

**FILED**  
**Superior Court Of California,**  
**Sacramento**  
**08/23/2022**  
**Hathern**  
**By..... Deputy**  
**Case Number:**  
**34-2022-00325639**

1 **UBALDI & McPHERSON LLP**  
2 Dennis P. McPherson, Esq., SBN 128879  
3 455 University Avenue, Suite 360  
4 Sacramento, CA 95825  
5 Telephone: (916) 265-4555  
6 Facsimile: (916) 265-4568

7 Attorneys for Plaintiff DIGNITY HEALTH  
8 dba MERCY HOSPITAL OF FOLSOM

9 SUPERIOR COURT OF CALIFORNIA  
10 COUNTY OF SACRAMENTO

11 DIGNITY HEALTH dba MERCY No.  
12 HOSPITAL OF FOLSOM,

13 Plaintiffs,

14 vs.

15 CAROL COSTA SMITH, individually and  
16 dba THE LIGHT FOR SENIORS; ANNA  
17 WOOD; LEWIS WOOD and DOES 1  
18 through 20,

19 Defendants.

**COMPLAINT FOR INTERFERENCE  
WITH ACCESS TO HEALTHCARE  
[Civil Code 3427, et seq.]; REQUEST  
FOR CIVIL DAMAGES, PROVISIONAL  
REMEDIES AND PUNITIVE DAMAGES**

20 COMES NOW Plaintiff DIGNITY HEALTH dba MERCY HOSPITAL OF FOLSOM,  
21 (hereinafter "MERCY FOLSOM") and alleges as a cause of action as follows:

22 1. At all times herein mentioned DIGNITY HEALTH dba MERCY HOSPITAL  
23 OF FOLSOM is a California Nonprofit Public Benefit Corporation, in good standing,  
24 operating as a hospital and licensed healthcare facility at 1650 Creekside Drive, Folsom,  
25 California;

26 2. At all times herein mentioned the acts and injuries complained of herein  
occurred in the City of Folsom, County of Sacramento, State of California;

3. Plaintiff DIGNITY HEALTH dba MERCY HOSPITAL OF FOLSOM is an  
aggrieved party within the definition of aggrieved party pursuant to Civil Code §  
3427(a)(3) and 3427(d), and therefore has the requisite standing to maintain and

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1 prosecute this action;

2 4. At all times mentioned herein, Defendants CAROL COSTA SMITH  
3 individually and doing business as THE LIGHT FOR SENIORS , and DOES 1 through  
4 10, are individual persons and fictitious entities who hold themselves out to the general  
5 public as "patient care advocates", representing senior citizens and hospital inpatients  
6 on such matters as asset consolidation, applications and qualification for Medi-Cal, and  
7 Medi-Cal Assisted Living Waivers related to long term placement of clients. At all times  
8 herein mentioned, CAROL COSTA SMITH is alleged to be the owner, director, and  
9 managing agent of THE LIGHT FOR SENIORS.

10 5. On and before July 5, 2022 and continuing, Defendant ANNA WOOD was  
11 a patient at MERCY FOLSOM having legal capacity to make healthcare decisions and  
12 vest third persons with power of attorney to make healthcare decisions on her behalf.  
13 Defendant LEWIS WOOD on information and belief is alleged to be the ex-husband of  
14 ANNA WOOD and in his communications with MERCY FOLSOM, has represented he  
15 has legal authority to act as ANNA WOOD'S agent.

16 6. On and before July 5, 2022 ANNA WOOD and LEWIS WOOD, and DOES  
17 11 through 20, engaged the services of Defendants CAROL COSTA SMITH individually  
18 and doing business as THE LIGHT FOR SENIORS as ANNA WOOD AND LEWIS  
19 WOOD'S "patient care advocate" in any and all dealings with MERCY FOLSOM,  
20 including all decisions regarding discharge and placement of ANNA WOOD out of  
21 MERCY FOLSOM. Thereafter and up to the time of filing this action and continuing,  
22 CAROL COSTA SMITH individually and in her capacity as owner, director and managing  
23 agent for THE LIGHT FOR SENIORS and Does 1 through 10 have held themselves out  
24 as the actual and ostensible agents of ANNA WOOD and LEWIS WOOD and each  
25 DEFENDANT has known of and ratified the acts of each DEFENDANT as agents of  
26 each other.

