

ENDORSED
FILED

2014 MAR -5 P 4: 07

David H. Yaruselski, Clerk of the Superior Court
County of Santa Clara, California
By: _____
Deputy Clerk

A. Ramirez

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11 JANE DOE and JOHN DOE

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA
UNLIMITED CIVIL JURISDICTION

JANE DOE; JOHN DOE,

Plaintiffs,

v.

DR. ROY HONG, M.D., an individual; PALO
ALTO FOUNDATION MEDICAL GROUP, a
professional corporation; DR. FREDERICK
DIRBAS, M.D., an individual; STANFORD
HOSPITAL AND CLINICS, a professional
corporation; and DOES 1-50,

Defendants.

Case No.:

114 CV 261702

COMPLAINT FOR DAMAGES

- 1) **MEDICAL MALPRACTICE**
- 2) **BATTERY**
- 3) **INVASION OF PRIVACY;
INTRUSION INTO PRIVATE
MATTER**
- 4) **INVASION OF PRIVACY;
WRONGFUL DISCLOSURE OF
PRIVATE INFORMATION**
- 5) **VIOLATION OF THE
CONFIDENTIALITY OF MEDICAL
INFORMATION ACT**
- 6) **LOSS OF CONSORTIUM**

By FAX

JURY TRIAL DEMANDED

PRE-JUDGMENT INTEREST DEMANDED

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PARTIES

1. Plaintiff JANE DOE (hereinafter “PLAINTIFFS” when referenced jointly with Plaintiff JOHN DOE) is an adult natural person, over age 18, who was at all times mentioned herein a resident of Monarch Beach, California.
2. Plaintiff JOHN DOE (hereinafter “PLAINTIFFS” when referenced jointly with Plaintiff JANE DOE) is an adult natural person, over age 18, who was at all times mentioned herein a resident of Monarch Beach, California.
3. PLAINTIFFS file this complaint under fictitious names because the content and nature of this lawsuit constitute an ‘exceptional circumstance’ of a personal nature that justify the use of fictitious names.
4. PLAINTIFFS are informed and believe, and hereon allege, that Defendant DR. ROY HONG, M.D. (hereinafter “HONG”) is an adult natural person, over age 18, who was at all times mentioned herein a licensed physician practicing medicine in Santa Clara County, in the State of California.
5. PLAINTIFFS are informed and believe, and hereon allege, that Defendants PALO ALTO FOUNDATION MEDICAL GROUP, a professional corporation (hereinafter “PAFMG”) and/or DOES 1-25, unknown business entities, were at all times material to this Complaint, the employer(s) of, partners of, and/or otherwise retained Defendants HONG and/or DOES 26-50 on their medical staff, and were doing business in the County of Santa Clara, State of California, and are entities subject to suit before this Court.
6. PLAINTIFFS are informed and believe, and hereon allege, that Defendant DR. FREDERICK DIRBAS, M.D. (hereinafter “DIRBAS”) is an adult natural person, over age 18, who was at all times mentioned herein a licensed physician practicing medicine in Santa Clara County, in the State of California.
7. PLAINTIFFS are informed and believe, and hereon allege, that Defendants STANFORD HOSPITAL AND CLINICS (hereinafter “STANFORD”), a corporation, and/or DOES 1-25, unknown business entities, were at all times material to this Complaint, the employer(s) of, partners of, and/or otherwise retained Defendants HONG, DIRBAS and/or DOES 26-50 on their

1 medical staff, and were doing business in the County of Santa Clara, State of California, and are
2 entities subject to suit before this Court.

3 8. Defendants DOES 1-50 are sued herein under fictitious names. Their true names and capacities
4 are unknown to PLAINTIFFS. PLAINTIFFS are informed and believe, and hereon allege, that
5 DOES 1-25 are business entities of unknown form who were the employers of, partners of, and/or
6 otherwise retained Defendants HONG, DIRBAS, and/or DOES 26-50 on their medical staff.
7 PLAINTIFFS are informed and believe, and hereon allege, that DOES 26-50 are doctors, nurses,
8 technicians, assistants and/or other health care providers and/or staff who performed the surgery
9 and related pre- and/or post-surgical care and/or billing which are the subject of this litigation.
10 PLAINTIFFS are further informed and believe, and hereon allege, that DOES 26-50 were the
11 employees, actual and/or ostensible agents, and/or contractors of, and/or partners of Defendants
12 HONG, DIRBAS, PAFMG, STANFORD, and/or DOES 1-25, who were operating within the
13 scope and course of their agency and/or employment and/or partnership at all times material to this
14 Complaint.

