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5 **ANWAR THEEKRI & ROBINA THEEKRI**

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SACRAMENTO COURTHOUSE
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY

FILED/ENDORSED
JUL 13 2020
By: B. Singh
Deputy Clerk

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SACRAMENTO

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11 ANWAR THEEKRI & ROBINA
THEEKRI,
12 Plaintiffs,
13 v.
14 CITY OF SACRAMENTO;
15 SACRAMENTO FIRE DEPARTMENT;
16 DOE BUSINESS ENTITIES 1-10; and
DOE INDIVIDUALS 1-10; inclusive,
17 Defendants.

CASE NUMBER: *34-2020-00281744*

- COMPLAINT FOR PERSONAL INJURY
1. Negligence
 2. Negligent Infliction of Emotional Distress
 3. Violation of UNRUH Civil Rights Act, CA. Civ. Code §§51, 52

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21 **COMPLAINT FOR PERSONAL INJURY**

- 22 1. Plaintiff ANWAR THEEKRI is a natural person and individual who sues in his
23 capacity as same and was at all relevant times a resident of Sacramento County, California.
- 24 2. Plaintiff ROBINA THEEKRI is a natural person and individual who sues in her
25 capacity as same and was at all relevant times a resident of Sacramento County, California.
- 26 3. Defendant CITY OF SACRAMENTO is a California public entity (hereafter "CITY"),
27 and was notified of this claim on or about November 12, 2019.
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3 4. DOE SACRAMENTO FIRE DEPARTMENT EMPLOYEES 1-20 were the
4 employees or agents of the FIRE DEPARTMENT and provided negligent medical services to
5 Plaintiffs.

6 5. Defendants CITY and FIRE DEPARTMENT have waived sovereign immunity
7 pursuant to the California Tort Claims Act and have consented to this action.

8 6. Prior to suit, Plaintiffs, on or about November 12, 2019, via their attorneys McHugh
9 & McHugh, delivered their government tort claim to the City of Sacramento, Office of the City Clerk,
10 and thus presented a timely government tort claim with Defendant City of Sacramento. Defendant
11 City of Sacramento rejected the claim on or about January 22, 2020.

12 7. Defendant CITY OF SACRAMENTO is liable for the negligent acts and omissions
13 of its agencies/arms/divisions/departments, including, Defendant SACRAMENTO FIRE
14 DEPARTMENT, and their agents and employees, under the doctrines of negligence, *respondeat*
15 *superior*, and vicarious liability.

16 8. All Defendants had a duty to Plaintiffs to use due care and failed to use said due care
17 at the time of responding to a 911 emergency medical call at Plaintiffs' home residence, thus
18 proximately and legally causing harm to Plaintiffs.

19 9. All Defendants are liable in tort for breach of mandatory duties of care under common
20 law and under California law and all related California medical safety codes, rules, and statutes, as
21 set forth herein, and shall be further detailed and proven at trial.

22 10. CITY and FIRE DEPARTMENT were in employment and/or agency relationship
23 with Defendant DOE SACRAMENTO FIRE DEPARTMENT EMPLOYEES 1-20 and as such are
24 responsible for the subject negligent emergency medical care.

25 11. Defendant DOE SACRAMENTO FIRE DEPARTMENT EMPLOYEES 1-20, are
26 individual persons, employees, agents, and/or others who are in some way legally and proximately
27 responsible, in part, for the Plaintiffs' injuries, but not yet specifically identified by PLAINTIFFS.
28 The Defendant DOE SACRAMENTO FIRE DEPARTMENT EMPLOYEES 1-20 negligently hired,

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3 recruited, selected, employed, used, secured, trained, supervised, and or educated persons, and/or
4 negligently entrusted, managed, supervised, certified, or otherwise controlled the employees and/or
5 agents involved therein with the negligent emergency medical response, or who were in some other
6 way partially or totally responsible for the negligent emergency medical response and Plaintiffs'
7 injuries and damages. When these Defendants are identified, they will be more specifically identified
8 as such in this action via appropriate documentation, e.g., identification of DOE Defendant papers.

9 12. Defendant DOE BUSINESS ENTITIES 1-10 were and are corporations or other
10 business entities organized and existing under the laws of the State of California, or some other state,
11 which are in someway legally and proximately responsible, in part, for the PLAINTIFFS' injuries,
12 but not yet specifically identified by PLAINTIFFS. The DOE BUSINESS Entities 1-10 negligently
13 hired, recruited, selected, employed, used, secured, trained, supervised, and or educated persons,
14 and/or negligently entrusted, managed, supervised, certified, or otherwise controlled the employees
15 and/or agents involved therein with the negligent emergency medical response, or who were in some
16 other way partially or totally responsible for the negligent emergency medical response and
17 Plaintiffs' injuries and damages. When these Defendants are identified, they will be more specifically
18 identified as such in this action via appropriate documentation, e.g., identification of DOE Defendant
19 papers.