1           7.     At all times mentioned herein, Defendant ANNA WOOD remains an  
2 inpatient at MERCY FOLSOM . Since July 5, 2022, ANNA WOOD has and continues  
3 to remain medically and legally eligible to be discharged from MERCY FOLSOM, during  
4 which time MERCY FOLSOM care team has provided to defendants safe, lawful,  
5 appropriate and accepting placement of ANNA WOOD which meets the patient's care  
6 needs. At all times herein mentioned, defendants and each of them have unreasonably  
7 and unlawfully refused discharge from MERCY FOLSOM. Due to laws in place protecting  
8 patients and requiring safe discharge, MERCY FOLSOM cannot discharge ANNA WOOD  
9 unless there is safe, accepting placement and the patient and his/her authorized  
10 representative agrees to placement. MERCY FOLSOM has satisfied the legal  
11 requirements by providing safe, lawful and accepting placement options to defendants.  
12 The unlawful and unreasonable refusal by defendants, and each of them, of appropriate  
13 placement while meeting discharge criteria has prevented the patient discharge.

14           8.     On information and belief, MERCY FOLSOM alleges defendants and each  
15 of them have refused discharge based on the false pretense that ANNA WOOD'S  
16 condition requires a higher level of placement than is required by the patient's condition,  
17 solely for the purpose of securing an assisted living waiver in a manner which preserves  
18 the assets of defendant ANNA WOOD while causing financial harm, distress and  
19 damages to MERCY FOLSOM. To accomplish this scheme, Defendants falsely  
20 demanded ANNA WOOD be placed in a skilled nursing facility or remain in the hospital,  
21 inasmuch as the assisted living waiver placement requires the patient come from either  
22 a skilled nursing facility or a hospital. At no time alleged herein has ANNA WOOD  
23 required skilled nursing level care and at no time herein has any skilled nursing facility  
24 agreed to accept ANNA WOOD. Such false demands by Defendants and each of them  
25 further results in financial abuse of ANNA WOOD, fraud upon Medicare and Medi-Cal,  
26 and financial hardship on MERCY FOLSOM.

1           9.     At all times herein mentioned, all acts described herein were committed by  
2 Defendants and DOES 1 through 25, intentionally or recklessly with conscious disregard  
3 for the consequences of their actions and for unlawful purposes including the disruption  
4 of hospital staff, resources and hospital operations, including blocking access of other  
5 patients needing acute care. Further, defendants acts were committed for the purpose  
6 of causing fraud and waste upon plaintiff by forcing plaintiff to either write down the debt  
7 for hospital services provided after meeting discharge criteria or bill Medicare and Medi-  
8 Cal for payment of hospital services beyond when ANNA WOOD required hospital care.

9           10.    In addition to Defendants refusal to accept safe and lawful placement and  
10 be discharged, Defendants unreasonably refuse to cooperate with the discharge planning  
11 team at MERCY FOLSOM in any and all attempts to properly place Defendant ANNA  
12 WOOD and in so doing further disrupted the normal functioning of Plaintiff within the  
13 definition and intent of Civil Code 3427.1.

14           11.    At all times herein mentioned the actions of Defendants refusal of safe  
15 discharge of ANNA WOOD as a patient who does not currently require acute  
16 hospitalization and who refuses to participate in the discharge planning process  
17 constitutes within the meaning and intent of Civil Code § 3427, et seq. a commercial  
18 blockade of Plaintiff MERCY FOLSOM, and constitutes a disruption of the normal  
19 functioning of MERCY FOLSOM.