15 9. PLAINTIFFS are informed and believe, and hereon allege, that at all times relevant herein, each
16 and every Defendant was the agent, servant, partner, joint venturer, and/or employee of each and
17 every other Defendant, and acted pursuant to a common plan, design, venture, or scheme such that
18 each Defendant authorized, negligently supervised, and/or ratified each act of every other
19 Defendant in the acts complained of by PLAINTIFFS.

20 10. PLAINTIFFS are informed and believe, and hereon allege, that at all times relevant herein there
21 existed and exists a unity of interests between each and every Defendant, such that any
22 individuality and separateness between these certain Defendants has ceased, and those Defendants
23 are the alter ego of the other certain Defendants and exerted control over each other. Adherence
24 to the fiction of the separate existence of these Defendants as an entity distinct from other certain
25 Defendants will permit an abuse of the corporate privilege and would sanction fraud and/or
26 promote injustice.

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1 VENUE & JURISDICTION

- 2 11. Venue is proper because the relevant actions, conduct, and damages set forth herein occurred in
3 the County of Santa Clara. PLAINTIFFS are informed and believe, and hereon allege, that venue
4 is also proper because Defendants HONG, PAFMG, DIRBAS, STANFORD, and/or DOES 1-50
5 either reside or have their principle places of business in the County of Santa Clara.
- 6 12. Subject matter in this action is properly heard in this Court, as the action incorporates an amount
7 in controversy as set forth in the complaint which exceeds \$25,000.00.
- 8 13. PLAINTIFFS complied with the requirements of California Code of Civil Procedure Section 364
9 by timely service of notice of intent to sue. This Complaint's medical negligence causes of action
10 are therefore brought in a timely fashion within the time provided by the tolling provisions of
11 Section 364. This Complaint's other causes of action are brought within their relevant statutes of
12 limitation.
- 13 14. At all times mentioned herein, California's Patient's Bill of Rights, California Code of
14 Regulations, Title 22, Section 70707, among others, was in full force and effect, and was binding
15 upon Defendants HONG, PAFMG, DIRBAS, STANFORD, and/or DOES 1-50, and each of them.

16
17 FACTS COMMON TO ALL CAUSES OF ACTION

- 18 15. JANE DOE was at high risk of developing breast cancer, and so she decided to undergo a
19 single stage, concurrent bilateral mastectomy and breast reconstruction surgery at Defendant
20 STANFORD and/or DOES 1-25, which was scheduled to occur on or around December 12,
21 2012.
- 22 16. On or around December 11, 2012, PLAINTIFFS attended a preoperative conference with
23 Defendants HONG and/or DOES 26-50 to discuss the breast reconstruction surgery that
24 Defendants HONG and/or DOES 26-50 would perform on JANE DOE the following day,
25 December 12, 2012.
- 26 17. In the preoperative conference, PLAINTIFFS reiterated to Defendants HONG and/or DOES
27 26-50 what they had stated to them several times in previous telephonic conferences, namely
28 that they wanted Defendants HONG and/or DOES 26-50 to place implants between 350cc and

