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90036

1 CHRIS PURCELL, ESQ., SBN 145483  
2 CHRISTINA D. BENNETT, ESQ., SBN 251842  
3 PURCELL LAW  
4 1539 E. 4<sup>th</sup> Street  
5 Santa Ana, CA 92701  
6 Phone: (714) 884-3006  
7 Fax: (714) 884-3007

**FILED**  
Superior Court of California  
County of Los Angeles

JAN 24 2014

Sherri R. Carter, Executive Officer/Clerk  
By Myrna Beltran Deputy  
Myrna Beltran

8 OSC: 07/10/2015 TRIAL: 07/24/2015 OSC: 01/24/2017

9 D-92 EIA WEINBACH

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

10 DAVID SOLOMON,  
11 Plaintiff,

CASE NO.:

BC534074

12 vs.

COMPLAINT

13 SPINAL SOLUTIONS, INC; ROGER  
14 WILLIAMS; MARY WILLIAMS;  
15 CROWDER MACHINE AND TOOL SHOP;  
16 WILLIAM CROWDER, PHYSICIANS OF  
17 MIDWAY, INC.; OLYMPIA MEDICAL  
18 CENTER; AND DOES 1 to 30, inclusive,

Defendant(s).

19 TO THE COURT:

20 COMES NOW, Plaintiff, David Solomon, and for his Complaint in this matter, to allege as  
21 follows:

- 22 1. Plaintiff is an individual who at all times relevant herein has resided in the State of California.
- 23 2. Defendant, Spinal Solutions, Inc. ("Spinal Solutions"), is a corporation organized under the  
24 laws of the State of California, with its principal place of business in Murrieta, California. Defendants,  
25 Roger Williams and Mary Williams, are owners, operators and/or management of Spinal Solutions.
- 26 3. Defendant, Crowder Machine and Tool Shop, is a business entity of form unknown located  
27 in Temecula, California. Defendant, William Crowder, is an individual who, plaintiff is informed and  
28 believes and thereon alleges, has an ownership interest in and operates Crowder Machine and Tool Shop.

01/24/2014

CITY CASE: BC534074  
LEAD DEF: 9  
RECEIVED: 310  
DATE PAID: 01/24/14 10:12 AM  
AMOUNT: \$45.00  
CHECK NO: 310  
CASH: \$0.00  
CASH: \$0.00  
CASH: \$0.00  
CASH: \$0.00  
CASH: \$0.00

1 4. Defendant, Physicians of Midway, Inc. (hereinafter "Olympia") is a corporation organized  
2 under the laws of the State of California that owns and operates the Olympia Medical Center, located  
3 in the City of Los Angeles.

4 5. The true names, identities and capacities, whether individual, associate, corporate or  
5 otherwise, of Defendants DOES 1 through 30, inclusive, and each of them, are unknown to plaintiff at  
6 this time, who therefore sues said defendants by such fictitious names. When the true names, identities,  
7 capacities or participation of such fictitiously designated defendants are ascertained, plaintiff will ask  
8 leave of the Court to amend this complaint to insert said true names, identities and capacities.

9 6. Plaintiff is informed and believes, and thereon alleges, that each of the defendants sued herein  
10 as a "Doe" is responsible in some manner for the events and happenings herein referred to, thereby  
11 proximately causing the injuries and damages to plaintiff as hereinafter set forth.

12 7. Plaintiff is informed and believes, and thereon alleges, that at all times mentioned herein, each  
13 of the defendants sued herein was the agent, servant and/or employee of each other, and of his, her or  
14 its said co-defendants and was, as such, acting within the time, place, purpose and scope of the said  
15 agency, service and/or employment; that each of the defendants, as aforesaid, when acting as a principal,  
16 was negligent in the selection and hiring of each and every other defendant, as an agent, servant and/or  
17 employee.

18 **FACTS COMMON TO ALL CAUSES OF ACTION**

19 8. Plaintiff, David Solomon, was involved in an automobile accident and suffered serious  
20 injuries in 2007. These injuries included, inter alia, injuries to his back.

21 9. Plaintiff received treatments for his back injuries but his condition did not improve. After  
22 consulting Dr. John Regan, plaintiff decided to undergo lumbar fusion surgery. The initial surgery took  
23 place on December 18, 2011. As a part of the surgery, two pedicle screws were placed in plaintiff's  
24 back. The screws were manufactured by defendants Crowder Machine & Tool Shop and William  
25 Crowder and/or Does 1 to 10, inclusive, and were distributed by defendants Spinal Solutions, Roger  
26 Williams, Mary Williams and/or Does 11 to 20, inclusive.

