

Assigned for all purposes to: Burbank Courthouse, Judicial Officer: John Kralik

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6 Plaintiff, In Pro Per

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF LOS ANGELES – NORTH CENTRAL DISTRICT**
10

11 **JOHN DOE**, an individual,

12
13 Plaintiff,

14 vs.

15
16 **CITY OF LOS ANGELES**, a municipal
corporation;

17 **LOS ANGELES FIRE DEPARTMENT**, a
18 government entity;

19 **AUGUST WEIDEMAN**, in his individual
20 capacity;

21 **JEFFREY BLAKE**, in his individual capacity;

22 **PRIME HEALTHCARE SERVICES—**

23 **SHERMAN OAKS, LLC**, a Delaware
corporation, dba **SHERMAN OAKS**

24 **HOSPITAL**; and **DOES 1-100, inclusive**,

25 Defendants.
26

Case No.:

**ACTION BASED ON CODE OF CIVIL
PROCEDURE SECTION
367.3.**

COMPLAINT FOR DAMAGES FOR:

- 1) Negligence;
- 2) Violation of 42 U.S.C. § 1983;
- 3) Medical Battery;
- 4) Negligent Infliction of Emotional Distress;
- 5) Intentional Infliction of Emotional Distress;
- 6) Libel;
- 7) Negligent Misrepresentation;
- 8) Intentional Misrepresentation;
- 9)

DEMAND FOR JURY TRIAL.

27
28 COMES NOW THE PLAINTIFF, JOHN DOE, *in propria persona*, and for causes of action

1 against Defendants, and each of them, alleges as follows:

2 **GENERAL ALLEGATIONS**

3 1. On the afternoon of November 15, 2021, PLAINTIFF JOHN DOE (“Plaintiff”) went
4 to the Bank of America branch at 5025 Lankershim Blvd., North Hollywood, CA (hereinafter, the
5 “Bank”) to perform a simple transaction.

6 2. While he was waiting in line at the Bank, Plaintiff began to feel extremely overheated, as if he
7 had a fever; he also started feeling like he had some chest pain and difficulty breathing.

8 3. Plaintiff worried that these symptoms portended a case of Covid-19. Although he was double-
9 vaccinated at that point, he had not yet had any booster shots, and—having once had Covid in December
10 2020 and been hospitalized at that time for the better part of a week—felt he had good cause for
11 concern.

12 4. Plaintiff began to feel weaker. He became increasingly anxious that he might be having a
13 serious health crisis, and thus approached a man who appeared to be the Bank’s manager or assistant
14 manager, (hereinafter, the “Bank Manager”). Plaintiff told him that he was having chest pains, trouble
15 breathing, felt overheated, and that he needed help.

16 5. The Bank Manager asked Plaintiff if he wanted him to call the paramedics, to which Plaintiff
17 responded in the affirmative, and that he thought this would be a good idea. The Bank Manager then
18 informed Plaintiff he would call the paramedics and told Plaintiff to relax.

19 6. Plaintiff attempted to relax, but found it difficult to do so; he was in acute distress, suffering
20 from breathing difficulty, chest pain, weakness, and feeling overly hot, creating continued anxiety
21 within Plaintiff.

22 7. Plaintiff explained to the Bank Manager that while he waited for the paramedics, he wanted
23 needed to do the transaction, which, hopefully, would be quick; the Bank Manager told Plaintiff he
24 would have his teller assist Plaintiff.

25 8. In the meantime, Plaintiff felt so weak that he had to sprawl out underneath one of the Bank’s
26 tables. The line eventually dwindled, Plaintiff made his way to the window, and began his transaction
27 with the teller.
28

1 Just as the teller was beginning to assist Plaintiff in processing his transaction, at least two
2 PARAMEDICS from Defendant LOS ANGELES FIRE DEPARTMENT (hereinafter, collectively,
3 “Paramedics”) appeared at the Bank. Plaintiff did not get their names at the time. Plaintiff told the
4 Paramedics he just needed a moment, as the teller was helping him to complete an important transaction.

5 9. The Paramedics, however, said Plaintiff needed to go with them outside immediately, even
6 though Plaintiff was just about finished. Plaintiff accompanied them outside.

7 10. The Paramedics instructed Plaintiff to get into their ambulance. Plaintiff began to do so, but
8 attempted to explain to Paramedics his concerns that: (1) his transaction with the teller was incomplete;
9 and (2) his ID and debit card, which he needed, might still be inside the Bank.

