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(10)
CLERK SUPERIOR COURT
SAN DIEGO COUNTY, CA

Attorneys for: Plaintiffs

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO - NORTH COUNTY DIVISION**

10 DELPHINA MOTA and PAUL
11 IHEANACHOR,

CASE NO. 18-2018-00034758-CU-MM-NC

COMPLAINT FOR DAMAGES BASED UPON:

12 Plaintiffs,

1. Medical Malpractice
2. Loss of Consortium
3. Negligent Infliction of Emotional Distress
4. Assault and Battery

13 v.

14 TRI-CITY HEALTHCARE DISTRICT; TRI-
15 CITY MEDICAL CENTER; SANDRA
16 LOPEZ, M.D.; SANDRA LOPEZ, M.D., INC.;
17 DAVID SEIF, M.D.; DAVID SEIF, M.D.,
18 INC.; and DOES 1 through 30, Inclusive,

Defendants.

19 Plaintiffs allege the following:

20 **PRELIMINARY ALLEGATIONS**

21 1. All of the acts and omissions complained of herein occurred within the
22 County of San Diego, State of California. The amount in controversy in this matter
23 exceeds the jurisdictional minimum of this Court.

24 2. Defendants, TRI-CITY HEALTHCARE DISTRICT; TRI-CITY MEDICAL
25 CENTER and DOES 1 through 10, and each of them, own, control, maintain, manage
26 and operate an acute care hospital, known as TRI-CITY MEDICAL CENTER, located at
27 4002 Vista Way, Oceanside, CA 92056, within the County of San Diego, State of
28 California.

1 3. Defendants, TRI-CITY HEALTHCARE DISTRICT; TRI-CITY MEDICAL
2 CENTER; and DOES 1 through 10, and each of them, are and at all material times
3 herein, were, qualified and licensed to do business in the State of California, County of
4 San Diego.

5 4. At all times mentioned herein, Defendants, SANDRA LOPEZ, M.D.;
6 SANDRA LOPEZ, M.D., INC.; DAVID SEIF, M.D.; DAVID SEIF, M.D., INC.; and DOES
7 11 through 20, and each of them, were physicians and surgeons licensed by the State of
8 California to practice medicine and surgery, and each of them held themselves out to
9 possess that degree of skill, learning, ability and expertise possessed by similar medical
10 practitioners in the County of San Diego, State of California.

11 5. The exact form of business, association or organization under which
12 Defendants, DOES 21 through 30, and each of them, exist and conduct themselves is
13 unknown to Plaintiffs at the time of filing this Complaint and they therefore will ask leave
14 of court to amend this Complaint to set forth this information when the same is
15 ascertained.

16 6. Plaintiffs are ignorant of the true names and capacities of defendants sued
17 as Does 1 through 30, inclusive, and therefore sue Doe defendants by such fictitious
18 names. Plaintiffs are informed and believe and thereon allege that each of the
19 fictitiously named defendants are responsible, in some manner, for the acts alleged and
20 for the damages suffered by Plaintiffs. Plaintiffs will seek leave of court to amend this
21 Complaint to allege the true names and capacities of the Doe defendants when they
22 have been fully ascertained.

23 7. Plaintiffs are informed and believe and based thereon allege that at all
24 times mentioned herein, the Defendants and each of them, including the DOE
25 Defendants, were the agents, servants, employees, assistants, partners, joint venturers,
26 and/or consultants of their co-Defendants, and of each other, and as such, were acting
27 within the course of and within the scope of their agency, employment, partnership, joint
28 venture, as well as the authority for each other with the knowledge and consent of their

1 co-Defendants; and when each Defendant was acting as a principal, was negligent in
2 the selection and employment as well as the supervision, of each and every other
3 defendant as its agent, employee, assistant and/or consultant. Furthermore, in
4 committing the acts and omissions alleged herein, the Defendants were all acting with
5 the knowledge, consent, approval, and/or ratification of their co-Defendants.

6 8. In owning, operating, managing, controlling and/or supervising the subject
7 acute care hospital, Defendants, TRI-CITY HEALTHCARE DISTRICT; TRI-CITY
8 MEDICAL CENTER and DOES 1 through 10, and each of them, held themselves out to
9 the general public, and to patients and their families, as being in compliance with all
10 applicable federal and state laws.