27 10. The screws placed in plaintiff's back, as alleged in paragraph 10, above, were counterfeit  
28 screws that were not approved by the Federal Food and Drug Administration ("FDA") and were

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1 defective. Plaintiff is informed and believe that defendants Crowder Machine & Tool Shop, William  
2 Crowder, Spinal Solutions, Roger Williams, Mary Williams and/or Does 1 to 20, inclusive, knowingly  
3 manufactured and distributed the counterfeit and defective pedicle screws as part of scheme to deceive  
4 medical professionals and the public by charging inflated prices for cheap, non FDA-approved,  
5 counterfeit and defective pedicle screws, as well as other medical devices and equipment, for the prices  
6 commanded by pedicle screws, or other medical devices and equipment, that were approved by the FDA.

7 11. Subsequent to the surgery of December 18, 2011, plaintiff developed additional pains and  
8 problems in his back. Plaintiff learned in late 2012 that the screws that had been placed in his back were  
9 defective. One of the one-inch screws, installed at S-1, broke, requiring plaintiff to undergo replacement  
10 surgery. The replacement surgery was performed by Dr. Regan on February 27, 2013.

11 12. Plaintiff continues to suffer pain, loss of movement, emotional distress and other ill effects  
12 from the implantation of the defective and counterfeit screws manufactured and distributed by  
13 defendants Crowder Machine & Tool Shp and William Crowder, Spinal Solutions, Roger Williams,  
14 Mary Williams and/or Does 1 to 20, inclusive, and each of them.

15 13. Plaintiff has been informed by physicians that he can expect to continue to suffer pain, loss  
16 of movement, emotional distress and other ill effects from the implantation of the defective and  
17 counterfeit screws manufactured and distributed by defendants Crowder Machine & Tool Shp and  
18 William Crowder, Spinal Solutions, Roger Williams, Mary Williams and/or Does 1 to 20, inclusive, into  
19 the indefinite future.

20 **FIRST CAUSE OF ACTION**

21 (Products Liability, Against Defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder  
22 Machine & Tool Shop, William Crowder, and Does 1 through 20, inclusive)

23 14. Plaintiff incorporates the allegations of paragraphs 1 through 13, above, as if restated in full.

24 15. Defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool  
25 Shop, William Crowder, and Does 1 through 20, inclusive, and each of them, knowingly and  
26 intentionally manufactured and distributed counterfeit and defective pedicle screws for use in surgery  
27 and implantation in human beings such as plaintiff. The scheme of defendants was elaborate, involving  
28 not only the manufacture of the counterfeit and defective screws but also the creation of false

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1 documentation and packaging materials to make it appear that the screws had been manufactured by  
2 FDA-approved manufacturers. The scheme of defendants also involved overcharging insurance  
3 companies and other payors for the counterfeit and defective screws through the creation and submission  
4 of false, fraudulent and/or grossly inflated invoices. Plaintiff is informed and believes and thereon  
5 alleges that the counterfeit and defective screws manufactured and distributed by defendants Spinal  
6 Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool Shop, William Crowder, and  
7 Does 1 through 20, inclusive, were implanted in thousands of persons throughout the United States.

8 16. The counterfeit and defective screws manufactured and distributed by defendants Spinal  
9 Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool Shop, William Crowder, and  
10 Does 1 through 20, inclusive, and each of them, were not reasonably fit for the purpose for which they  
11 were to be used, i.e., implantation in human beings in spinal fusion and other surgeries.

12 17. Defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool  
13 Shop, William Crowder, and Does 1 through 20, inclusive, and each of them, knew that said counterfeit  
14 and defective pedicle screws were not reasonably fit to be implanted into human beings, but deliberately  
15 and callously manufactured and distributed them knowing that they would be used for such purpose.  
16 Said defendants further knew that said pedicle screws would not be inspected prior to their use in human  
17 beings, and further said defendants actively attempted to prevent said screws from being inspected,  
18 through the artifice of creating false documentation and packaging for said screws in order to make it  
19 appear that they had been manufactured by an FDA-approved manufacturer. Said defendants either  
20 knew that the counterfeit and defective pedicle screws they were manufacturing and distributing would  
21 break and cause injury and damages to persons such as plaintiff, or they knew there was a substantial  
22 certainty that said counterfeit and defective pedicle screws would break and cause injury and damages  
23 to persons such as plaintiff, but recklessly disregarded such substantial certainty. The acts of defendants  
24 Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool Shop, William Crowder,  
25 and Does 1 through 20, inclusive, in manufacturing and distributing the counterfeit and defective screws  
26 for implantation into persons were despicable, fraudulent and undertaken in deliberate violation of the  
27 rights of plaintiff and persons similarly situated.

