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Superior Court of California,
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David W. Slayton,
Executive Officer/Clerk of Court,
By M. Gomez, Deputy Clerk

13 Attorneys for Plaintiffs,
14 BALDEV DEVGAN, M.D., MANJU DEVGAN,
15 M.D.

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 FOR THE COUNTY OF LOS ANGELES

18 BALDEV DEVGAN, M.D., an individual;
19 MANJU DEVGAN, M.D., an individual

20 Plaintiffs,

21 v.

22 CITY OF SANTA MONICA SANTA
23 MONICA FIRE DEPARTMENT, and
24 DOES 1 to 50, inclusive,

25 Defendants.

CASE NO.: 23SMCV02124

COMPLAINT FOR DAMAGES

1. MEDICAL NEGLIGENCE
2. NEGLIGENCE
3. GOVERNMENT ENTITY NEGLIGENCE
(GOV. CODE § 815.2, et seq.)
4. ELDER ABUSE/NEGLECT
5. LOSS OF CONSORTIUM
6. NEGLIGENT INFLICTION OF EMOTIONAL
DISTRESS

DEMAND FOR JURY TRIAL

*Complaint Filed: DATE
Assigned for all purposes to
Hon. Judge Name - Department
Trial Date: DATE*



1 COMES NOW Plaintiff BALDEV DEVGAN, M.D., [hereinafter "BALDEV"], and MANJU
2 DEVGAN, M.D., [hereinafter "MANJU"] ("PLAINTIFFS"), bring this action by and through their
3 attorneys, and hereby complains of the defendants above-name, and each of them as follows:

4 **JURISDICTION AND VENUE**

5 1. This Court has jurisdiction over this matter, and venue is proper pursuant to
6 Code of Civil Procedure section 395, because the injury to Plaintiffs occurred in its
7 jurisdictional area in Los Angeles County, California.

8 2. Plaintiffs have incurred more than the jurisdictional minimum of this Court in
9 special damages and general damages.

10 3. The amount in controversy exceeds the jurisdictional minimum of this Court.

11 **PARTIES**

12 4. Plaintiff BALDEV DEVGAN, M.D. ("BALDEV"), is and at all times mentioned
13 herein was an adult and resident of Los Angeles County, California. At all times relevant to the
14 acts and omissions complained of this Complaint, he was the lawfully wedded spouse of Manju
15 Devgan.

16 5. Plaintiff MANJU DEVGAN, M.D. (MANJU), is and at all times mentioned herein
17 was an adult and resident of Los Angeles County, California. At all times relevant to the acts
18 and omissions complained of this Complaint, he was the lawfully wedded spouse of BALDEV.
19 BALDEV and MANJU shall be collectively referred to PLAINTIFFS.

20 6. PLAINTIFFS are informed and believe, and on that basis allege, that at all times
21 relevant to this Complaint, Defendant CITY OF SANTA MONICA SANTA MONICA FIRE
22 DEPARTMENT, its agents, employees, and contractors (hereinafter "SMFD") is a public entity
23 and is a healthcare provider located in and/or doing business in Los Angeles County,
24 California. PLAINTIFFS are informed and believe and on the basis of said information and
25 belief allege that the SMFD is a department/division, wholly owned, operated and controlled by
26 the City of Santa Monica ("CITY"), or contracts with the CITY to provide equipment personnel
27 and services, and that the personnel of the SMFD are employees, agents and/or contractors of
28 the CITY.



1 known medical provider defendant(s).

2 **FACTS**

3 12. On or about April 27, 2022 at approximately 5:00 a.m., Plaintiff BALDEV suffered
4 a ground level fall whereby he fell and hit his head on the bathtub, in a second floor bathroom
5 at his home located in the city of Santa Monica, California.

6 13. Plaintiff MANJU found her husband laying on the floor of the bathroom and called
7 911. Concerned that he may have sustained serious orthopedic injuries or brain trauma during
8 the fall, Manju did not move him prior to the arrival of SMFD and/or DOES 1-10.