10 11. The Paramedics told Plaintiff that his “transaction had “been declined,” but, according to
11 Plaintiff’s recollection, when asked for a receipt of such a decline, the Paramedics stated that there was
12 one, but failed to produce it. Plaintiff then expressed concern to the Paramedics about his debit card and
13 ID still being in the Bank, to which the Paramedics indicated that they had those items.

14 12. The Paramedics then stated sternly, “You’re going to the hospital!”—as if somehow Plaintiff
15 had any thoughts to the contrary—and ordered Plaintiff not to “resist” the Paramedics, or else they
16 would have no choice but to put Plaintiff in restraints. Plaintiff was completely shocked by this
17 statement, and told the Paramedics that *of course* he understood that they were taking him to the hospital
18 because *he* had requested their help in the first place. Plaintiff also said that he wanted to specifically
19 reiterate that he felt that he had a medical condition, perhaps Covid, and that this was not a psychiatric
20 call, nor did he feel that there was any cause to be treated as a psychiatric patient.

21 13. In the ambulance, the Paramedics asked Plaintiff about his prior medical history, which
22 Plaintiff provided in a fair amount of detail. In response to their questions, Plaintiff listed his current
23 medications, medical conditions, and reported—truthfully—that he had no prior history of alcohol or
24 drug abuse. The Paramedics acted openly doubtful of Plaintiff’s statements. For example, when Plaintiff
25 recited his medication list, the Paramedics interjected that they wanted to know if Plaintiff had been
26 taking any street drugs. Plaintiff again responded truthfully, denying that he had ever taken any street
27 drugs in his entire life, and even inviting the Paramedics to test him for alcohol, and for any illicit drugs
28 they wished.

1 14. Plaintiff asked to be taken to USC Verdugo Hills Hospital, as they have extensive records on
2 him but the Paramedics ignored his request, taking him instead to Sherman Oaks Hospital without
3 informing him of same.

4 15. The Paramedics then asked Plaintiff, in an almost presumptive and conclusory manner,
5 whether he were “homeless” and “on Medi-Cal”; further, they seemed unwilling to believe Plaintiff’s
6 averments that he was neither. Plaintiff then offered to show the Paramedics his Blue Shield PPO
7 insurance card as proof, yet they still remained openly doubtful and contemptuous of him.

8 16. Plaintiff continued to feel in severe respiratory distress, as well as a feeling of pain in his arms
9 and legs, was trying to stretch them out, and stated his discomfort, which should have been apparent.
10 The Paramedics told Plaintiff that he needed to “calm down,” at which point he said, “I’m having
11 trouble breathing.”

12 17. The Paramedics indicated that they wanted to “give [Plaintiff] something to help [him] calm
13 down,” whereupon Plaintiff asked what they intended to give him. One of the Paramedics responded
14 that this would be midazolam, to which Plaintiff objected, stating that he was “allergic to Versed.” The
15 Paramedic’s response was (to the best of Plaintiff’s recollection) “No, you’re not!” Plaintiff asked him
16 how he would know that, and stated that regardless, he did “not consent” to being administered “any
17 benzodiazepine” (Versed, the trade name for midazolam, is a highly sedating benzodiazepine),
18 explaining that benzodiazepines have a dangerous interaction with one of the drugs [oxycodone] he was
19 prescribed.

20 18. Plaintiff had furthermore explicitly, and in no uncertain terms, advised the Paramedics that he
21 did not want to be administered any medication unless he had been informed of its name/identity
22 beforehand, and had given the Paramedics specific consent for its administration.

23 19. Plaintiff heard one of the Paramedics say, either to another, or over radio, that Plaintiff was
24 “tachy,” meaning tachycardic. Said Paramedica then stated to Plaintiff that he was concerned about his
25 fast heart rate, and, to the best of Plaintiff’s recollection, asked him, “If you don’t want us to give you
26 benzodiazepines, what do you think we should give you to slow down your heart rate and help you calm
27 down?” Plaintiff—who graduated from UCLA with his master’s degree in organic chemistry, and who
28 worked for over 15 years as a medical writer for doctors and hospitals—suggested a beta- or alpha-

1 blocker. At no time did the Paramedics say that they found this to be an absurd or irrational suggestion.

2 20. Plaintiff then requested, and was given, supplemental oxygen, which he told the Paramedics
3 was beginning to help improve his symptoms.