20 13. The DOE DEFENDANT INDIVIDUALS 1-10, are individual persons, estates, and/or
21 others which are in some way legally and proximately responsible, in part, for PLAINTIFFS' injuries,
22 but not yet specifically identified by the PLAINTIFFS. The DOE DEFENDANT INDIVIDUALS 1-
23 10 are liable as indicated in the preceding DOE BUSINESS ENTITIES paragraph (which is
24 incorporated herein) for the persons involved in this personal injury lawsuit, Plaintiffs' injuries
25 caused by this negligent emergency medical care, and are in some other way partially or totally
26 responsible for this accident, as indicated in the preceding DOE BUSINESS ENTITIES paragraph.
27 When these Defendants are identified, they will be more specifically identified as such in this action
28 via appropriate documentation, e.g., identification of Doe Defendant papers.

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3 14. This action involves claims by the Plaintiffs for personal injuries, disabilities, medical
4 expenses, other treatment and expenses, nervous and physical pain and suffering, emotional distress,
5 and other related and consequential damages totaling amounts that exceed \$25,000.00 that will be
6 specified and proven in detail at trial, and this action is therefore within the jurisdiction of this Court.

7 15. This personal injury accident happened on or about June 16, 2019, when Defendant
8 FIRE DEPARTMENT responded to Plaintiffs' home residence, located in Sacramento County,
9 California, for an emergency medical call.

10 16. This Court has jurisdiction of this action under the California Tort Claims Act, and
11 the amount in controversy, which exceeds \$25,000.00.

12 **COUNT ONE: NEGLIGENCE, VICARIOUS LIABILITY,**
13 ***RESPONDEAT SUPERIOR***

14 17. Plaintiffs reallege and reincorporate herein each and every one of the preceding
15 paragraphs as if they were fully and separately again set forth herein.

16 18. This Count is directed by the Plaintiffs against Defendants CITY and FIRE
17 DEPARTMENT.

18 19. Defendants CITY and FIRE DEPARTMENT are liable under the legal doctrines of
19 negligence, *respondeat superior*, and agency, for the negligent acts, errors and omissions of all the
20 Defendants' managers, agents, employees, staff, contractors, and independent contractors at all
21 relevant times.

22 20. Defendants CITY and FIRE DEPARTMENT are responsible for their negligent
23 training, monitoring, supervising, controlling, hiring, recruiting, managing, and/or entrustment with
24 regard to their employees.

25 21. On or about 4:00a.m. on June 16, 2019, Plaintiff ANWAR THEEKRI called 911
26 from his home in Sacramento, California requesting emergency medical assistance because Mr.
27 Theekri was experiencing the symptoms of a heart attack.
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3 22. When emergency personnel arrived on scene, Plaintiff ANWAR THEEKRI
4 described his symptoms as pain in his heart and left shoulder, sweating, nausea, and difficulty
5 breathing. The emergency responders took Mr. Theekri's vital signs and then inquired as to
6 whether Mr. Theekri was having a domestic dispute. There was no evidence that any one at the
7 residence was having a domestic dispute.

8 23. After emergency personnel assessed Plaintiff ANWAR THEEKRI's condition, they
9 told him there was nothing wrong with him and advised him to go back to bed. The emergency
10 responders did not offer or make any attempt to transport Plaintiff ANWAR THEEKRI to the
11 hospital.

12 24. Plaintiff ANWAR THEEKRI begged and pleaded with the emergency personnel to
13 help him and take him to the hospital. **He repeatedly stated that he could not breathe and that**
14 **he was having serious pain in his heart and left shoulder.** The emergency responders continued
15 to refuse medical transport to the hospital and stated to Plaintiffs and their family that there were so
16 many cars outside that someone living there could have taken him to the hospital if he really needed
17 to go, or he could have taken a taxi cab.

18 25. Plaintiff ANWAR THEEKRI continued to beg and plead with the emergency
19 personnel to help him and take him to the hospital. Plaintiff told the emergency personnel
20 numerous times, "I CANNOT BREATHE" and needed their help. The emergency personnel
21 ignored Plaintiff's clear and consistent cries for help.

22 26. Emergency personnel spent over 21 minutes inside the Plaintiffs' residence and
23 during that time made no attempt or made any offer to transport Plaintiff ANWAR THEEKRI to
24 the hospital.