11 9. Prior to the filing of this Complaint, and on or about March 9, 2018,
12 Plaintiffs served notice of this claim, to Defendant, TRI-CITY HEALTHCARE DISTRICT,
13 pursuant to California Government Code §900, et seq. (A true and correct copy of said
14 claim, is attached hereto as Exhibit # 1 and is incorporated herein by this reference.)

15 10. It has been more than 45 days since Plaintiffs served the Notice of Claim
16 on Defendant, TRI-CITY HEALTHCARE DISTRICT, and no formal response to said
17 Claim has been received by Plaintiffs. Thus pursuant to the California Government
18 Code section 900, et seq., said claim is deemed denied.

19 11. On or about April 2, 2018, Plaintiffs served notice to Defendants, SANDRA
20 LOPEZ, M.D.; SANDRA LOPEZ, M.D., INC.; DAVID SEIF, M.D., and DAVID SEIF, M.D.,
21 INC., of their intention to commence this action pursuant to Cal. Code Civil Procedure
22 Section 364. (a true and correct copy of said Notices of Claim are attached hereto as
23 Exhibit "2" and incorporated herein by this reference).

24 **FIRST CAUSE OF ACTION**
25 **Medical Malpractice:**

26 12. Plaintiffs reallege the allegations of the preceding paragraphs and
27 incorporate them by this reference as though set forth here in their entirety.

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1 13. On or about November 15, 2017, at approximately 11:51 A.M., Plaintiff,
2 DELPHINA MOTA, a 25 year old, who at the time was, 41 weeks and 4 days pregnant,
3 with gestational diabetes, presented to Defendants, TRI-CITY HEALTHCARE
4 DISTRICT; TRI-CITY MEDICAL CENTER and DOES 1 through 10, and each of them,
5 for inducement of labor.

6 14. At admission, she was awake and alert X2, with no apparent distress.
7 She was attended by Defendant, SANDRA LOPEZ, M.D.; SANDRA LOPEZ, M.D., INC.;
8 and DOES 11 through 15, and each of them. The fetal weight was estimated at 7
9 pounds and the fetal heart tracing was reactive. She was initially 2 cm dilated. She was
10 admitted for induction of labor, consultation was done and a discussion of the options
11 were agreed to. Plaintiff, DELPHINA MOTA requested an epidural for pain management
12 in labor, her induction proceeded with Pitocin augmentation, however during the course
13 of labor she had an intolerance to Pitocin augmentation.

14 15. At approximately 11:06 P.M., an epidural was administered by Defendant,
15 DAVID SEIF, M.D.; DAVID SEIF, M.D., INC.; and DOES 16 through 20, and each of
16 them. At approximately 11:20 P.M., Pitocin was started. At approximately 12:39 A.M.
17 on 11/16/17 her blood pressure dropped and the Pitocin was temporarily discontinued.
18 Sometime before 5:21 A.M., the fetal heart rate became unable to be read. At that time,
19 Defendant, SANDRA LOPEZ, M.D.; SANDRA LOPEZ, M.D., INC.; and DOES 11
20 through 15, and each of them, were made aware and at 05:24 appropriately called for
21 an emergency C-Section.

22 16. Although Defendant, DAVID SEIF, M.D.; DAVID SEIF, M.D., INC.; and
23 DOES 16 through 20, and each of them, the anesthesiologist on call, was paged
24 multiple times, he did not respond and the C-Section was performed by Defendant,
25 SANDRA LOPEZ, M.D.; SANDRA LOPEZ, M.D., INC.; and DOES 11 through 15, and
26 each of them, with no anesthesia given.

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1 17. The epidural that had been previously administered to Plaintiff, DELPHINA
2 MOTA, had the intended effect of numbing her from her waist down, based upon the
3 planned natural delivery. It had absolutely no effect on the surgical site for the C-
4 Section which was located on her abdomen.