9 14. Defendant City of Santa Monica's SMFD, and DOES 1-10 responded to the
10 scene and located BALDEV in the upstairs bathroom. BALDEV was found on the floor,
11 conscious, with his head leaning against the bathtub.

12 15. SFMD and/or DOES 1-10 entered the bathroom and to assess BALDAV's
13 condition. MANJU informed the EMTs that she was a medical doctor and stated to the EMTs
14 that they needed to protect and stabilize his neck before moving him because he had hit his
15 head.

16 16. At all times relevant to this Complaint, MANJU was present, aware of the injury
17 being caused to BALDEV, and was of the belief that BALDEV was being negligently treated
18 and attended to by DEFENDANTS.

19 17. SMFD and DOES 1-10 responded that they "are professionals and you need to
20 let us do our job" and pushed her out of the way outside of the bathroom there by acting to
21 take control of BALDEV and in doing so, assumed the duty to provide him care in a non-
22 negligent fashion, within a degree and standard of care warranted and called for by the
23 circumstances. In doing so, they prevented MANJU from providing or directing treatment to or
24 for BALDEV MANJU was able to see and witness through the opened door the
25 DEFENDANT's actions and inactions as they attended to BALDEV, therefore she was aware
26 of what was occurring contemporaneously with the acts and inactions of SMFD and DOES 1-
27 10 and had a belief that what they were doing and/or failing to do was negligent.

28 18. The SMFD and/or DOES 1-10 did not put a cervical spine ("c-spine")



1 immobilization collar onto BALDEV, or otherwise secure and protect his spine and/or other
2 parts of his body and, in direct contravention to MANJU's warning, moved him, including but
3 not limited to sitting him up and trying to get hm to stand. After physically moving him into a
4 sitting position, they said words to the effect of "he looks ok," and stated that he was moving all
5 his extremities. They proceeded to sit him in a chair that was in the bathroom, all without taking
6 adequate precautions to stabilize and protect his spine.

7 19. Spinal precautions, including but not limited to cervical spine precautions, should
8 be instituted immediately on suspicion of injury in a fall potentially involving the spine to
9 prevent any injury being caused by movement of the injured party.

10 20. DEFENDANTS then further picked up and moved BALDEV on to a gurney and
11 began moving him towards the stairs. Again, MANJU observed BALDEV express concern
12 about how he was being moved and no specific precautions were made to protect his spine
13 from further injury by being moved.

14 21. The EMT/Paramedics subsequently converted the gurney into a sitting position.
15 While in an upright, sitting position, they brought the gurney down a flight of stairs in the house
16 and another outside the house with a bouncing, jarring, motion with each step. With each
17 jarring movement BALDEV was displaying sounds and actions consistent with, and informing
18 the DEFENDANTS of discomfort the movements were causing him. Despite MANJU's
19 protestations and BALDEV's distress, they continued to move him in such a fashion.

20 22. DEFENDANTS then proceeded to convert the position BALDEV from a sitting
21 position into a supine position by physically altering the position of the and loaded him into the
22 ambulance further jarring his person. While in the ambulance, BALDEV informed them that he
23 was uncomfortable and in a lot of pain, including but not limited to his spine, and asked
24 DEFENDANTS to place support around and under him to provide safety and support as the
25 ambulance further was jarring him as it drove down the road. The DEFENDANTS ignored his
26 requests.

27 23. BALDEV was transported to UC Santa Monica Hospital ("UCSM") and was
28 admitted to the Emergency Room ("ER") where he received a CT Scan. When given a report



1 as to the mechanism of BALDEV'S fall, they immediately sought to evaluate and diagnose any
2 injury he may have had to his head and spine. The emergency physicians reported that he had
3 a very serious neck injury, put him into C-spine precautions collar and informed PLAINTIFFS
4 that he needed immediate surgical intervention, that they did not have the resources or
5 facilities to perform the emergency procedures he needed, and arranged for immediate, and
6 emergent, transfer, with full spinal precautions, to UCLA, Ronald Reagan, ER.