- 1 400cc in volume 'subpectorally,' or underneath JANE DOE's pectoral muscles, during
2 surgery, and Defendants HONG and/or DOES 26-50 represented that they had adequate
3 experience and training to perform this procedure as JANE DOE requested and consented to.
- 4 18. On or around December 12, 2012, Defendants DIRBAS and/or DOES 26-50 performed a
5 bilateral mastectomy procedure on JANE DOE, after which Defendants HONG, and/or DOES
6 26-50 performed a breast reconstruction procedure on PLAINTIFF.
- 7 19. Immediately after Defendants DIRBAS and/or DOES 26-50 completed their mastectomy
8 procedure, Defendants HONG and/or DOES 26-50 conducted a breast reconstruction
9 procedure on JANE DOE.
- 10 20. During the breast reconstruction procedure, Defendants HONG and/or DOES 26-50 placed
11 533cc silicon implants in JANE DOE's breasts, contrary to PLAINTIFFS' expressed consent
12 in preoperative consultations.
- 13 21. Defendants HONG and/or DOES 26-50 inserted these silicon implants above JANE DOE's
14 pectoral muscles in the 'subcutaneous space' of JANE DOE's breasts, contrary to
15 PLAINTIFFS' expressed consent in preoperative consultations.
- 16 22. During the breast reconstruction procedure, without the knowledge and/or consent of JANE
17 DOE and while she was under general anesthesia Defendant HONG and/or DOES 26-50 took
18 photographs of JANE DOE's breasts with their personal cellular telephones, which they later
19 shared with other unknown individuals.
- 20 23. As a result of Defendants HONG's and/or DOES 26-50's decision to place the larger 533cc
21 implants subcutaneously, JANE DOE suffered excessive scarring inside her breasts, which
22 resulted in extremely painful "capsular contraction" around JANE DOE's breast implants that
23 required revision surgery to correct.
- 24 24. The weight and size from the excessively large 533cc implants that Defendants HONG and/or
25 DOES 26-50 placed in JANE DOE's breasts created excessive pressure around JANE DOE's
26 breast and blood supplying tissue, cut off blood circulation bilaterally to her nipple areolar
27 complexes in the days after the December 12, 2012 surgery, which caused bilateral necrosis of
28 JANE DOE's nipple areolar complexes.

- 1 25. The day after her surgery on December 13, 2012, Defendants DIRBAS and/or DOES 26-50,
2 JANE DOE's treating physicians, examined JANE DOE's breasts to evaluate her for discharge
3 from Defendants STANFORD's and/or DOES 1-25's facility despite examining her surgical
4 wounds and noting that they did not appear normal. As part of this evaluation, Defendant
5 DIRBAS and/or DOES 26-50 knew or in the exercise of their medical judgment should have
6 known that JANE DOE should not have been discharged, and should have been held for
7 further evaluation, treatment, and possible revision surgery to prevent the damages which
8 JANE DOE claims in this suit.
- 9 26. During a postoperative visit on December 13, 2012 at Defendants PAFMG's and/or DOES 1-
10 25's facility, Defendants HONG and/or DOES 26-50 noticed that JANE DOE's breasts were
11 blanched and purple with black nipples and areola—signs of impending necrosis—and knew or
12 should have known through the exercise of their medical judgment that intervention was
13 necessary to prevent further damage to JANE DOE's breast tissue and nipple areolar
14 complexes, but failed to act to prevent or reduce the damage to JANE DOE's breast tissue and
15 nipple areolar complexes.
- 16 27. Five days after surgery, during another postoperative visit to Defendant PAFMG's and/or
17 DOES 1-25's facility on December 16, 2012, Defendants HONG and/or DOES 26-50 applied a
18 surgical "Marena" bra to JANE DOE's breasts that constricted circulation to them, which they
19 knew or should have known, through the exercise of their medical judgment, contravened the
20 standard of care.
- 21 28. Defendants HONG and/or DOES 26-50, postoperatively knew that JANE DOE's breast and
22 tissue were being damaged, and that the standard of care required them to intervene to prevent
23 further damage.
- 24 29. At various times during December of 2012, Defendant HONG and/or DOES 26-50 shared
25 confidential details about JANE DOE's breast reconstruction surgery, without JANE DOE's
26 knowledge or consent, with Dr. Kristen Ganjoo, M.D. and unknown others, who were not
27 involved in JANE DOE's care and treatment.
- 28 30. The necrosis of JANE DOE's nipple areolar complexes took approximately four months of

1 subsequent wound therapy to treat, and left JANE DOE with discolored areolae and without
2 nipple protrusion. As a result of the conduct detailed above, JANE DOE suffered income loss
3 during her recovery and the subsequent surgical revision of her breasts.

