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9 dba MERCY HOSPITAL OF FOLSOM

FILED
Superior Court Of California,
Sacramento
06/30/2021
hpemelton
By _____, Deputy
Case Number:
34-2021-00303333

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

DIGNITY HEALTH dba MERCY
HOSPITAL OF FOLSOM,

No.

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

Plaintiffs,

vs.

YVONNE BRENNAN, CRAIG B.
SMEDLEY, and DOES 1 through 10,

Defendants.

COMES NOW Plaintiff DIGNITY HEALTH dba MERCY HOSPITAL OF FOLSOM,
and alleges as a cause of action as follows:

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

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
prosecute this action;



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LLP

1 4. At all times mentioned herein, Defendants YVONNE BRENNAN, and DOES
2 1 through 5, are individual persons and have been and remain an inpatient at MERCY
3 HOSPITAL OF FOLSOM in Folsom. Since approximately May 9, 2021, Defendants, and
4 each of them, have and continue to remain medically and legally eligible to be discharged
5 from MERCY HOSPITAL OF FOLSOM. Defendants, and each of them, unreasonably
6 and unlawfully refuse discharge from MERCY HOSPITAL OF FOLSOM, and have
7 refused discharge from MERCY HOSPITAL OF FOLSOM since May 9, 2021. Due to
8 laws in place protecting patients and requiring safe discharge, MERCY HOSPITAL OF
9 FOLSOM cannot discharge defendants unless there is safe, accepting placement.

10 5. At all times mentioned herein, Defendants CRAIG B. SMEDLEY, and DOES
11 6 through 10, are individual persons who hold themselves out to the general public as
12 "patient care advocates". Defendants YVONNE BRENNAN, and DOES 1 through 5,
13 engaged the services of Defendants CRAIG B. SMEDLEY, and DOES 6 through 10, to
14 act on their behalf as "patient care advocates". Defendants CRAIG B. SMEDLEY, and
15 DOES 6 through 10, unreasonably and unlawfully advised Defendants YVONNE
16 BRENNAN, and DOES 1 through 5, to ignore and refuse all safe discharge options
17 offered to Defendants YVONNE BRENNAN, and DOES 1 through 5, by Plaintiff DIGNITY
18 HEALTH dba MERCY HOSPITAL OF FOLSOM.

19 6. Plaintiff DIGNITY HEALTH dba MERCY HOSPITAL OF FOLSOM is
20 informed and believes and thereon alleges that each of the Defendants were the actual
21 agent, ostensible agent, and/or apparent agent of each of the remaining Defendants, and
22 others named herein as DOE Defendants, and in doing the acts or things alleged herein
23 were acting within the course and scope of such agency relationship stated herein.

24 7. At all times herein mentioned, Defendants YVONNE BRENNAN, and DOES
25 1 through 5, and each of them, were provided multiple safe placement options for
26 discharge from MERCY HOSPITAL OF FOLSOM, all of which were safe, lawful,

1 appropriate, and accepting of Defendants. Notwithstanding, Defendants YVONNE
2 BRENNAN, and DOES 1 through 5, have refused all placements, refused to be
3 discharged, have unreasonably delayed placement, and refused all efforts at discharge
4 provided by DIGNITY HEALTH dba MERCY HOSPITAL OF FOLSOM.

5 8. At all times herein mentioned, all acts described herein were committed by
6 Defendants YVONNE BRENNAN, CRAIG B. SMEDLEY, and DOES 1 through 10, either
7 intentionally or recklessly with conscious disregard for the consequences of their actions.

8 9. In addition to Defendants YVONNE BRENNAN, and Does 1 through 5's
9 refusal to accept safe and lawful placement and be discharged, Defendants YVONNE
10 BRENNAN, CRAIG B. SMEDLEY, and DOES 1 through 10, unreasonably refuse to
11 cooperate with the discharge planning team at MERCY HOSPITAL OF FOLSOM in any
12 and all attempts to place Defendant YVONNE BRENNAN. At all times mentioned herein,
13 Defendants YVONNE BRENNAN, CRAIG B. SMEDLEY, and DOES 1 through 10, acted
14 in concert with each other, within the meaning of California Civil Code § 3427.1, and have
15 intentionally disrupted the normal functioning of MERCY HOSPITAL OF FOLSOM.