20           12.    By virtue of Defendants actions in concert with each other defendant,  
21 Plaintiff DIGNITY HEALTH dba MERCY HOSPITAL OF FOLSOM has and continues to  
22 suffer financial harm, disruption of hospital functioning, unreasonable demands upon the  
23 staff and resources of hospital personnel, and MERCY FOLSOM has no other lawful  
24 recourse for compensation for services provided to Defendant ANNA WOOD.

25           13.    By virtue of Defendants actions, all while Defendant ANNA WOOD is  
26 legally eligible for discharge, Plaintiff DIGNITY HEALTH dba MERCY HOSPITAL OF

1 FOLSOM is prevented from allowing persons with actual acute hospitalization needs from  
2 using the hospital bed currently being occupied by Defendant ANNA WOOD. Said  
3 damages are continuing, all in amounts according to proof at the time of trial.

4 14. Plaintiff further alleges the actions of defendant CAROL COSTA SMITH  
5 individually and in her capacity as owner, director and managing agent of THE LIGHT  
6 FOR SENIORS as the agent for ANNA WOOD and LEWIS WOOD in refusing discharge,  
7 falsely demanding placement that is not medically needed, demanding that plaintiff bill  
8 Medicare and Medi-Cal for services that are not needed, and blocking access to the  
9 public for hospital services, are despicable and outrageous, committed with actual  
10 knowledge and ratification of such actions by Defendants ANNA WOOD and LEWIS  
11 WOOD, with malice, oppression and conscious disregard for the rights of MERCY  
12 FOLSOM and with intent to cause harm to plaintiff. As such plaintiff alleges and demands  
13 the recovery of punitive damages against all defendants to punish and make and  
14 example of defendants.

15 15. This court has current and ongoing jurisdiction to protect and safeguard and  
16 prevent harassment to hospital staff, disruption of lawful hospital activities, and is  
17 authorized under Civil Code § 3427.3 to issue provisional and protective order remedies  
18 prior to trial on the merits. Plaintiff MERCY FOLSOM will request the issuance of  
19 provisional protective orders to protect the health, safety of hospital staff and to cease  
20 what amounts to a disruption of lawful hospital operations and a commercial blockade.

21 WHEREFORE, Plaintiff DIGNITY HEALTH dba MERCY HOSPITAL OF FOLSOM  
22 prays for relief, judgment, orders as follows:

23 1. Defendants ANNA WOOD , LEWIS WOOD, CAROL COSTA SMITH  
24 individually and dba THE LIGHT FOR SENIORS, and DOES 1 through 20 actions  
25 constitute a commercial blockade as defined under Civil Code § 3427, et seq.;

26 2. Provisional protective orders to and including enjoining Defendants ANNA

1 WOOD, LEWIS WOOD, CAROL COSTA SMITH individually and dba THE LIGHT FOR  
2 SENIORS, and DOES 1 through 20 from refusing to participate in discharge planning  
3 process, and disruption of the normal functioning of plaintiff hospital;

4 3. Provisional remedies including an order for Defendant ANNA WOOD's  
5 immediate discharge at the next available discharge placement facility;

6 4. Monetary damages for Defendants ANNA WOOD, LEWIS WOOD, CAROL  
7 COSTA SMITH individually and dba THE LIGHT FOR SENIORS and DOES 1 through  
8 25 commercial blockade and disruption of the normal functioning of MERCY FOLSOM,  
9 including all species of monetary damages authorized by Civil Code § 3427.2, according  
10 to proof

11 5. For conduct that was outrageous, unlawful, oppressive and with malice and  
12 intent to cause harm to MERCY FOLSOM, punitive damages against all defendants,  
13 according to proof;

14 6. For costs of suit herein;

15 7. For attorney's fees authorized by law;

16 8. For such other and further relief as may be proper.

17 Dated: August 20, 2022

**UBALDI & McPHERSON LLP**

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By 

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Dennis P. McPherson, Attorneys for Plaintiffs  
DIGNITY HEALTH dba MERCY HOSPITAL OF  
FOLSOM

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Ubaldi &  
McPherson  
LLP