5 18. At 5:33 A.M., Plaintiff, DELPHINA MOTA arrived in the operating room,
6 and there was still no response from Defendant, DAVID SEIF, M.D.; DAVID SEIF, M.D.,
7 INC.; and DOES 16 through 20, and each of them, or any other anesthesiologist, for that
8 matter. Defendant, SANDRA LOPEZ, M.D.; SANDRA LOPEZ, M.D., INC.; and DOES
9 11 through 15, and each of them, announced, "Strap her down," at which time, Plaintiff,
10 DELPHINA MOTA's four extremities were strapped down to the operating table. Then,
11 Defendant, SANDRA LOPEZ, M.D.; SANDRA LOPEZ, M.D., INC.; and DOES 11
12 through 15, and each of them, proceeded to perform the C-Section.

13 19. The following is an excerpt from SANDRA LOPEZ, M.D.; SANDRA
14 LOPEZ, M.D., INC.; and DOES 11 through 15, and each of their Operative Report:

15 "Due to the fact that the anesthesiologist was not in the operating room I
16 proceeded to cutting a Pfannenstiel skin incision with a knife through the skin down to
17 the layer of the fascia. The fascia was nicked in the midline and scored and dissected off
18 bluntly. The rectus muscles were separated in the midline and the peritoneum was
19 entered bluntly and stretched. Dr. Seif then entered the room when the lower uterine
20 segment was incised with a knife. The incision was extended with an anterior posterior
21 pull and the membranes were ruptured. The vertex was delivered with manual
22 assistance. There was no nuchal cord and the shoulders and baby delivered easily and
23 atraumatically. The baby was crying and the cord was clamped twice and cut. The baby
24 was handed off to Dr. Movahhedian. A segment of cord was separated for cord gas and
25 cord blood was collected. The placenta was removed manually. The placenta was sent
26 to pathology for examination. The uterus was exteriorized, was cleared of all clots and
27 debris. The uterus was very boggy and Dr. Seif was told to increase the dose of Pitocin
28 to 40 as opposed to the usual 20."

1 20. During that part of the surgery, prior to the arrival of Defendant, DAVID
2 SEIF, M.D.; DAVID SEIF, M.D., INC.; and DOES 16 through 20, and each of them, (the
3 anesthesiologist), Plaintiff, DELPHINA MOTA was crying and screaming at the top of her
4 lungs, that she could feel everything that was happening, and was also pleading for
5 help, and for Defendants to stop cutting and hurting her.

6 21. Defendants, TRI-CITY HEALTHCARE DISTRICT; TRI-CITY MEDICAL
7 CENTER and DOES 1 through 10, and each of them, were careless and negligent in the
8 supervision, hiring, training and staffing needs of said facility.

9 22. Defendants, and each of them, were negligent and careless with regard to
10 their respective duties owed to Plaintiff, DELPHINA MOTA, as more fully specified
11 herein, all resulting in permanent and significant physical injury and emotional distress.

12 23. The nursing and administrative staff provided by Defendants, TRI-CITY
13 HEALTHCARE DISTRICT; TRI-CITY MEDICAL CENTER and DOES 1 through 10, and
14 each of them, fell below the community standard of care for an acute care hospital,
15 which was a direct and legal cause of Plaintiff, DELPHINA MOTA, sustaining significant
16 permanent injury.

17 24. As a direct and legal result of the above described negligence, Plaintiff,
18 DELPHINA MOTA, underwent excruciating and unnecessary pain and suffering, until
19 she eventually passed out from the pain. In addition, she continues to undergo
20 significant emotional distress from the above described conduct, and will likely do so for
21 the remainder of her life.

22 25. As a further direct and legal result of the negligence of the Defendants,
23 and each of them, described herein, Plaintiff, DELPHINA MOTA, sustained great
24 emotional disturbance and injury to her nervous, digestive and reproductive systems and
25 illness, all of which required medical attention, all to her damage in an amount according
26 to proof.

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1 26. As a further direct and legal result of the negligence of the Defendants,
2 and each of them, described herein, Plaintiff, DELPHINA MOTA, was reasonably
3 required to, and did incur medical and incidental expenses for the examination,
4 treatment and care of the aforesaid injuries.

5 27. Plaintiff, DELPHINA MOTA' s injuries were the direct and legal result of
6 Defendants, and each of their, negligent conduct. Accordingly, Defendants, and each of
7 them, are liable to Plaintiff, DELPHINA MOTA, for general, and special damages,
8 according to proof at trial.

9 28. As a further direct and legal result of the above described negligent
10 conduct of Defendants, and each of them, Plaintiff, DELPHINA MOTA, was injured in
11 her health, strength and activity, and required medical care and treatment for said
12 injuries.