25 27. While emergency personnel were still on scene at the Plaintiffs' residence, Mr.
26 Theekri requested that his wife, Plaintiff ROBINA THEEKRI, get him an aspirin. Plaintiff
27 ANWAR THEEKRI struggled to swallow the aspirin and again stated to the emergency personnel
28 that he was having difficulty breathing and was in extreme pain. The emergency personnel stood by

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3 and ridiculed Plaintiff ANWAR THEEKRI for acting like a child and continued to refuse any
4 further medical assistance or transportation. Further, they stood by while the Theekri family
5 prepared to transport Plaintiff to the emergency room themselves without any assistance from the
6 emergency personnel who had responded at the residence.

7 28. As a result of the failure of the emergency personnel to transport Plaintiff ANWAR
8 THEEKRI to the hospital, his wife, Plaintiff ROBINA THEEKRI, transported him to the Kaiser
9 Emergency Room in their personal vehicle.

10 29. Upon arrival at the Kaiser medical facility, initial testing showed that Plaintiff
11 ANWAR THEEKRI was in active cardiac arrest and had been suffering in this state for several
12 hours.

13 30. Plaintiff ANWAR THEEKRI was transported from Kaiser to Mercy Hospital in
14 Roseville, California to be treated for his cardiac arrest.

15 31. Plaintiff ANWAR THEEKRI underwent triple bypass surgery on or about June 18,
16 2019.

17 32. Defendants had a duty to act and provide emergency medical assessment and
18 treatment to Plaintiff ANWAR THEEKRI.

19 33. Defendants had a duty act and to provide emergency medical transportation to an
20 appropriate medical facility for Plaintiff ANWAR THEEKRI.

21 34. At the time of these negligent acts, or failures to act, Defendants violated their duty
22 to Plaintiffs to act. Emergency personnel have a duty to care for a patient who requires and
23 consents to treatment. At the very least, Defendants had a duty to transport Plaintiff ANWAR
24 THEEKRI to an emergency hospital and failed to do so. There is no reasonable reason as to why
25 Defendants did not transport Plaintiff ANWAR THEEKRI when he was complaining of pain in his
26 heart and left shoulder and repeatedly stated, "I CANNOT BREATHE, I CANNOT BREATHE."

27 35. At the time of the medical emergency, Defendants ignored, failed to act and to use
28 reasonable and due care in their response to Plaintiff ANWAR THEEKRI's medical emergency.

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3 36. At the time of the medical emergency, Defendants had constructive and specialized
4 knowledge of how to properly act, assess, treat, and transport a patient with a medical emergency.

5 37. At the time of the medical emergency, Defendants had actual and specialized
6 knowledge of how to properly act, assess, treat, and transport a patient with a medical emergency.

7 38. At the time of the medical emergency, Defendants had actual knowledge and notice
8 of the dangers a patient will suffer and experience when not transported by emergency medical
9 personnel during cardiac arrest.

10 39. Defendants recklessly, negligently, and dangerously failed to properly assess
11 Plaintiff ANWAR THEEKRI's medical symptoms of cardiac arrest, causing Plaintiff to sustain
12 injuries and damages.

13 Defendants recklessly, negligently, and dangerously failed to provide emergency medical
14 care and transportation to Plaintiff ANWAR THEEKRI, causing Plaintiff to sustain injuries and
15 damages.

16 40. The Defendants' negligent emergency medical assessment, care, and failure to
17 transport caused Plaintiff ANWAR THEEKRI to have delayed medical care for active cardiac
18 arrest, which caused injuries to him.

19 41. Prior to these negligent acts and Plaintiff ANWAR THEEKRI's injuries, Defendants
20 negligently failed to train, supervise, monitor, and otherwise train their employees and/or agents to
21 comply with the normal standard of care for emergency personnel.

22 42. As a direct and proximate result of Defendants' negligent acts, failures to act, errors
23 and omission, Defendants legally and proximately caused Plaintiff ANWAR THEEKRI to suffer
24 the foregoing and other consequential, special, and general damages as will be set forth at trial,
25 including income loss, and other damages, in amounts that will be shown at trial.

26 43. Due to their negligence, Defendants were the proximate cause of these personal
27 injuries.

28 44. Due to their negligence, Defendants were the legal cause of these personal injuries.

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3 45. Defendants violated the California Tort Claim Act, California safety law, emergency
4 personnel laws, and statutes, in the above ways, and in other ways as shall be shown at trial.

5 46. Defendants breached their duties of care owed to the Plaintiffs in various ways,
6 including the foregoing, and in other ways and by other means, as shall be shown at trial.

7 47. These breaches of the Defendants' duties of care to the Plaintiffs, and other acts and
8 omission of negligence and negligent emergency response, that will be shown at trial, were the
9 proximate and legal cause of the Plaintiff's damages, including their bodily injuries, and other
10 consequential, special, and general damages as will be set forth at trial, including income loss, and
11 other damages, in amounts that will be set forth at trial.