16 10. At all times herein mentioned the actions of Defendant YVONNE BRENNAN
17 as a patient who does not currently require acute hospitalization and who refuses to
18 participate in the discharge planning process constitute within Civil Code § 3427, et seq.
19 a commercial blockade of Plaintiff MERCY HOSPITAL OF FOLSOM, constitute a
20 disruption of the normal functioning of Plaintiff's hospital, and constitute a blockade by
21 refusing exit by proper, safe discharge placements offered to her.

22 11. By virtue of Defendants YVONNE BRENNAN, CRAIG B. SMEDLEY, and
23 DOES 1 through 10's actions, all while Defendant YVONNE BRENNAN is legally eligible
24 for discharge, Plaintiff DIGNITY HEALTH dba MERCY HOSPITAL OF FOLSOM has
25 suffered financial harm, inasmuch as Defendant YVONNE BRENNAN's insurance has
26 denied payment and Plaintiff DIGNITY HEALTH dba MERCY HOSPITAL OF FOLSOM

1 has no lawful recourse for compensation for services provided to Defendant YVONNE
2 BRENNAN.

3 12. By virtue of Defendants YVONNE BRENNAN, CRAIG B. SMEDLEY, and
4 DOES 1 through 10's actions, all while Defendant YVONNE BRENNAN is legally eligible
5 for discharge, Plaintiff DIGNITY HEALTH dba MERCY HOSPITAL OF FOLSOM is
6 prevented from allowing persons with actual acute hospitalization needs from using the
7 hospital bed currently being occupied by Defendant YVONNE BRENNAN. Said damages
8 are continuing, all in amounts according to proof at the time of trial.

9 13. This court has current and ongoing jurisdiction to protect and safeguard and
10 prevent harassment to hospital staff, disruption of lawful hospital activities, and is
11 authorized under Civil Code § 3427.3 to issue provisional and protective order remedies
12 prior to trial on the merits. Plaintiff DIGNITY HEALTH dba MERCY HOSPITAL OF
13 FOLSOM will request the issuance of provisional protective orders to protect the health,
14 safety of hospital staff and to cease what amounts to a disruption of lawful hospital
15 operations and a commercial blockade.

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

18 1. Defendants YVONNE BRENNAN, CRAIG B. SMEDLEY, and DOES 1
19 through 10's actions constitute a commercial blockade as defined under Civil Code §
20 3427, et seq.;

21 2. Provisional protective orders to and including enjoining Defendants
22 YVONNE BRENNAN, CRAIG B. SMEDLEY, and DOES 1 through 10 from refusing to
23 participate in discharge planning process, and disruption of the normal functioning of
24 plaintiff hospital;

25 3. Provisional remedies including an order for Defendant YVONNE
26 BRENNAN's immediate discharge at the next available discharge placement facility;

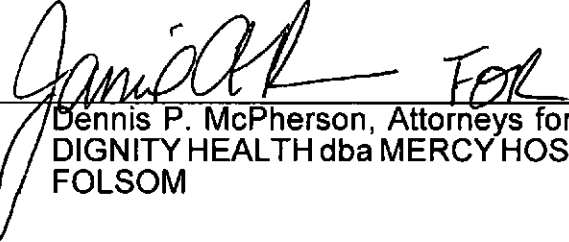
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4. Monetary damages for Defendants YVONNE BRENNAN, CRAIG B. SMEDLEY, and DOES 1 through 10's commercial blockade, including all species of monetary damages authorized by Civil Code § 3427.2, according to proof;

- 5. For costs of suit herein;
- 6. For attorney's fees authorized by law;
- 7. For such other and further relief as may be proper.

Dated: June 23, 2021

UBALDI & McPHERSON LLP

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

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