13 **SECOND CAUSE OF ACTION**
14 **Loss of Consortium:**

15 29. Plaintiffs reallege the allegations of the preceding paragraphs and
16 incorporate them by this reference as though set forth here in their entirety.

17 30. Prior to her injuries, Plaintiff, DELPHINA MOTA, the fiancé and life partner
18 of Plaintiff, PAUL IHEANACHOR, was able to and did perform her duties as a fiancé and
19 life partner. Subsequent to the injuries and as a direct and legal result thereof, Plaintiff,
20 DELPHINA MOTA, has been incapacitated and unable to perform the necessary duties
21 as life partner, and the work and duties usually performed in the care, maintenance, and
22 management of the family home, and Plaintiff, DELPHINA MOTA, will be unable to
23 perform such work, services and duties in the future. By reason thereof, Plaintiff, PAUL
24 IHEANACHOR, has been deprived, and will be deprived in the future, of the consortium
25 of Plaintiff, DELPHINA MOTA.

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THIRD CAUSE OF ACTION
Negligent Infliction of Emotional Distress:

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3 31. Plaintiffs reallege the allegations of the preceding paragraphs and
4 incorporate them by this reference as though set forth here in their entirety.

5 32. On or about November 15, 2017, at approximately 11:51 A.M., and at all
6 times herein mentioned, Plaintiff, PAUL IHEANACHOR, accompanied his fiancé and life
7 partner, Plaintiff, DELPHINA MOTA, to Defendants, TRI-CITY HEALTHCARE
8 DISTRICT; TRI-CITY MEDICAL CENTER and DOES 1 through 10, and each of them,
9 for inducement of labor.

10 33. Plaintiff, PAUL IHEANACHOR, remained at Plaintiff, DELPHINA MOTA's
11 side during the entire time she was present in the labor and delivery room at said facility.

12 34. When Plaintiff, DELPHINA MOTA, was rushed to the operating room, for
13 the emergency C-Section, Plaintiff, PAUL IHEANACHOR, stood just outside of the
14 operating room door.

15 35. At the same time that Defendant, SANDRA LOPEZ, M.D.; SANDRA
16 LOPEZ, M.D., INC.; and DOES 11 through 15, and each of them, were cutting into
17 Plaintiff, DELPHINA MOTA's belly without the benefit of anesthesia, Plaintiff, PAUL
18 IHEANACHOR, Plaintiff, DELPHINA MOTA's fiancé, life partner, and the father of the
19 baby, was just outside the operating room door, and heard Plaintiff, DELPHINA MOTA
20 screaming for help, and for Defendants to stop cutting and hurting her. He was aware
21 that the anesthesiologist had been paged multiple times and had not responded. He
22 was thus a percipient witness to the negligence with contemporaneous awareness of
23 both the negligence as well as the ongoing injury to his fiancé, and also feared for his,
24 as yet unborn child. Plaintiff, PAUL IHEANACHOR tried to obtain entrance to the
25 operating room, but was held back by several hospital personnel, also present just
26 outside the operating room. After a considerable period of time, Plaintiff, PAUL
27 IHEANACHOR noticed Defendant, DAVID SEIF, M.D.; DAVID SEIF, M.D., INC.; and
28 DOES 16 through 20, and each of them, running down the hallway and enter the

1 operating room, Plaintiff, PAUL IHEANACHOR noted sleep lines on said Defendants
2 face.

3 36. While at the Defendants hospital, just outside the operating room door,
4 Plaintiff, PAUL IHEANACHOR, was a percipient witness to the ongoing negligence of
5 Defendants, and each of them, concerning the care and treatment rendered to his fiancé
6 and life partner, Plaintiff, DELPHINA MOTA.

7 37. Plaintiff, PAUL IHEANACHOR, who as percipient witnesses, observed
8 the confusion and negligence of Defendants, and had contemporaneous awareness of
9 the misconduct or lack of appropriate care of the defendants, and each of them, herein
10 described. In addition to contemporaneous awareness of the resulting serious injuries
11 inflicted on his fiancé and life partner, as well as significant concern for the wellness of
12 his as yet unborn child, thereby inflicted emotional distress upon Plaintiff, PAUL
13 IHEANACHOR, as percipient witnesses.

