital altogether. The STANFORD physicians indicated that they still believed she  
9 needed IV antibiotics and antivirals that they had continued to keep her on and it would  
10 be Against Medical Advice to leave. STANFORD physicians had not yet determined  
11 which oral antibiotics and antivirals they would recommend since they still were not sure  
12 which IV antibiotics and antivirals they were giving her were effective because she still  
13 was being treated for a brain infection . LYONS, under the false fear of having a brain  
14 infection as relayed to her by DEFENDANTS, acquiesced to remain in the hospital.  
15

16 27. On Friday, January 18, 2013 LYONS once again requested both OBGYN and  
17 Infectious Disease consultations from all the physicians she saw that day on the ward.  
18 They again refused. However, on Friday January 18, 2013, STANFORD physicians  
19 informed PLAINTIFFS they no longer thought LYONS had a brain infection and that IV  
20 based antibiotics would no longer be required and that LYONS could be discharged from  
21 the hospital without any antibiotics or antivirals.  
22

23 28. Defendant KUGLER indicated to LYONS in the presence of KALIBJIAN during her  
24 stay that in fact she may have been correct in stating that whatever wrongful medication  
25 the emergency room had given her was in fact most likely the problem. KUGLER also  
26 told LYONS and KALIBJIAN that what also supported their complaints is that no one  
27

1 would have recovered from such an infection as a brain infection/encephalitis as rapidly  
2 as she had. LYONS in the presence of KALIBJIAN was told by STANFORD attending  
3 physicians that they were not responsible for the behavior of STANFORD employees in  
4 the emergency room. On January 18, 2013 STANFORD physicians asked LYONS to  
5 leave as soon as possible after informing LYONS that they decided she not only did not  
6 need IV antibiotics and antivirals, but that she needed no medications upon discharge.  
7 They also stated that she had recovered so quickly they were certain she did not have  
8 encephalitis and that indeed the symptoms of altered mental status were consistent with  
9 her reports of being wrongly medicated in the emergency room. .  
10

11 29. LYONS again requested both an OBGYN and an Infectious Disease consultation.  
12

13 LYONS' requests were again refused; however, STANFORD physicians and nurses  
14 indicated that she could go back to the emergency room to have the emergency room  
15 doctors examine her and only STANFORD emergency room personnel would be allowed  
16 to interview and examine her regarding these complaints because this was STANFORD  
17 protocol. LYONS and KALIBJIAN refused to go to the emergency room. The attending  
18 physician KUGLER had already admitted to LYONS and KALIBJIAN that the uncalled  
19 for STANFORD emergency room medication most likely caused her symptoms. But  
20 LYONS and KALIBJIAN were informed STANFORD medical ward physicians would  
21 not order or allow LYONS to have an OBGYN or Infectious Disease consultation before  
22 leaving the hospital.  
23

24 30. PLAINTIFFS then requested that the hospital call Palo Alto police and also requested  
25 a hospital social worker be called to LYONS' room. STANFORD physicians who wrote  
26 notes in the medical records, some without having seen LYONS that day (January 18,  
27

1 2013), actively delayed this process for at least seven hours and kept encouraging  
2 LYONS and KALIBJIAN, by phone and by sending in nurses asking them to leave the  
3 hospital, to leave without an OBGYN examination unless she physically went to the  
4 STANFORD emergency room where she and her husband had repeatedly reported these  
5 previous events to all the medical ward staff since Wednesday January 16, 2013.  
6

7 31. PLAINTIFFS reported the initial physical assault on LYONS by the four  
8 STANFORD employees, medical assault and battery by GROSSMAN, sexual assault,  
9 and LYONS' false imprisonment in the hospital to the social worker employed in the  
10 emergency room. After significant delay the social worker finally came to LYONS'  
11 room on the medical ward later on the night of Friday, January 18, 2013.  
12