7 24. At, Ronald Reagan he was urgently admitted and taken for surgery on his
8 cervical spine. BALDEV'S diagnosis was cervical compression and central spinal cord
9 syndrome injury.

10 25. As a result of the damage caused by SMFD and DOES 1-10, BALDEV went from
11 being able to move all of his extremities in his home, to being a quadriplegic ever since. He
12 remains so today.

13 26. As a direct and proximate result of DEFENDANTS actions and inactions,
14 BALDEV was grievously and permanently injured. DEFENDANTS actions and inactions were
15 negligent and breached the standards of care and prudence which they owed PLANTIFFS.
16 DEFENDANTS' breach was a substantial factor in causing severe and permanent injury to
17 BALDEV and MANJU. DEFENDANTS' wrongful conduct occurred while in the presence of
18 Plaintiff BALDEV'S spouse, MANJU, causing emotional distress to MANJU.

19 **FIRST CAUSE OF ACTION**

20 **MEDICAL NEGLIGENCE**

21 **(Plaintiff BALDEV Against All Defendants)**

22 27. Plaintiffs re-allege and incorporate by reference the allegations contained in the
23 preceding paragraphs as though fully set forth herein.

24 28. DEFENDANTS, and each of them, owed a duty to Plaintiff BALDEV to act with
25 reasonable skill care and treatment in the diagnosis, rendering of aid, transporting, and
26 otherwise caring for BALDEV within the standard of care commonly practiced within the
27 relevant community.

28 29. DEFENDANTS, and each of them, failed to use the level of skill, knowledge, and



1 care commonly practiced within the relevant community in BALDEV'S assessment, diagnosis,
2 transport, care and treatment and, therefore, breached the standard of care owed to BALDEV.

3 30. As a result of the above-described wrongful acts of Defendants, and each of
4 them, BALDEV sustained severe and ongoing injuries, including but not limited to past and
5 future special, economic damages, and past and future general, noneconomic damages.

6 31. DEFENDANTS' negligence and/or gross negligence was a substantial factor in
7 causing PLAINTIFFS' harms.

8 **SECOND CAUSE OF ACTION**

9 **NEGLIGENCE**

10 **(Plaintiffs against All Defendants)**

11 32. Plaintiffs re-allege and incorporate by reference the allegations contained in the
12 preceding paragraphs as though fully set forth herein.

13 33. DEFENDANTS owed BALDEV a duty of reasonable care in their actions
14 including but not limited, to hiring, training, and supervising their agents, employees,
15 contractors and others acting on their behalf, failing to provide the skill, materials, equipment,
16 needed to provide adequate treatment to BALDEV.

17 34. The wrongful acts and/or neglect of DEFENDANTS, and each of them, breached
18 their duties owed BALDEV and MANJU.

19 35. Said breach caused harm to BALDEV. DEFENDANTS' negligence was a
20 substantial factor in causing BALDEV harm.

21 36. The above-described negligent acts and omissions of DEFENDANTS DOES 1
22 through 50, and each of them, actually and proximately caused PLAINTIFFS' injuries, as they
23 unnecessarily exposed him to great risk of bodily harm and caused him severe injuries.

24 37. As a result of the above-described wrongful acts of Defendants, and each of
25 them, BALDEV sustained severe and ongoing injuries, including but not limited to past and
26 future special, economic damages, and past and future general noneconomic damages.

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1 **THIRD CAUSE OF ACTION**

2 **GOVERNMENT ENTITY NEGLIGENCE (GOV. CODE § 815.2)**

3 **(Plaintiff BALDEV Against**

4 **Defendant CITY OF SANTA MONICA, DOES 1 through 10)**

5 38. Plaintiff re-alleges and incorporates by reference the allegations contained in the
6 preceding paragraphs as though fully set forth herein.