14 38. The emotional distress, mental anguish, and upset, together with the
15 disruption of his life and lifestyle (partial loss of enjoyment of life) has been sustained by
16 Plaintiff, PAUL IHEANACHOR, resulting in the ongoing reminders of the negligence and
17 carelessness of the defendants, and each of them, which he witnessed. Whereby said
18 plaintiff is entitled to general and special damages according to proof.

19 39. Defendants, and each of them, knew or should have known that Plaintiff,
20 PAUL IHEANACHOR, being in close physical proximity would be a percipient witness of
21 said defendant's negligence and the resulting injuries to his fiancé and life partner.

22 40. As a direct and legal result of the aforementioned negligence of
23 Defendants, and each of them, Plaintiff, PAUL IHEANACHOR, has sustained great
24 emotional disturbance and shock and injury to his nervous system, all of which has
25 caused, continues to cause, and will cause him great physical and mental pain and
26 suffering for the remainder of his life.

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FOURTH CAUSE OF ACTION

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Battery:

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41. Plaintiffs reallege the allegations of the preceding paragraphs and incorporate them by this reference as though set forth here in their entirety.

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42. On or about November 16, 2017, commencing at approximately 5:33 a.m., Defendants, and each of them, touched, or caused Plaintiff, DELPHINA MOTA, to be touched with the intent to harm or offend her, or with a "willful disregard" of her rights.

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43. Although Plaintiff, DELPHINA MOTA, consented to being operated upon by Defendants, and each of them, she did not consent to being operated upon without the benefit of anesthesia. In other words, her consent to the surgery quite naturally included the use of anesthesia, without which her consent to be so "touched", evaporated.

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44. As a direct and legal result of the conduct of Defendants, and each of them, Plaintiff, DELPHINA MOTA, was both physically harmed as well as offended.

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45. A reasonable person in Plaintiff, DELPHINA MOTA's situation would have been offended by the touching, i.e., C-section surgery without the benefit of anesthesia.

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46. Defendants, TRI-CITY HEALTHCARE DISTRICT; TRI-CITY MEDICAL CENTER and DOES 1 through 10, and each of their, administrative and management personnel and employees, were aware that there was a lack of a back up system in place in the event an anesthesiologist assigned to a surgery failed to show up for said surgery.

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47. As a direct and legal result of the above described battery, Plaintiff, DELPHINA MOTA, underwent excruciating and unnecessary pain and suffering, until she eventually passed out from the pain. In addition, she continues to undergo significant emotional distress from the above described conduct, and will likely do so for the remainder of her life.

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3 48. As a further direct and legal result of the battery of the Defendants,
4 and each of them, described herein, Plaintiff, DELPHINA MOTA, sustained great
5 emotional disturbance and injury to her nervous, digestive and reproductive systems and
6 illness, all of which required medical attention, all to her damage in an amount according
7 to proof.

8 49. As a further direct and legal result of the battery of the Defendants, and
9 each of them, described herein, Plaintiff, DELPHINA MOTA, was reasonably required to,
10 and did incur medical and incidental expenses for the examination, treatment and care
11 of the aforesaid injuries.

12 50. Plaintiff, DELPHINA MOTA' s injuries were the direct and legal result of
13 Defendants, and each of their, battery upon her body. Accordingly, Defendants, and
14 each of them, are liable to Plaintiff, DELPHINA MOTA, for general, and special
15 damages, according to proof at trial.

16 51 . As a further direct and legal result of the above described battery of
17 Defendants, and each of them, Plaintiff, DELPHINA MOTA, was injured in her health,
18 strength and activity, and required medical care and treatment for said injuries.

19 52. In doing the acts herein complained of, Defendants, and each of them,
20 acted despicably and wilfully and with conscious disregard of the health, safety and
21 rights of the Plaintiff, DELPHINA MOTA, and with oppression, fraud, or malice in the
22 commission of this physical abuse and assault/battery within the meaning of §3294 of
23 the California Civil Code. Furthermore, Plaintiffs allege that Defendants, TRI-CITY
24 HEALTHCARE DISTRICT; TRI-CITY MEDICAL CENTER and DOES 1 through 10, and
25 each of them, had advance knowledge, provided authorization for, or ratification of, the
26 alleged conduct. Plaintiffs further allege that said advance knowledge, authorization
27 and/or ratification was taken on the part of officers, directors, or managing agents of
28 Defendants, TRI-CITY HEALTHCARE DISTRICT; TRI-CITY MEDICAL CENTER and

1 DOES 1 through 10, and each of them. Furthermore, Plaintiffs allege that Defendants,
2 and each of them, acting by and through their agents and employees, were personally
3 guilty of recklessness, fraud, oppression, or malice.