28 18. The counterfeit and defective screws manufactured and distributed by defendants Spinal

1 Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool Shop, William Crowder, and  
2 Does 1 through 20, inclusive, were implanted into plaintiff in the surgery of December 18, 2011,  
3 subsequently failed. The failure of said screws was not apparent to plaintiff and was not discovered by  
4 plaintiff until, at the earliest, November 2012. Such failure was a substantial factor in causing plaintiff  
5 to suffer physical injury and emotional distress as alleged hereinabove, and in requiring plaintiff to  
6 undergo further surgery and treatments.

7 19. The failure of the counterfeit and defective pedicle screws manufactured and distributed by  
8 defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool Shop, William  
9 Crowder, and Does 1 through 20, inclusive, and each of them, was a substantial factor in causing severe  
10 injury and damages to plaintiff as alleged hereinabove, in an amount according to proof but substantially  
11 in excess of the minimum needed to invoke the Unlimited Civil jurisdiction of the Court.

12 20. The actions of defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder  
13 Machine & Tool Shop, William Crowder, and Does 1 through 20, inclusive, and each of them, as alleged  
14 above were despicable and constitute malice, fraud and oppression, as defined by Civil Code § 3294,  
15 and further entitle plaintiff to an award of exemplary damages, in an amount determined by the Court  
16 to be just, to punish defendants and deter them from any such actions in the future. Punitive damages.

17 **SECOND CAUSE OF ACTION**

18 (Medical Battery; Against Defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder  
19 Machine & Tool Shop, William Crowder, and Does 1 through 20)

20 21. Plaintiff incorporates the allegations of paragraphs 1 through 20, above, as if restated in full,  
21 except those inconsistent with the claim for Medical Battery.

22 22. Defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool  
23 Shop, William Crowder, and Does 1 through 20, and each of them, knew and intended that the  
24 counterfeit and defective pedicle screws they manufactured and distributed would be implanted in human  
25 beings in medical procedures such as the fusion that plaintiff underwent. Defendants Spinal Solutions,  
26 Roger Williams, Mary Williams, Crowder Machine & Tool Shop, William Crowder, and Does 1 through  
27 20, and each of them, actively concealed the counterfeit and defective nature of said pedicle screws  
28 because, in part, they knew that persons such as plaintiff would not consent to the implantation of said

1 screws if they knew their true nature and because they knew that health care providers would not use said  
2 pedicle screws if they knew their true nature.

3 23. The active concealment by defendants Spinal Solutions, Roger Williams, Mary Williams,  
4 Crowder Machine & Tool Shop, William Crowder, and Does 1 through 20, and each of them, of the true  
5 nature of the counterfeit and defective pedicle screws prevented plaintiff from giving informed consent  
6 to the implantation of such screws in his body. Said defendants, and each of them, intended that said  
7 counterfeit and defective pedicle screws would be implanted into persons such as plaintiff without their  
8 consent,<sup>2</sup> and by their manufacture, distribution and sale of such counterfeit and defective pedicle screws  
9 defendants caused them to be implanted into plaintiff, and into other persons situated similarly to  
10 plaintiff.

11 24. The active concealment by defendants Spinal Solutions, Roger Williams, Mary Williams,  
12 Crowder Machine & Tool Shop, William Crowder, and Does 1 through 20, and each of them, of the true  
13 nature of the counterfeit and defective pedicle screws prevented the health care providers who treated  
14 plaintiff from discovering that said screws were counterfeit and defective and prevented said providers  
15 from obtaining the informed consent of plaintiff to the implantation of such screws in his body.