4 31. On or about April 22, 2013, JANE DOE consulted with a plastic surgeon regarding revision
5 surgery of her breasts, at which time she expressed her desire for smaller implants placed
6 subpectorally; and on May 22, 2013, the plastic surgeon went forward with the revision
7 surgery as JANE DOE requested.
8

9 **FIRST CAUSE OF ACTION**
10 **MEDICAL MALPRACTICE: BREAST RECONSTRUCTION PROCEDURE**
11 **Against Defendants HONG, DIRBAS, PAFMG, STANFORD, and/or DOES 1-50**

12 32. PLAINTIFFS incorporate by reference the allegations set forth above, as though fully set forth
13 herein.

14 33. Defendants HONG, DIRBAS, PAFMG, STANFORD, and/or DOES 1-50 owed a duty to JANE
15 DOE to exercise a degree of skill, knowledge, and care in the diagnosis and treatment that other
16 reasonably careful health care practitioners would have used under similar circumstances.

17 34. Defendants HONG, DIRBAS, PAFMG, STANFORD, and/or DOES 1-50 , and each of them,
18 failed to exercise the requisite degree of skill, knowledge, and care in the diagnosis and treatment
19 required of them with respect to the care and treatment of JANE DOE. During the surgeries and
20 related pre- and post-surgical care, Defendants HONG, DIRBAS, PAFMG, STANFORD, and/or
21 DOES 1-50, and each of them, breached their duty to JANE DOE as described herein by,
22 including but not limited to, 1) using 533cc breast implants that were too large for JANE DOE and
23 inserting those implants in the subcutaneous position instead of the consented to subpectoral
24 position, which resulted in, including but not limited to, capsular contraction, nipple areolar
25 complex necrosis, nipple inversion, and areolar discoloration; 2) failing to adequately follow up
26 postoperatively on JANE DOE's necrotizing nipple areolar complexes, which resulted in JANE
27 DOE having to undergo four months of wound therapy; 3) failing to postoperatively advise JANE
28 DOE that removing the 533cc breast implants would have prevented her nipple areolar complexes
from necrotizing, resulting in extensive necrotization of JANE DOE's nipple areolar complexes;

1 and 4) failing to a) adequately examine JANE DOE postoperatively, b) diagnose her condition,
2 and/or c) refer her to a competent specialist for examination and/or before discharging her from
3 STANFORD's and/or DOES 1-25's facility in which she had undergone her breast reconstruction
4 surgery.

5 35. Defendants HONG, DIRBAS, PAFMG, STANFORD, and/or DOES 1-50 owed JANE DOE a
6 duty to supervise the care given by HONG, DIRBAS, and/or DOES 26-50 who were the medical
7 practitioners, nurses, staff, employees, and/or actual or ostensible agents under Defendants HONG,
8 DIRBAS, PAFMG, STANFORD, and/or DOES 1-50's supervision, control, and/or who were
9 actively participating in any of the surgical procedures JANE DOE underwent.

10 36. Defendants HONG, DIRBAS, PAFMG, STANFORD, and/or DOES 1-50, and each of them,
11 failed to exercise that degree of skill and care commonly required of their profession, in that they
12 failed to train properly, supervise and monitor HONG, DIRBAS, and/or DOES 26-50, and knew
13 or should have known that the failure to properly supervise and/or monitor these persons would
14 cause serious injury to JANE DOE and other members of the public seeking medical care from
15 Defendants HONG, DIRBAS, and/or DOES 26-50, and each of them.

16 37. Defendants HONG, DIRBAS, PAFMG, STANFORD, and/or DOES 1-50 owed a duty to JANE
17 DOE to use reasonable care to select and periodically evaluate its medical staff, including but not
18 limited to HONG, DIRBAS, and/or DOES 26-50, to insure the adequacy of medical care rendered
19 to patients in its facility, including JANE DOE.

20 38. Defendants HONG, DIRBAS, PAFMG, STANFORD, and/or DOES 1-50 breached their duty of
21 care owed to JANE DOE by failing to provide the procedures, policies, facilities, supplies, and/or
22 qualified personnel reasonably necessary for her treatment, and/or by failing to periodically
23 evaluate its medical staff, including Defendants HONG, DIRBAS, and/or DOES 26-50, to insure
24 the adequacy of medical care rendered to patients in its facility.