7 39. At all relevant times, DEFENDANTS were, divisions and departments of agents
8 and /or public entity Defendant CITY OF SANTA MONICA.

9 40. At all relevant times, within the scope of their agency, employment, or contractual
10 relationship with Defendant CITY OF SANTA MONICA.

11 41. The aforementioned acts and omissions of Defendants CITY OF SANTA
12 MONICA, DOES 1 through 10, and each of them (and their management, administrative,
13 emergency personnel, staff, agents, or contractors, acting within the course and scope of their
14 duties), proximately caused Plaintiffs' injuries.

15 42. Further, these acts and omissions were directly attributable wholly or in
16 substantial part to a negligent or wrongful act of employees of Defendant CITY OF SANTA
17 MONICA, and/or DOES 1 through 10, and each of them, and their divisions, departments,
18 agents, employees and contractors.

19 43. Further, Defendant DEFENDANTS, and each of them, and their agents,
20 employees and contractors acting within the scope of their employment, agency or contracts,
21 undertook, gratuitously or for consideration, to avoid, remedy, and/or abate these acts and
22 omissions. These undertakings and promises were the kind that they recognized as
23 necessary for the protection of third persons. DEFENDANTS through their acts and
24 omissions, (a) increased the risk of such harm, and/or (b) consciously undertook to perform a
25 duty, and therefore owed a duty to do so in a non-negligent fashion, and/or prevented others
26 from acting, and/or, (c) harm was suffered because either others relied on the undertaking
27 and/or did not act because of said undertaking.

28 44. Due to these acts and failures to act, Defendants CITY OF SANTA MONICA, and



1 DOES 1 through 10, and each of them are liable for Plaintiffs' injuries under the Government
2 Code, including, but not limited to Sections 815.2(a), 820(a), 830.8, 835, and 840.2.

3 45. As a direct and proximate result of the acts and omissions of these Defendants,
4 Plaintiff BALDEV suffered severe injuries.

5 46. The acts and omissions of Defendants, their agents, employees and/or
6 contractors were a substantial factor in causing BALDEV injury.

7 47. As a result of the above-described wrongful acts of Defendants, and each of
8 them, Plaintiff sustained severe and ongoing injuries, including but not limited to past and
9 future special, economic damages, and past and future general, noneconomic damages.

10 **FOURTH CAUSE OF ACTION**

11 **ELDER ABUSE/NEGLECT**

12 **(Plaintiff BALDEV against All Defendants)**

13 48. Plaintiffs re-allege and incorporate by reference the allegations contained in the
14 preceding paragraphs as though fully set forth herein.

15 49. At all times relevant, Plaintiff BALDEV was an elder pursuant to Welfare &
16 Institutions Code § 15610.27 as a person over the age of 65 residing in the State of California.

17 50. At all times relevant, DEFENDANTS, and each of them, were "care custodians"
18 pursuant to Welfare & Institutions Code § 15610.17(d), (w) and/or (y). DEFENDANTS, and
19 each of them, had a custodial relationship with BALDEV while he was under their care,
20 custody and control.

21 51. At all times relevant, DEFENDANTS, and each of them were "health
22 practitioners" pursuant to Welfare & Institutions Code § 15610.37.

23 52. At all times relevant, the conscious and willful actions of Defendants, and each of
24 them, rose to the level of neglect and/or abuse when they failed to assure his safety and
25 deprived him of the care and services necessary to avoid physical harm or mental suffering (as
26 defined by Welfare & Institutions Code § 15610.39).

27 53. At all times relevant, the actions of Defendants, and each of them, rose to the
28 level of reckless neglect, gross negligence, gross recklessness, when they failed to protect him



1 from physical harm, further physical harm and/or inflicted physical harm, further physical harm
2 by their actions and/or omissions as previously described herein.