12 **COUNT 2: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

13 48. Plaintiffs reallege and hereby reincorporate each of the preceding paragraphs as if
14 they were fully set forth herein.

15 49. Defendants failed to provide emergency medical care and failed to transport Plaintiff
16 ANWAR THEEKRI while he was in active cardiac arrest. Defendants had a duty to act and provide
17 these services when emergency personnel was called to the Plaintiffs' home for a medical
18 emergency. Their failure to act was witnessed by Plaintiff ROBINA THEEKRI, as well as
19 numerous family members, who stood by and watched ANWAR in pain and agony in active
20 cardiac arrest. Plaintiff ROBINA THEEKRI was then forced to transport her husband, Plaintiff
21 ANWAR THEEKRI, to the emergency hospital for care.

22 50. Plaintiff ROBINA THEEKRI watched, helplessly, while her husband, Plaintiff
23 ANWAR THEEKRI, begged and pleaded with emergency personnel to help him while he was in
24 active cardiac arrest. Further, Mrs. Theekri herself begged for help for her husband and had to stand
25 by as her husband struggled to breathe while medical personnel refused to assist him in any way.
26 Despite her own fear, she was forced to transport her husband to the hospital in their private
27 vehicle, fearing the entire way that something catastrophic may occur and she would be unable to
28 do anything to save her husband's life.

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4 51. Plaintiff ROBINA THEEKRI has suffered serious emotional distress, frustration,
5 depression, hopelessness, humiliation and distress as a result of Defendants' negligent failure to
6 provide proper emergency medical assessment, care, and transportation to her husband, Plaintiff
7 ANWAR THEEKRI, and negligent infliction of distress, anxiety, and trauma.

8 52. Plaintiff ROBINA THEEKRI's emotional distress has been caused by Defendants'
9 negligence in failing to provide proper emergency medical assessment, care, and transportation to
10 her husband, Plaintiff ANWAR THEEKRI, and will be shown in an amount to be determined at
11 trial.

12 **COUNT 3: VIOLATION OF UNRUH CIVIL RIGHTS ACT,**
13 **CALIFORNIA CIVIL CODE §§51, 52**

14 53. Plaintiffs incorporate by reference and reallege each and every allegation in the
15 preceding paragraphs.

16 54. When emergency personnel responded to the Plaintiffs' residence, they immediately
17 began making comments regarding the Plaintiffs' living arrangements, the numerous cars in front
18 of the residence, and even questioned whether the Plaintiffs were having a domestic dispute,
19 despite no evidence of that occurrence. One of the emergency personnel on scene even recoiled at
20 Plaintiff ANWAR THEEKRI's touch when he pleaded with them to provide medical care and
21 transportation for him,

22 55. Defendants' treatment of Plaintiffs amounts to a denial, and discrimination whereby
23 Plaintiffs have been denied full and equal treatment, accommodations, services, and privileges, as
24 tax paying individuals residing in Sacramento County.

25 56. A motivating reason for Defendants' treatment of Plaintiffs was their perception of
26 Plaintiffs' race and ethnicity.

27 57. Plaintiffs suffered harm and damages because of Defendants' behavior, and

28 58. Defendants' conduct was a substantial factor in causing Plaintiffs' harm.

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3 59. Defendants' behavior and actions and application of different terms and conditions
4 toward Plaintiffs amounts to discrimination under the UNRUH Civil Rights Act of California, Civ.
5 Code Sections 51 and 52 and has caused Plaintiffs damages to be determined at trial.
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8 **REQUEST FOR RELIEF**

9 WHEREFORE, the PLAINTIFFS respectfully request that the Court, after trial on the
10 merits, awards damages against these Defendants jointly and severally, as follows:
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12 1. All special damages, including medical expenses, all other costs related to all of the
13 preceding, past and future medical treatment bills, lost wages and income disability, and all other
14 relevant economic damages in amounts that will be shown at trial;

15 2. General damages for physical and mental/nervous pain and suffering, trauma, loss of
16 enjoyment of life, emotional distress and anxiety, and all other relevant non-economic damages, in
17 amounts that will be shown at trial;

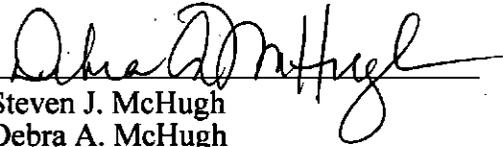
18 3. Prejudgment and post-judgment interest at the legally prevailing rate;

19 4. All reasonable costs of suit incurred herein; and

20 5. All such other and further relief that the Court deems just and proper.
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24 DATED: 07-13-2020

McHUGH & McHUGH, LLP

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26 By: 

Steven J. McHugh

Debra A. McHugh

Attorneys for Plaintiffs,

ANWAR THEEKRI & ROBINA THEEKRI