25 39. JANE DOE is informed and believes, and hereon alleges, that Defendants PAFMG, STANFORD,
26 and/or DOES 1-25 are also liable for the medical negligence of Defendants HONG, DIRBAS,
27 and/or DOES 26-50 as described herein, because Defendants HONG, DIRBAS, and/or DOES 26-
28 50 committed their negligence within the course and scope of their employment and/or agency,

1 either actual or ostensible, with Defendants HONG, DIRBAS, PAFMG, STANFORD, and/or
2 DOES 1-50 and each of them.

3 40. Defendants HONG, DIRBAS, PAFMG, STANFORD, and/or DOES 1-50, and each of them, also
4 owed a duty to JANE DOE to obtain her informed consent by explaining the likelihood of success
5 and the risks of agreeing to each course of treatment in language that JANE DOE could
6 understand, giving JANE DOE as much information as she needed to make an informed decision,
7 including any risk that a reasonable person would consider important in deciding to have the
8 proposed treatment or procedure, and any other information skilled practitioners would disclose
9 to JANE DOE under similar circumstances, including but not limited to any risk of serious injury
10 or significant potential complications that might occur if the procedure were performed.

11 41. A reasonable person in JANE DOE's position would not have agreed to the medical procedures
12 described herein if she had been fully informed of the results and risks and/or alternatives to those
13 procedures.

14 42. As a direct and proximate result of Defendants HONG's, DIRBAS's, PAFMG's, STANFORD's,
15 and/or DOES 1-50's, and each of their actions, JANE DOE was harmed, and as a result suffered
16 and will continue to suffer special damages including, but not limited to, wage loss, medical
17 expenses, and costs, in an amount to be proven at trial.

18 43. As a direct and proximate result of Defendants HONG's, DIRBAS's, PAFMG's, STANFORD's,
19 and/or DOES 1-50's, and each of their actions, JANE DOE suffered and will continue to suffer
20 general damages including, but not limited to, pain and suffering, emotional distress, mental
21 anguish, anxiety, loss of enjoyment of life, inconvenience, in an amount to be proven at trial.

22 44. JANE DOE prays for damages as more fully set forth below.

23
24 **SECOND CAUSE OF ACTION**
25 **MEDICAL BATTERY**
Against Defendants HONG and/or DOES 26-50

26 45. JANE DOE incorporates by reference the allegations set forth above, as though fully set forth
27 herein.

28 46. Defendants HONG, and/or DOES 26-50 intentionally used 533cc breast implants that were larger

1 than the 350cc to 400cc implants JANE DOE asked for and consented to in her preoperative
2 consultation with Defendant HONG and/or DOES 26-50.

3 47. Defendants HONG, and/or DOES 26-50 intentionally placed breast implants in the subcutaneous
4 position and not the subpectoral position that JANE DOE asked for and consented to in her
5 preoperative consultation with Defendants HONG and/or DOES 26-50.

6 48. JANE DOE did not consent either to the larger 533cc breast implants or to having them implanted
7 in the subcutaneous position.

8 49. As a direct and proximate result of defendants HONG's, and/or DOES 26-50's, and each of their
9 actions, JANE DOE was harmed, and as a result suffered and will continue to suffer special
10 damages including, but not limited to, lost wages, medical expenses, and costs, in an amount to
11 be proven at trial.

12 50. As a direct and proximate result of defendants HONG's, and/or DOES 26-50's, and each of their
13 actions, JANE DOE suffered and will continue to suffer general damages including, but not
14 limited to, pain and suffering, emotional distress, mental anguish, anxiety, loss of enjoyment of
15 life, inconvenience, in an amount to be proven at trial.

16
17 **THIRD CAUSE OF ACTION**
18 **INVASION OF PRIVACY: INTRUSION INTO PRIVATE MATTER**
Against Defendants HONG and/or DOES 26-50

19 51. JANE DOE incorporates by reference the allegations set forth above, as though fully set forth
20 herein.

21 52. California Constitution, Article I, Section I and the common law protect individuals' right to
22 privacy.