13 32. LYONS and KALIBJIAN also informed the social worker of the need to keep the  
14 camera evidence of their entry to the hospital where LYONS was initially assaulted by  
15 the four male STANFORD employees. LYONS and KALIBJIAN also informed the  
16 social worker of having given this information to all the STANFORD medical ward  
17 physicians since Jan 16, 2013 and that this camera video would identify the initial  
18 assailants and also allow a quick investigation so that all employees involved in the  
19 assault and battery and rape would be identified. LYONS told the social worker she  
20 hoped such an identification would prevent this from happening to any other patient at  
21 the hospital in the future. Again, LYONS and KALIBJIAN further requested that the  
22 social worker inform appropriate STANFORD personnel of the need to retain all  
23 STANFORD camera evidence from the night of January 14 and January 15, 2013 in the  
24 STANFORD emergency room and all areas in the hospital to which she may have been  
25 transported. She also requested video be preserved of all activity involving STANFORD  
26  
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1 employees approaching the room where she may have been transported still laying  
2 unconscious strapped to a gurney and without her husband and possibly showing  
3 evidence of touching her while she was unconscious , These persons entered and exited  
4 shortly before and after she arrived and was taken out of any rooms where she may have  
5 been transported. LYONS demanded that STANFORD retain camera evidence of  
6 locations where STANFORD personnel came into contact with her or rooms she was in  
7 or transported in and out of throughout her time at STANFORD on January 14-January  
8 18, 2013.

10 33. When Palo Alto police arrived, PLAINTIFFS reported the initial physical assault on  
11 LYONS by the four STANFORD employees, medical assault and battery by  
12 GROSSMAN, sexual assault, and LYONS' false imprisonment in the hospital. LYONS  
13 and KALIBJIAN also informed the police of the need to obtain and retain all camera  
14 evidence at the entry where they informed the police would provide clear identification  
15 of the original assailants. LYONS and KALIBJIAN further asked the police to retain all  
16 camera evidence the night of January 14 and January 15, 2013 in the hospital as it would  
17 also show evidence of where she was assaulted. She also asked them to retain camera  
18 evidence of locations STANFORD personnel came into contact with her or rooms she  
19 was in or transported in and out of throughout her time at STANFORD on January 14-  
20 January 18, 2013.

23 34. LYONS left STANFORD with the Palo Alto Police and KALIBJIAN at  
24 approximately 10:00 p.m. on Friday, January 18, 2013.  
25  
26  
27

I.

FIRST CAUSE OF ACTION

(BATTERY)

LYONS AGAINST STANFORD AND DANIEL GROSSMAN, M.D.

AND DOES 1-50

35. Plaintiffs re-allege and incorporate by reference the allegations contained in Paragraphs 1 through 34.

36. On January 14, 2013, LYONS was touched by four unidentified males, named as DOE DEFENDANTS, who were employed by STANFORD when they violently grabbed LYONS' limbs and pinned her to a hospital gurney and further restrained her. LYONS alleges that she was touched by said employees of STANFORD with intent on their part to harm and/or offend LYONS. LYONS did not consent to the touching and LYONS was harmed and/ or offended by said touching. A reasonable person in LYONS' situation would have been offended by the touching. DEFENDANT GROSSMAN also ratified and consented to and participated in the maintaining of battery on LYONS by the men who were surrounding her and her husband in this room to which she had been taken after battery. GROSSMAN aided and abetted the initial battery and assault, by leaving LYONS helplessly and quietly lying in four point restraints in the small room. GROSSMAN prolonged the restraint by chemically restraining her causing LYONS to become immediately unconsciousness without her consent. GROSSMAN also was an accessory to allowing the unlawful touching by observing her lying before him quietly and helplessly tied to the gurney in the four point restraints with the initial male assailants

1 at the entry of the door of the small room and in the room and not ordering an immediate  
2 investigation or reporting these matters.

3 37. On January 14, 2013, LYONS was touched by GROSSMAN, M.D., when he  
4 wrongfully medicated her to immediate unconsciousness by way of injection against her  
5 will and without her consent. GROSSMAN touched her with the intent to harm and/or  
6 offend LYONS. LYONS did not consent to the touching and LYONS was harmed and  
7 offended by said touching. A reasonable person in LYONS' situation would have been  
8 offended by the touching. GROSSMAN authorized and participated in the unnecessary  
9 chemical sedation of LYONS to immediate unconsciousness despite her husband  
10 KALIBJIAN'S protests and objections.  
11

12 38. As a direct and proximate cause of these acts and omissions LYONS has suffered  
13 distress, humiliation, loss of enjoyment of life, damage to reputation, fear for her safety  
14 in a place that had previously been most comfortable and home to her, physical pain and  
15 suffering and economic damages all in an amount to be determined at trial.  
16

17 **II.**

18 **SECOND CAUSE OF ACTION**

19 **(ASSAULT)**

20 **LYONS AGAINST STANFORD AND DANIEL GROSSMAN, M.D.**

21 **AND DOES 1-50**

22 39. Plaintiffs re-allege and incorporate by reference the allegations contained in  
23 Paragraphs 1 through 38.  
24

25 40. On January 14, 2013, four unidentified males who were employed by Defendant  
26 STANFORD, approached LYONS as she was standing near the rear entrance of  
27