16 25. The active concealment by defendants Spinal Solutions, Roger Williams, Mary Williams,  
17 Crowder Machine & Tool Shop, William Crowder, and Does 1 through 20, and each of them, of the true  
18 nature of the counterfeit and defective pedicle screws caused a medical procedure, to which plaintiff did  
19 not give his informed consent, to be performed on plaintiff. Defendants Spinal Solutions, Roger  
20 Williams, Mary Williams, Crowder Machine & Tool Shop, William Crowder, and Does 1 through 20,  
21 and each of them, knew and intended that such procedures would be performed on persons such as  
22 plaintiff, without their informed consent and without even the possibility of their informed consent,  
23 when they manufactured and distributed said counterfeit and defective pedicle screws. Defendants  
24 Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool Shop, William Crowder,  
25 and Does 1 through 20, and each of them, are liable to plaintiff for all injuries and damage caused by the  
26 performing of said medical procedure, to which plaintiff had not given his informed consent.

27 26. The implantation of the counterfeit and defective pedicle screws in plaintiff caused severe  
28 injury and damage to plaintiff, in an amount according to proof but substantially in excess of the

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1 minimum needed to invoke the Unlimited Civil jurisdiction of the Court. The actions of defendants, and  
2 each of them, as alleged above were despicable and constitute malice, fraud and oppression, as defined  
3 by Civil Code § 3294, and further entitle plaintiff to an award of exemplary damages, in an amount  
4 determined by the Court to be just, to punish defendants and deter them from any such actions in the  
5 future.

6 **THIRD CAUSE OF ACTION**

7 (Fraud, Against Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool Shop,  
8 William Crowder, and Does 1 through 20)

9 27. Plaintiff incorporates the allegations of paragraphs 1 through 26, above, as if restated in full,  
10 except those inconsistent with the claim for Fraud.

11 28. Defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool  
12 Shop, William Crowder, and Does 1 through 20, and each of them, deliberately manufactured and  
13 distributed counterfeit and defective pedicle screws for implantation into persons such as plaintiff during  
14 surgical procedures.

15 29. Defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool  
16 Shop, William Crowder, and Does 1 through 20, and each of them, deliberately, intentionally, and  
17 actively concealed the facts that said pedicle screws were counterfeit and defective through, inter alia,  
18 the creation of deceptive and false documentation and packaging that was intended to make it appear that  
19 said screws had been manufactured by FDA-approved manufacturers. Defendants Spinal Solutions,  
20 Roger Williams, Mary Williams, Crowder Machine & Tool Shop, William Crowder, and Does 1 through  
21 20, and each of them, placed said counterfeit and defective pedicle screws into the stream of commerce  
22 with such deceptive and false documentation and packaging.

23 30. Defendants Spinal Solutions, Williams, Crowder Machine & Tool Shop, William Crowder,  
24 and Does 1 through 20, and each of them, knew and intended that health care providers would rely on  
25 the false documentation and packaging that accompanied the counterfeit and defective pedicle screws  
26 and would then use such screws in medical procedures.

27 31. Defendants Spinal Solutions, Williams, Crowder Machine & Tool Shop, William Crowder,  
28 and Does 1 through 20, and each of them, knew and intended that persons such as plaintiff would rely

1 either on the false documentation and packaging that accompanied the counterfeit and defective pedicle  
2 screws, or on their health care providers to select FDA-approved pedicle screws for implantation in  
3 them, and thereby consent to the implantation of such counterfeit and defective pedicle screws in them  
4 during surgical procedures.

5 32. Plaintiff in fact did rely on the false documentation and packaging that accompanied the  
6 counterfeit and defective pedicle screws, and/or on his health care providers to select FDA-approved  
7 pedicle screws for implantation in him. Plaintiff would not have consented to the implantation of said  
8 counterfeit and defective screws in his body if he had known their true nature.

9 33. The implantation of said counterfeit and defective screws in the body of plaintiff was a  
10 substantial factor in causing plaintiff to suffer severe injury and damages. Plaintiff's damages are in an  
11 amount according to proof but substantially in excess of the minimum needed to invoke the Unlimited  
12 Civil jurisdiction of the Court. The actions of defendants, and each of them, as alleged above were  
13 despicable and constitute malice, fraud and oppression, as defined by Civil Code § 3294, and further  
14 entitle plaintiff to an award of exemplary damages, in an amount determined by the Court to be just, to  
15 punish defendants and deter them from any such actions in the future.

16 **FOURTH CAUSE OF ACTION**

17 (Negligence, Against Defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder  
18 Machine & Tool Shop, William Crowder, and Does 1 through 20 )

19 34. Plaintiff incorporates the allegations of paragraphs 1 through 33, above, as if restated in full,  
20 except those inconsistent with the claim for Negligence.