4 **WHEREFORE**, Plaintiffs respectfully pray for Judgment against the Defendants,
5 and each of them, pursuant to a jury verdict, as follows:

6 **AS AND FOR THE FIRST CAUSE OF ACTION:**

- 7 1. For general damages of Plaintiff, DELPHINA MOTA, in an amount
8 according to proof;
- 9 2. For medical special damages of Plaintiff, DELPHINA MOTA, in an amount
10 according to proof;
- 11 3. For costs of suit in an amount according to proof;
- 12 4. For prejudgment interest as provided by law; and,
- 13 5. For such other and further relief as the Court may deem just and proper.

14 **AS AND FOR THE SECOND CAUSE OF ACTION:**

- 15 1. For general damages of Plaintiff, PAUL IHEANACHOR, in an amount
16 according to proof;
- 17 2. For special damages of Plaintiff, PAUL IHEANACHOR, in an amount
18 according to proof;
- 19 3. For costs of suit, according to proof;
- 20 4. For prejudgment interest as provided by law; and,
- 21 5. For such other and further relief as the Court may deem just and proper.

22 **AS AND FOR THE THIRD CAUSE OF ACTION:**

- 23 1. For general damages of Plaintiff, PAUL IHEANACHOR, in an amount
24 according to proof;
- 25 2. For special damages of Plaintiff, PAUL IHEANACHOR, in an amount
26 according to proof;
- 27 3. For costs of suit, according to proof;
- 28 4. For prejudgment interest as provided by law; and,

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5. For such other and further relief as the Court may deem just and proper.

AS AND FOR THE FOURTH CAUSE OF ACTION:

1. For general damages of Plaintiff, DELPHINA MOTA, in an amount according to proof;

2. For special damages of Plaintiff, DELPHINA MOTA, In an amount according to proof;

3. For costs of suit, according to proof;

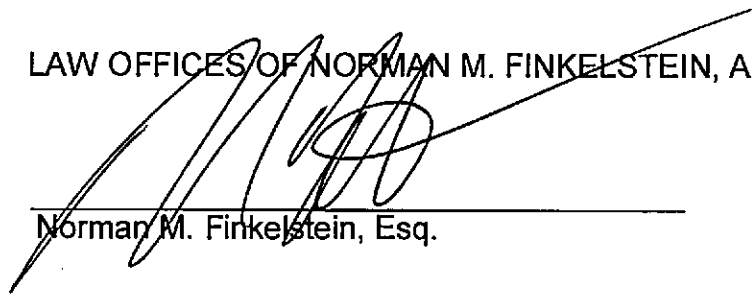
4. For prejudgment interest as provided by law; and,

5. For such other and further relief as the Court may deem just and proper

DATED: July 11, 2018

LAW OFFICES OF NORMAN M. FINKELSTEIN, A.P.C.

By:



Norman M. Finkelstein, Esq.

Norman M. Finkelstein

E-mail - Finkelstein@sbcglobal.net
website - normanmfinkelstein.com

March 9, 2018

Tri-City Healthcare District
Tri-City Medical Center
4002 Vista Way
Oceanside, CA 92056
Attn: Legal Affairs

Re: NOTICE OF CLAIM AGAINST PUBLIC ENTITY PURSUANT TO
CALIFORNIA GOVERNMENT CODE SECTION 900 et seq.