1 STANFORD and acted, maliciously intending to cause harmful and/ or offensive contact  
2 with her person. LYONS believed she was about to be touched in a harmful and/or  
3 offensive manner by said DEFENDANTS. LYONS did not consent to said  
4 DEFENDANTS' conduct and was harmed therefrom. DEFENDANTS' conduct as set  
5 forth herein was a substantial factor in causing LYONS' harm.  
6

7 41. On January 14, 2013, GROSSMAN, approached LYONS as she was tied in four  
8 point restraints to a gurney in a small room in the emergency department and acted,  
9 intending to cause a harmful and/or offensive contact with LYONS by ordering an  
10 unnamed DOE Defendant and STANFORD employee to approach her with a needle with  
11 the intent to inject the needle into LYONS. LYONS was frightened as she believed she  
12 was about to be touched in a harmful and/ or offensive manner upon orders by  
13 GROSSMAN. LYONS did not consent to GROSSMANS conduct, and was harmed by  
14 that conduct. GROSSMAN'S conduct as set forth herein was a substantial factor in  
15 causing LYONS' harm.  
16

17 42. As a direct and proximate cause of these acts LYONS has suffered distress,  
18 humiliation, loss of enjoyment of life, damage to reputation, fear for her safety, physical  
19 pain and suffering, and economic damages all in an amount to be determined at trial.  
20

21 **III.**

22 **THIRD CAUSE OF ACTION**

23 **(FALSE IMPRISONMENT)**

24 **LYONS AGAINST STANFORD AND DANIEL GROSSMAN, M.D.**

25 **AND DOES 1-50**  
26  
27

1 43. Plaintiffs re-allege and incorporate by reference the allegations contained in  
2 Paragraphs 1 through 42.

3 44. On January 14, 2013, four unidentified males, referenced as DOE DEFENDANTS,  
4 who were employed by Defendant STANFORD, approached LYONS as she was  
5 standing near the rear entrance of Defendant STANFORD hospital and intentionally  
6 deprived LYONS of her freedom of movement by the use of force when they violently  
7 grabbed LYONS' limbs and pinned and strapped her to a hospital gurney and further  
8 restrained her. The restraint and confinement compelled LYONS to involuntarily stay in  
9 the hospital gurney and at STANFORD for some appreciable time. LYONS did not  
10 knowingly or voluntarily consent to said restraint and confinement, and was actually  
11 harmed therefrom. STANFORD's conduct was a substantial factor in causing LYONS'  
12 harm.  
13  
14

15 45. On January 14, 2013, and following the restraint and confinement committed by  
16 Defendant STANFORD as set forth above, GROSSMAN, further intentionally deprived  
17 LYONS of her freedom of movement by wrongfully medicating or ordering her to be  
18 medicated to an immediate unconscious state. LYONS, was already deprived of  
19 freedom of movement by unnecessarily being physically restrained and tied to the gurney  
20 in four points despite her being quiet and calm. LYONS did not knowingly or voluntarily  
21 consent to said wrongful chemical restraint and confinement, and was actually harmed  
22 therefrom. GROSSMAN'S conduct was a substantial factor in causing LYONS' harm.  
23  
24

25 46. As a direct and proximate cause of these acts LYONS has suffered distress,  
26 humiliation, loss of enjoyment of life, damage to reputation, fear for her safety, physical  
27 pain and suffering and economic damages all in an amount to be determined at trial.

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**IV.**  
**FOURTH CAUSE OF ACTION**  
**(SEXUAL BATTERY)**  
**LYONS AGAINST ALL DEFENDANTS**

47. Plaintiffs re-allege and incorporate by reference the allegations contained in Paragraphs 1 through 46.

48. On Tuesday, January 15, 2013, and after being rendered unconscious by the medication wrongfully ordered by GROSSMAN and wrongfully administered to LYONS on the evening of January 14, 2013, for some eighteen (18) hours, LYONS regained consciousness. On Wednesday January 16th, LYONS reported that she was experiencing significant vaginal bleeding, which she believed resulted from vaginal penetration during her unconscious state. LYONS demanded to be evaluated by an OBGYN, which requests were consistently refused by DEFENDANTS. As a result of LYONS' requests to be evaluated by an OBGYN, Defendants OZDALGA and KILBANE and NORRIS supervised and began asking LYONS and KALIBJIAN intrusive questions and repeatedly denied LYONS access to an OBGYN.