23 53. Defendants HONG and/or DOES 26-50 intentionally, and without the consent or knowledge of
24 JANE DOE, photographed JANE DOE's breasts with their cellular telephones while she was
25 unconscious under general sedation during her breast reconstruction procedure which
26 Defendants HONG and/or DOES 26-50 performed on her on or around December 12, 2012.

27 54. JANE DOE had an expectation of privacy while she was unconscious under general sedation
28 during surgery.

- 1 55. Defendant HONG and/or DOES 26-50, by taking pictures of JANE DOE's breasts during
2 surgery, invaded JANE DOE's privacy in a manner that would be highly offensive to a
3 reasonable person.
- 4 56. As a direct and proximate result of defendants HONG's, and/or DOES 26-50's , and each of
5 their actions, JANE DOE was harmed, and as a result suffered and will continue to suffer
6 special damages including, but not limited to, lost wages, medical expenses, and costs, in an
7 amount to be proven at trial.
- 8 57. As a direct and proximate result of defendants HONG's, and/or DOES 26-50's, and each of
9 their actions, JANE DOE suffered and will continue to suffer general damages including, but
10 not limited to, pain and suffering, emotional distress, mental anguish, anxiety, loss of
11 enjoyment of life, inconvenience, in an amount to be proven at trial.
- 12 58. Defendants HONG and/or DOES 26-50's decision to photograph JANE DOE's breasts while
13 she was under general sedation during her breast reconstruction surgery exhibits malicious and
14 conscious disregard for the rights of others, including JANE DOE.

15
16 **FOURTH CAUSE OF ACTION**
INVASION OF PRIVACY: WRONGFUL DISCLOSURE OF PRIVATE INFORMATION
17 **Against Defendants HONG and/or DOES 26-50**

- 18 59. JANE DOE incorporates by reference the allegations set forth above, as though fully set forth
19 herein.
- 20 60. California Constitution, Article I, Section I and the common law protect individuals' right to
21 privacy.
- 22 61. Defendants HONG and/or DOES 26-50 intentionally and repeatedly discussed confidential
23 details of JANE DOE's surgery with Dr. Kristen Ganjoo, M.D. and other unknown individuals,
24 who were not involved with JANE DOE's treatment, during December of 2012.
- 25 62. Defendant HONG and/or DOES 26-50's conversations about JANE DOE's confidential
26 medical information constituted a public disclosure of private facts.
- 27 63. The information that Defendant HONG and/or DOES 26-50 disclosed would be highly
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1 offensive and objectionable to a reasonable person.

2 64. The details of JANE DOE's medical record that Defendants HONG and/or DOES 26-50
3 disclosed were not of legitimate public concern.

4 65. As a direct and proximate result of defendants HONG's, and/or DOES 26-50's , and each of
5 their actions, JANE DOE was harmed, and as a result suffered and will continue to suffer
6 special damages including, but not limited to, lost wages, medical expenses, and costs, in an
7 amount to be proven at trial.

8 66. As a direct and proximate result of defendants HONG's, and/or DOES 26-50's, and each of
9 their actions, JANE DOE suffered and will continue to suffer general damages including, but
10 not limited to, pain and suffering, emotional distress, mental anguish, anxiety, loss of
11 enjoyment of life, inconvenience, in an amount to be proven at trial.

12 67. Defendants HONG and/or DOES 26-50's decision to share details of JANE DOE's medical
13 record exhibits malicious and conscious disregard for the rights of others, including JANE
14 DOE.

15
16 **FIFTH CAUSE OF ACTION**
VIOLATION OF THE CONFIDENTIALITY OF MEDICAL INFORMATION ACT
17 **Against Defendants HONG and/or DOES 26-50**

18 68. JANE DOE incorporates by reference the allegations set forth above, as though fully set forth
19 herein.

20 69. Civ. Code, §§ 56 et seq. (the Confidentiality of Medical Information Act) prohibits health care
21 providers from disclosing medical information about patients without first obtaining
22 authorization.

23 70. Defendants HONG and/or DOES 26-50 intentionally and repeatedly discussed confidential
24 details of JANE DOE's surgery, which Defendants HONG and/or DOES 26-50 performed on
25 December 12, 2012, with Dr. Kristen Ganjoo, M.D. and other unknown individuals during
26 December of 2012.