3 54. DEFENDANTS' failures and neglect of Plaintiff were a breach of their statutory
4 and not statutory duties to BALDEV.

5 55. As a result, BALDEV was harmed. DEFENDANTS' actions and inactions were a
6 substantial factor in causing him harm.

7 56. As a result of the above-described wrongful acts of Defendants, and each of
8 them, Plaintiff sustained severe and ongoing injuries, including but not limited to past and
9 future special, economic damages, and past and future general, noneconomic damages and
10 attorney's fees.

11 **FIFTH CAUSE OF ACTION**

12 **LOSS OF CONSORTIUM**

13 **(Plaintiff MANJU against All Defendants)**

14 57. Plaintiffs re-allege and incorporate by reference the allegations contained in the
15 preceding paragraphs as though fully set forth herein.

16 58. At all relevant times, MANJU is and was the spouse of Plaintiff BALDEV.

17 59. Prior to his injuries Plaintiff BALDEV. was able-bodied, independent, self-
18 employed, able to perform his own activities of daily living, able to perform work around the
19 house, contribute to the household financially and physically, and provide care, love, support,
20 comfort, affection, assistance, companionship, enjoyment of intimate relations, and moral
21 support to his wife Plaintiff MANJU.

22 60. As a result of his injuries, Plaintiff MANJU. has in the past and will in the future
23 suffer loss of love, companionship, comfort, care, protection, affection, society, assistance
24 enjoyment of intimate relations, and moral support due to Plaintiff DEFENDANTS' breach of
25 their various duties.

26 61. DEFENDANTS' actions and inactions, as complained of herein, were a
27 substantial factor in causing MANJU harm.

28 62. As a result of the above-described wrongful acts of Defendants, and each of



1 them, Plaintiff sustained severe and ongoing injuries, including but not limited to past and
2 future special, economic damages, and past and future general, noneconomic damages.

3
4 **SIXTH CAUSE OF ACTION**

5 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

6 **(Plaintiff MANJU against All Defendants)**

7 . Plaintiffs re-allege and incorporate by reference the allegations contained in the
8 preceding paragraphs as though fully set forth herein.

9 63. At all relevant times, MANJU is and was the spouse of Plaintiff BALDEV.

10 64. As a direct and proximate result of DEFENDANTS' actions and inactions,
11 BALDEV was grievously and permanently injured. DEFENDANTS actions and inactions were
12 negligent and breached the standards of care and prudence which they owed PLANTIFFS.

13 65. DEFENDANTS' breach was a substantial factor in causing severe and
14 permanent injury to BALDEV and MANJU.

15 66. DEFENDANTS' wrongful conduct occurred while in the presence of Plaintiff
16 BALDEV'S spouse, MANJU, causing emotional distress to MANJU.

17
18 **PRAYER FOR DAMAGES**

19
20 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them
21 according to law and according to proof, as follows:

- 22 1. General damages, in an amount according to proof at the time of trial;
23 2. Special damages for economic damages, in an amount according to proof at the
24 time of trial;
25 3. Any and all statutory damages, fines, or penalties to the extent provided by law;
26 4. Attorney's fees and costs to the extent provided by law as to the 4th cause of
27 action;
28 5. Pre-judgment interest on damages, if appropriate;



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- 6. Costs of suit;
- 7. Such other and further relief as the court deems just and proper.

DATED: May 12, 2023

DOLAN LAW FIRM, PC

By: 

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Attorneys for Plaintiffs,
BALDEV DEVGAN, M.D., MANJU
DEVGAN, M.D.

DEMAND FOR JURY TRIAL

Plaintiffs BALDEV DEVGAN, M.D. and MANJU DEVGAN, M.D., hereby request a jury trial as a matter of right on all causes of action.

DATED: May 12, 2023

DOLAN LAW FIRM, PC

By: 

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