Dear Sir/Madame:

You are hereby notified of the following claim:

A. The name and post office address of the claimant:

Delphina Mota & Paul Iheanachor
2429 Catalina Circle, Apt. 579
Oceanside, Ca. 92056

B. The post office address to which the person presenting
the claim desires notices to be sent:

Norman M. Finkelstein
LAW OFFICES OF NORMAN M. FINKELSTEIN, APC
110 Juniper Street
San Diego, California 92101

C. The date, place and other circumstances of the
occurrences which gave rise to the claim asserted:

On or about November 15, 2017, at approximately 11:51 A.M. Claimant, Delphina Mota presented to Tri City Medical Center, for inducement of labor. She was attended thereat by Sandra Lopez, M.D., and an epidural was administered by David Seif, M.D. at approximately 11:06 P.M. At approximately 11:20 P.M., when she was dilated to 2 CM, Pitocin was started. At approximately 12:39 A.M. on 11/16/17 her blood pressure dropped

and the Pitocin was temporarily discontinued. Somewhere before 05:21 the fetal heart rate became unable to read. At that time, Dr. Lopez was made aware and at 05:24 called for an emergency C-Section. Although the anesthesiologist was called, he did not respond and the C-Section was performed with no anesthesia given. Ms. Mota felt her abdomen being cut into and was screaming at the top of her lungs.

Claimant, Paul Iheanachor, Ms. Mota's fiancé and the father of the baby, was right outside of the operating room, and heard Ms. Mota screaming. He was aware that the anesthesiologist had been paged multiple times and had not responded. He was thus a percipient witness to the negligence with contemporaneous awareness of both the negligence as well as the ongoing injury to his fiancé, and also feared for his child. Mr. Iheanachor tried to obtain entrance to the operating room, but was held back by several hospital personnel also present just outside the operating room. After a considerable period of time, Mr. Iheanachor noticed Dr. Seif, running down the hallway and enter the operating room, Mr. Iheanachor noted sleep lines on Dr. Seif's face.

D. A general description of the injury, damage or loss incurred so far as it may be known at the time of presentation of this claim:

As a direct and legal result of the above described negligence of your staff, Claimant, Delphina Mota underwent excruciating and unnecessary pain and suffering, until she eventually passed out from the pain. In addition, she continues to undergo significant emotional distress from the above described conduct, and will likely do so for the remainder of her life.

As a direct and legal result of the above described negligence of your staff, Claimant, Paul Iheanachor, also continues to suffer from significant emotional distress from the above described conduct, and will likely do so for the remainder of his life.

E. The name or names of the public employee(s) causing the injury, damage or loss, if known:

Doctors, Lopez and Seif, nurse Vida Sudaria, Nurse Katie Collier, CNM Yong Weary, and possibly other employees as yet unknown to claimants, at the time of filing this claim. Claimants reasonably believe that said public employees were employed at Tri City Medical Center at the time and the acts and omissions complained of were taken within the course and scope of said employment/agency.

F. The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage or loss insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed:

Your Claimants intend to bring a lawsuit for medical malpractice and assault and battery, seeking all available legal remedies. The full extent of the damages is unknown at this time, but for purposes of satisfying the requirements of this claim, claimants submit the following:

MEDICAL SPECIAL DAMAGES (Past and Future)	\$	250,000.00
GENERAL DAMAGES (Delphina Mota)	\$	250,000.00
GENERAL DAMAGES (Paul Iheanachor)	\$	250,000.00
PUNITIVE DAMAGES (Assault and Battery)	\$	5,000,000.00

Sincerely,
LAW OFFICES OF NORMAN M. FINKELSTEIN

By: _____

Norman M. Finkelstein, Esq.
Counsel for Claimants

LAW OFFICES OF
NORMAN M. FINKELSTEIN
A PROFESSIONAL CORPORATION

Norman M. Finkelstein

E-mail - Finkelstein@sbcglobal.net
website - NormanMFinkelstein.com

April 2, 2018

CERTIFIED MAIL/RETURN RECEIPT REQUESTED
NOTICE OF CLAIM
CALIFORNIA CODE OF CIVIL PROCEDURE, SECTION 364

Sandra Lopez, M.D.
Sandra Lopez, M.D., Inc.
1000 Vale Terrace Dr
Vista, Ca 92084-5218

RE: Your patient: Delphina Mota

Dear Doctor Lopez:

Be advised that this office has been retained by the above referenced patient, and her fiancé, Paul Iheanachor, to pursue litigation against you for medical malpractice, emotional distress and battery. Please accept this as the required notice of our intent pursuant to California Code of Civil Procedure section 364.