49. LYONS contends that after being rendered unconscious by the medication wrongfully ordered by GROSSMAN and wrongfully administered to her on the evening of January 14, 2013. While LYONS was in an unconscious state on January 14 through January 15, 2013, at STANFORD, DEFENDANTS intended to cause a harmful contact

1 with LYONS' sexual organs, and a sexually offensive contact with LYONS resulted.  
2 LYONS did not consent to the touching and was harmed by DEFENDANTS' conduct.  
3 50. As a direct and proximate cause of these acts LYONS has suffered distress  
4 humiliation, loss of enjoyment of life, damage to reputation, fear for her safety, physical  
5 pain and suffering and economic damages, all in an amount to be determined at trial.  
6

7 V.

8 **FIFTH CAUSE OF ACTION**  
9 **(PROFESSIONAL NEGLIGENCE)**  
10 **(MEDICAL MALPRACTICE)**

11 **LYONS AGAINST ALL NAMED DEFENDANTS INCLUDING DOES 1-50**  
12

13 51. LYONS incorporates by reference each and every preceding paragraphs 1 through 50  
14 as if recited verbatim herein.  
15

16 52. DEFENDANTS GROSSMAN, OZDALGA, NORRIS, KILBANE AND KUGLER  
17 and each of them and DOES 1 through 50, inclusive, as physicians and nurses, undertook  
18 the care and treatment of LYONS and rendered professional medical services or failed to  
19 do so in the diagnosis, care and treatment of Plaintiff beginning on or about January 14,  
20 2013 continuing thereafter.  
21

22 53. At the date and time aforesaid, DEFENDANTS and each of them named in paragraph  
23 52 of this **First** Amended Complaint owed LYONS a duty of care in a doctor and  
24 patient relationship and in a nurse and patient relationship to use such skill, prudence and  
25 diligence as other members of their profession and health care providers commonly  
26 possess.  
27

1 54. These DEFENDANTS, as named in paragraph 52, and each of them breached the  
2 duty of care owed to Plaintiff and failed to exercise the proper degree of knowledge and  
3 skill and standard of care and so negligently, carelessly, recklessly and unlawfully  
4 treated, provided care, monitoring, examination and other professional services or failed  
5 to do so in that, among other things, 1) each of them failed to adequately and properly  
6 diagnose and treat Plaintiff ; 2) each of them failed to advocate for medically necessary  
7 treatment for Plaintiff. and 3) each of them failed to satisfy the basic tenets of a doctor -  
8 patient relationship and nurse- patient relationship.  
9

10 55. As a direct and proximate result of the negligence and breach of duty by  
11 each of these DEFENDANTS as identified in paragraph 52, through their acts and/or  
12 omissions, caused LYONS to suffer damages in an amount to be determined at trial.  
13

14 56. All named DEFENDANTS and each of them and DOES 1 through 50, inclusive, as  
15 physicians and nurses, undertook the care and treatment of LYONS and rendered  
16 professional medical services or failed to do so in the diagnosis, care and treatment of her  
17 beginning on or about from January 14, 2013 through approximately January 18, 2013.  
18

19 57. During that time and those dates aforesaid, DEFENDANTS and each of them  
20 named AND DOES1-50 owed LYONS a duty in a doctor -patient and nurse -patient  
21 relationship to use such skill, prudence and diligence as other members of their  
22 profession and health care providers commonly possess and use.  
23

24 58. These DEFENDANTS, and each of them, breached the duty of care owed to  
25 Plaintiff and failed to exercise the proper degree of knowledge and skill and standard of  
26 care and so negligently, carelessly, recklessly and unlawfully treated, provided care,  
27 monitoring, examination and other professional services or failed to do so including, but