27 71. The details of JANE DOE's surgery constitute medical information.
28

1 72. Under Cal. Civ. Code § 56.35, A health care provider who discloses a patient's medical
2 information in violation of Cal. Civ. Code § 56.10 is liable for the patient's compensatory
3 damages and punitive damages not exceeding \$3,000, and attorneys' fees not to exceed \$1,000,
4 and the costs of litigation.

5
6 **SIXTH CAUSE OF ACTION**
7 **LOSS OF CONSORTIUM**

8 **Against Defendants DIRBAS, HONG, PAFMG, STANFORD, and/or DOES 26-50**

9 73. JOHN DOE incorporates by reference the allegations set forth above, as though fully set forth
10 herein.

11 74. JOHN DOE is the husband of JANE DOE, and was married to her at the time she suffered the
12 injuries that have given rise to this complaint.

13 75. As a direct and proximate result of JANE DOE's injuries sustained in the course of the
14 incidents giving rise to this Complaint, JOHN DOE suffered loss of consortium damages
15 including but not limited to loss of care, comfort, companionship, protection, support,
16 assistance, love, affection and society previously received from his wife, all to his general
17 damage.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, PLAINTIFFS prays for judgement as follows:

20 **FIRST CAUSE OF ACTION: BREAST RECONSTRUCTION PROCEDURE:**

- 21
- 22 1. For special damages, including but not limited to lost wages, medical expenses, and
23 incidental expenses according to proof;
 - 24 2. For general damages, in an amount to be determined at trial;
 - 25 3. For costs of suit;
 - 26 4. For prejudgment interest according to law;

27 **SECOND CAUSE OF ACTION: MEDICAL BATTERY:**

- 28
1. For special damages, including but not limited to lost wages, medical expenses, and

- 1 incidental expenses according to proof;
- 2 2. For general damages, in an amount to be determined at trial;
- 3 3. For costs of suit;
- 4 4. For prejudgment interest according to law;

5 **THIRD CAUSE OF ACTION: INVASION OF PRIVACY: INTRUSION INTO A PRIVATE**
6 **MATTER**

- 7 1. For special damages, including but not limited to lost wages, medical expenses, and
- 8 incidental expenses according to proof;
- 9 2. For general damages, in an amount to be determined at trial;
- 10 3. For costs of suit;
- 11 4. For prejudgment interest according to law;

12 **FOURTH CAUSE OF ACTION: INVASION OF PRIVACY: WRONGFUL DISCLOSURE OF**
13 **A PRIVATE MATTER**

- 14 1. For special damages, including but not limited to lost wages, medical expenses, and
- 15 incidental expenses according to proof;
- 16 2. For general damages, in an amount to be determined at trial;
- 17 3. For costs of suit;
- 18 4. For prejudgment interest according to law;

19 **FIFTH CAUSE OF ACTION: VIOLATION OF THE CONFIDENTIALITY OF MEDICAL**
20 **INFORMATION ACT:**

- 21 1. For general damages, in an amount to be determined at trial;
- 22 2. For costs of suit;
- 23 3. For prejudgment interest according to law;
- 24 4. For statutory damages

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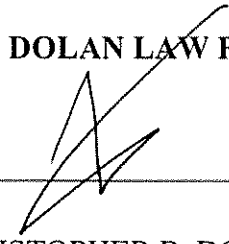
1 **SIXTH CAUSE OF ACTION: LOSS OF CONSORTIUM:**

- 2 1. For general damages, in an amount to be determined at trial;
3 2. For costs of suit;
4 3. For prejudgment interest according to law;

5
6 PLAINTIFFS request relief for each cause of action separate and apart from all other causes of action
7 herein alleged.

8
9 DATED: March 5, 2014

THE DOLAN LAW FIRM

10
11 By: _____
12 

13 CHRISTOPHER B. DOLAN
14 MARJORIE J. HEINRICH
15 CHRISTOPHER B. JOHNSON
16 Attorneys for Plaintiffs
17 JANE DOE and JOHN DOE