4 21. One of the Paramedics, on information and belief, Defendant JEFFREY BLAKE
5 (“Paramedic Blake” or “Blake”), then returned with a syringe, which he injected into
6 Plaintiff’s arm. Plaintiff is further informed and believes, and thereon alleges, that what Paramedic
7 Blake injected into Plaintiff was a five-milligram intramuscular dose of midazolam (Versed), which was
8 administered in direct contravention of Plaintiff’s wishes, and without his consent; it also caused him to
9 fall unconscious without Plaintiff having any agency in the process.

10 22. Plaintiff is informed and believes, and thereon alleges, that just minutes later, Defendant
11 AUGUST WEIDEMAN (“Weideman”) injected Plaintiff with another five-milligram intramuscular
12 dose of midazolam (Versed), in direct contravention of Plaintiff’s wishes, and without his consent.

13 23. The Paramedics, and each of them, delivered Plaintiff to Defendant Sherman Oaks Hospital’s
14 emergency room in an unconscious state. Plaintiff is informed and believes, and thereon alleges, that
15 SOH medical staff administered haloperidol (Haldol) decanoate, a major tranquilizer. Plaintiff never
16 consented to being administered Haldol, nor was there any good cause for its use.

17 24. On the following day, November 16, 2022, Plaintiff awoke at Defendant Sherman Oaks
18 Hospital (hereinafter, “SOH” or the “Hospital”), whereupon he was told he had rhabdomyolysis.
19 Plaintiff was familiar with the term and was completely at a loss to understand why he had developed
20 such a serious form of muscle damage and acute kidney injury (“AKI”).

21 25. The Hospital, its doctors, and staff failed to inform Plaintiff during his stay that he had also
22 suffered a form of heart attack known as a Type 2 NSTEMI. Plaintiff was shocked to discover this in
23 his medical records, which also disclosed conclusionary, capricious, and manifestly false interpretations
24 of lab results, such as that Plaintiff engaged in “polysubstance abuse,” which included “positive” results
25 for “meth,” “EtOH” (meaning alcohol), and that he should be “discharged to a [homeless] shelter.”
26 When Plaintiff informed the Hospital and its representatives of these grave problems, he received no
27 apology, nor were any of the false statements ever corrected. These medical records are now publicly
28 accessible to other doctors and hospitals, but are manifestly inaccurate and paint Plaintiff in a false light.

1 26. Plaintiff is informed and believes, and thereon alleges, that the administration of Haldol was
2 the likely proximate cause of his rhabdomyolysis.

3 27. Plaintiff has not suffered physically, but continues to suffer severe emotional distress as a
4 result of all of Defendants' acts and omissions.

5 **PARTIES**

6 28. PLAINTIFF JOHN DOE (hereinafter, "Plaintiff") is, and at all times relevant to this
7 action, was, an individual over the age of 18 years; disabled within the meaning of Gov. Code, §§ 12926
8 (j), (m), and 12926.1; and a resident of the County of Los Angeles, State of California.

9 29. The incidents which are the subject of this Complaint occurred within the City and County of
10 Los Angeles, State of California.

11 30. Defendant THE CITY OF LOS ANGELES (hereinafter, "The City") is a municipal
12 Corporation organized under Article XI of the California Constitution and located in the County of Los
13 Angeles.

14 31. Defendant LOS ANGELES FIRE DEPARTMENT (hereinafter, "LAFD") is a government
15 entity organized under the laws of the City of Los Angeles.

16 32. Defendant AUGUST WEIDEMAN ("Weideman"), was, at all relevant times, a paramedic
17 employed by LAFD.

18 33. Defendant JEFFREY BLAKE ("Blake"), was, at all relevant times, a paramedic employed by
19 LAFD.

20 34. Defendant PRIME HEALTHCARE SERVICES-SHERMAN OAKS, LLC dba SHERMAN
21 OAKS HOSPITAL (hereinafter, "Sherman Oaks Hospital" or "SOH") is a Delaware corporation
22 licensed to operate a general acute care hospital within the meaning of Health & Safety Code section
23 1250(a) whose principal business address in California is 4929 Van Nuys Blvd., Sherman Oaks, CA
24 91403.