1 not limited to the following: 1) Each of them failed to adequately and properly diagnose  
2 and treat Plaintiff for her medical condition; 2) Each of them failed to advocate for  
3 medically necessary treatment for Plaintiff; 3) Each of them failed to properly and  
4 completely document all material information relating to LYONS and her treatment and  
5 history provided by her and KALIBJIAN; 4) Each of them knowingly falsified and  
6 omitted relevant facts from STANFORD medical records ; 5) DEFENDANTS failed to  
7 satisfy the basic tenets of a doctor patient and nurse patient relationship relating to care  
8 and treatment, failed to document accurate medical records and reports, failed to provide  
9 full disclosure and failed to obtain consent from LYONS; 6) Each of them failed to  
10 obtain consent from LYONS for treatment, examination, medications injected into her,  
11 radiologic studies, labs and procedures; 7) Each of them failed in their duties owed to  
12 LYONS to properly supervise individuals who administered care to LYONS or failed to  
13 do so ; 8) STANFORD failed in its duty owed to LYONS to monitor relevant video  
14 which would have shown the initial assault and battery and prevent further harm to  
15 LYONS. They also, failed in their duty owed to LYONS to protect her on the premises by  
16 monitoring the video at the time of the assault and STANFORD failed in its duty owed to  
17 LYONS to take all necessary actions to preserve relevant video and/or audio recordings  
18 during the time LYONS entered the hospital on January 14, 2013 until she left the  
19 hospital on January 18, 2013; 9)STANFORD and its employees invaded LYONS' right  
20 to privacy and violated HIPAA laws; and 10) STANFORD and its employees  
21 demonstrated gross medical negligence and battery upon LYONS by additionally  
22 allowing some of the individuals, who were unlicensed physicians, On January 14  
23 through 18 to touch LYONS and to attend to her as a patient without informing her or her  
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1 husband KALIBJIAN and obtaining her express written consent to allow unlicensed  
2 physicians to be present or act as physicians in her care.

3 59. Plaintiff alleges that DEFENDANTS' negligence caused Plaintiff LYONS to become  
4 and remained medicated and unconscious without a medical indication from January 14  
5 through January 15, 2013. Plaintiff alleges she was harmed by said negligence and that  
6 DEFENDANTS' negligence was a substantial factor in causing said harm.  
7

8 60. Plaintiff further contends that DEFENDANTS were negligent in the care and  
9 treatment of Plaintiff by incorrectly diagnosing and treating plaintiff LYONS for  
10 encephalitis and altered mental status and failing to have LYONS evaluated by an  
11 OBGYN and an Infectious Disease specialist during the course of her hospitalization.  
12 Plaintiff alleges she was harmed by said negligence and that DEFENDANTS' negligence  
13 was a substantial factor in causing said harm.  
14

15 61. As a direct and proximate cause of these acts LYONS has suffered distress  
16 humiliation, loss of enjoyment of life, damage to reputation, fear for her safety, physical  
17 pain and suffering and economic damages all in an amount to be determined at trial.  
18

19  
20 **VI.**

21 **BATTERY**

22 **STANFORD AND DOE DEFENDANTS**

23 62. Plaintiffs incorporate by reference paragraphs 1 through 61 as stated verbatim herein.  
24

25 63. Additionally on January 14 through January 18 STANFORD and its employees  
26 committed battery and gross medical negligence upon LYONS by allowing some of the  
27 individuals, DOE Defendants, who they knew were unlicensed physicians, to touch

1 LYONS without her consent and to attend to her as a patient without her express written  
2 consent to allow this by unlicensed physicians.

3 64. As a direct and proximate cause of these acts LYONS has suffered distress  
4 humiliation, loss of enjoyment of life, damage to reputation, fear for her safety, physical  
5 pain and suffering and economic damages all in an amount to be determined at trial.  
6

7 **VII.**

8 **SIXTH CAUSE OF ACTION**

9 **(LOSS OF CONSORTIUM)**

10 **BY PLAINTIFF KALIBJIAN AGAINST ALL DEFENDANTS**

11 65. Plaintiff re-alleges and incorporates by reference the allegations contained in  
12 Paragraphs 1 through 64.  
13

14 66. KALIBJIAN allege that he has been harmed by the injury to his wife as a result of the  
15 intentional and negligent torts pled herein by LYONS against DEFENDANTS as they  
16 were husband and wife when the injuries to LYONS occurred. KALIBJIAN alleges that,  
17 as a result of the torts alleged herein by LYONS, he suffered a loss of his wife's  
18 companionship and services and seeks damages for the non-economic harm caused  
19 therefrom including distress, humiliation and loss of enjoyment of life.  
20

21 **NOTICE**

22 67. PLAINTIFFS have complied with and provided timely notice pursuant to California  
23 Code of Civil Procedure Section 364.  
24  
25  
26  
27



1 **WHEREFORE**, PLAINTIFFS pray for judgment against DEFENDANTS as follows:

- 2
- 3 1. For general and special damages according to proof;
- 4 2. For costs of suit as permitted by statute;
- 5 3. For statutory interest on the foregoing;
- 6 4. For punitive damages arising from the intentional torts pled herein and according
- 7 to proof; and,
- 8
- 9 5. For such other relief as the court may order.
- 10

11 DATED: October 9, 2014

12 By: 

13 Joel C. Golden  
14 Attorney For Renee Lyons and  
15 Jeff Kalibjian

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