It is our understanding that on or about November 16, 2017, you were on duty at Tri City Medical Center, and were assigned to Delphina Mota. It is our further understanding that sometime before 05:21 the fetal heart rate became unable to read. At that time, you were made aware and at 05:24 called for an emergency C-Section. Although Dr. Seif, the anesthesiologist was called multiple times, he did not respond and the C- Section was performed with no anesthesia given. Ms. Mota felt her abdomen being cut into and was screaming at the top of her lungs. Claimant, Paul Iheanachor, Ms. Mota's fiancé and the father of the baby, was right outside of the operating room, and heard Ms. Mota screaming. He was aware that the anesthesiologist had been paged multiple times and had not responded. He was thus a percipient witness to the negligence with contemporaneous awareness of both the negligence as well as the ongoing injury to his fiancé, and also feared for his child. Mr. Iheanachor tried to obtain entrance to the operating room, but was held back by several hospital personnel also present just outside the operating room. After a considerable period of time, Mr. Iheanachor noticed Dr. Seif running down the hallway and enter the operating room, Mr. Iheanachor noted sleep lines on Dr. Seif's face.

Sandra Lopez, M.D.
April 2, 2018
Page Two

As a direct and legal result of the above described negligence, Claimant, Delphina Mota underwent excruciating and unnecessary pain and suffering, until she eventually passed out from the pain. In addition, she continues to undergo significant emotional distress from the above described conduct, and will likely do so for the remainder of her life.

As a direct and legal result of the above described negligence, Claimant, Paul Iheanachor, also continues to suffer from significant emotional distress from the above described conduct, and will likely do so for the remainder of his life.

Please have your malpractice carrier contact the undersigned. At this time there should be no further direct contact with our clients.

Sincerely,



Norman M. Finkelstein

NMF:abm

Norman M. Finkelstein

E-mail - Finkelstein@sbcglobal.net
website - NormanMFinkelstein.com

April 2, 2018

CERTIFIED MAIL/RETURN RECEIPT REQUESTED
NOTICE OF CLAIM
CALIFORNIA CODE OF CIVIL PROCEDURE, SECTION 364

David Seif, M.D.
David Seif, M.D., Inc.
3626 Ruffin Rd
San Diego CA 92123-1810

RE: Your patient: Delphina Mota

Dear Doctor Seif:

Be advised that this office has been retained by the above referenced patient, and her fiancé, Paul Iheanachor, to pursue litigation against you for medical malpractice, emotional distress and battery. Please accept this as the required notice of our intent pursuant to California Code of Civil Procedure section 364.

It is our understanding that on or about November 16, 2017, you were on duty at Tri City Medical Center, and were assigned to Delphina Mota. It is our further understanding that on 11/15/17, at approximately 11:06 p.m. you administered an epidural to Ms. Mota, who was in active labor at that time.

Sometime before 05:21 the fetal heart rate became unable to read. At that time, Dr. Lopez (the obgyn) was made aware and at 05:24 called for an emergency C-Section. Although you were called multiple times, you did not respond and the C-Section was performed with no anesthesia given. Ms. Mota felt her abdomen being cut into and was screaming at the top of her lungs. Claimant, Paul Iheanachor, Ms. Mota's fiancé and the father of the baby, was right outside of the operating room, and heard Ms. Mota screaming. He was aware that you had been paged multiple times and had not responded. He was thus a percipient witness to the negligence with contemporaneous awareness of both the negligence as well as the ongoing injury to his fiancé, and also feared for his child. Mr. Iheanachor tried to obtain entrance to the operating room, but was held back by several hospital personnel also present just outside the operating room. After a considerable period of time, Mr. Iheanachor noticed you running down the hallway and enter the operating room, Mr. Iheanachor noted sleep lines on your face.

As a direct and legal result of the above described negligence, Claimant, Delphina Mota underwent excruciating and unnecessary pain and suffering, until she eventually passed out from the pain. In addition, she continues to undergo significant emotional distress from the above described conduct, and will likely do so for the remainder of her life.

As a direct and legal result of the above described negligence, Claimant, Paul Iheanachor, also continues to suffer from significant emotional distress from the above described conduct, and will likely do so for the remainder of his life.

Please have your malpractice carrier contact the undersigned. At this time there should be no further direct contact with our clients.

Sincerely,



Norman M. Finkelstein

NMF:abm