25 35. The true names and capacities, whether individual, corporate, associate, or otherwise, of
26 Defendants sued herein as DOES 1 through 100, inclusive, are unknown to PLAINTIFF, who therefore
27 sues said Defendants by such fictitious names. PLAINTIFF will seek leave of court to amend this
28 Complaint to allege their true names and capacities, with appropriate charging allegations, when the

1 same are fully ascertained, pursuant to Code of Civil Procedure, Section 474. PLAINTIFF is informed
2 and believes, and thereon alleges, that each of the Defendants designated as a DOE is a resident of, or
3 business entity doing business in, the State of California; and that each of them participated in, and was
4 responsible in some manner for, the wrongful conduct alleged herein, the injuries suffered by
5 PLAINTIFF, and for the damages proximately caused thereby.

6 36. PLAINTIFF is informed and believes, and thereon alleges, that each and every one of the
7 Defendants, including each of the fictitiously named defendants, DOES 1-100, inclusive, in addition to
8 acting for himself, herself or itself, and on his, her, or its own behalf individually, is, and was the agent,
9 employee, alter-ego, partner, joint venturer, servant, representative, and co-conspirator of each and every
10 one of the remaining Defendants; and, in performing, or failing to perform, the acts herein alleged, was
11 acting within the course, scope, purpose, and authority of said agency, employment, partnership, joint
12 venture and/or corporate relationship, service, representation, and conspiracy. Because of the agency,
13 employment, partnership, joint venture and/or corporate relationship, service, representation, and
14 conspiracy between Defendants, PLAINTIFF is informed and believes, and thereon alleges, that each of
15 the Defendants had actual knowledge, collective knowledge, or constructive notice of, and ratified,
16 confirmed, accepted the benefits of, and approved of the acts and omissions of each of the remaining
17 Defendants with full knowledge of the nature and effect of said acts and omissions. In doing the acts
18 alleged herein, each Defendant caused, and/or aided and abetted the wrongful acts and omissions of the
19 other.

20 **JURISDICTION AND VENUE**

21 37. This Court has jurisdiction pursuant to section 410.10 of the Code of Civil Procedure, and
22 pursuant to the California Constitution because Defendants' conduct, and PLAINTIFF's injuries,
23 occurred within the jurisdictional boundaries of this Court, and because Defendant City of Los Angeles
24 is a California Municipal Corporation in the County of Los Angeles, California. Additionally, Plaintiff's
25 damages exceed the jurisdictional minimum for this Court. Finally, all of the Defendants conduct
26 business within the County of Los Angeles, State of California.

27 38. Venue is proper in this Court under Code of Civil Procedure sections 395 and 395.5 because
28 all Defendants are located and/or conducted business within the County of Los Angeles. Further, the

1 events, acts, omissions, obligations, and/or transactions complained of herein occurred, and/or originated
2 within, the County of Los Angeles, State of California.

3 39. Pursuant to Los Angeles Administrative Code sections 5.169-5.170, Plaintiff timely filed and
4 presented a claim to the City. On April 15, 2022, Plaintiff filed a claim online with the City of Los
5 Angeles by filling out the online form and submitting it to the Office of the City Clerk utilizing the
6 following link: <https://claims.lacity.org/>, and received confirmation of such filing the following day.
7 However, due to reasons including mistake and inadvertence, among other Plaintiff realized that he had
8 not set forth a complete factual record. Additionally, although he wished to file a claim for over \$25,000
9 (for which no specific dollar amount need be stated), the online form interface forced Plaintiff to choose
10 such a defined dollar amount option; therefore, he felt no other choice but to close the number closest to
11 zero, namely, \$1.00. It was obvious, or should have been obvious, to Defendant The City that Plaintiff
12 was not seeking \$1.00 in damages.

13 40. On April 16, 2022, Plaintiff then sent an email to The City advising them of his desire to
14 amend his claim. One of the reasons he needed to do so was that he had yet to receive the incident and
15 medical records from the Defendant the City. Plaintiff believed in good faith that he would have ample
16 time in which to do so. That was unfortunately not the case.

17 41. On or about May 16-20, 2022, and even though he had submitted his claim *online*,
18 Plaintiff received a letter from the City—dated May 4, 2022—summarily rejecting his claim.

19 42. Plaintiff has nonetheless complied with the administrative prerequisites (exhaustion of
20 administrative remedies) mandated by the Los Angeles City Charter and Government Code sections
21 911.2 and 945. He is thus now free to bring suit and recover against Defendants City and LAFD.

22 43. This Court is a court of general jurisdiction and has concurrent jurisdiction to adjudicate
23 certain federal causes of action, e.g. those brought under Title 42 U.S.C. Section 1983.
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1 DATED: November 4, 2022

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3 By: _____
4 JOHN DOE
5 Plaintiff, In Propria Persona
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