21 35. Defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool  
22 Shop, William Crowder, and Does 1 through 20, as manufacturers and distributors of pedicle screws  
23 intended for implantation in human beings, had a duty of care to plaintiff, and persons situated similarly  
24 to plaintiff, to manufacture and distribute pedicle screws that were reasonably safe and effective for  
25 implantation into human beings and which complied with all applicable federal and state laws and  
26 regulations.

27 36. Defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool  
28 Shop, William Crowder, and Does 1 through 20, and each of them, breached their duty of care to

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1 plaintiff, and to persons situated similarly to plaintiff, by manufacturing and distributing pedicle screws  
2 that were not reasonably safe and effective for implantation into human beings and/or which did not  
3 comply with one or more applicable federal and state laws and regulations.

4 37. The breach of duty by defendants Spinal Solutions, Roger Williams, Mary Williams,  
5 Crowder Machine & Tool Shop, William Crowder, and Does 1 through 20, and each of them, was a  
6 substantial factor in causing severe injury and damage to plaintiff, in an amount according to proof but  
7 substantially in excess of the minimum needed to invoke the Unlimited Civil jurisdiction of the Court.

8 **FIFTH CAUSE OF ACTION**

9 (Negligence, Against Olympia Medical Center, and Does 21 through 30)

10 38. Plaintiff incorporates the allegations of paragraphs 1 through 37, above, as if restated in full,  
11 except those inconsistent with the claim for Negligence.

12 39. Defendant Physicians of Midway, Inc. (hereinafter "Olympia") and Olympia Medical Center,  
13 and Does 21 through 30, and each of them, had a duty of care to plaintiff, and to persons situated  
14 similarly to plaintiff, to use pedicle screws that were reasonably safe and effective for implantation into  
15 human beings and which complied with all applicable federal and state laws and regulations, in medical  
16 procedures such as the spinal fusion surgery performed on plaintiff.

17 40. Defendant Physicians of Midway, Inc. (hereinafter "Olympia") and Olympia Medical  
18 Center, and Does 21 through 30, and each of them, breached their duty of care to plaintiff by using and  
19 implanting into plaintiff pedicle screws that were not reasonably safe and effective for implantation into  
20 human beings and/or which did not comply with one or more applicable federal and state laws and  
21 regulations. Plaintiff has complied with the requirements of Code of Civil Procedure § 364 and has  
22 given notice to defendants of his intent to bring this action.

23 41. Said breach of duty by defendant Defendant Physicians of Midway, Inc. (hereinafter  
24 "Olympia") and Olympia Medical Center, and Does 21 through 30, and each of them, was a substantial  
25 factor in causing severe injury and damage to plaintiff, in an amount according to proof but substantially  
26 in excess of the minimum needed to invoke the Unlimited Civil jurisdiction of the Court.

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01 / 24 / 2014

1 **SIXTH CAUSE OF ACTION**

2 (RICO, Against Defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine &  
3 Tool Shop, William Crowder, Olympia, Olympia Medical Center and Does 1 through 30)

4 42. Plaintiff incorporates the allegations of paragraphs 1 through 41 above, as if restated in full,  
5 except those inconsistent with the claim for RICO.

6 43. Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool Shop, William  
7 Crowder, Olympia, and Does 1 through 30, inclusive, and each of them, formed and participated in an  
8 enterprise (the "Enterprise") to defraud insurance companies and other payors of health care costs  
9 through the manufacture and distribution of counterfeit and defective pedicle screws, and other  
10 counterfeit and defective medical equipment and devices, including, inter alia, rods to be implanted into  
11 human beings in surgery.

12 44. Plaintiff is informed and believes and thereon alleges that the purpose of said Enterprise to  
13 generate profits for its participants through the manufacture and distribution of said counterfeit and  
14 defective pedicle screws and medical equipment and devices. Plaintiff is informed and believes and  
15 thereon alleges that the participants in the scheme realized profits through the lower costs incurred in  
16 manufacturing counterfeit and defective items instead of purchasing said items from FDA-approved  
17 manufacturers, and also by substantial and unconscionable inflating of charges for said counterfeit and  
18 defective items. Plaintiff is informed and believes that thereon alleges that said Enterprise constituted  
19 an "enterprise" as that term is defined by the Racketeer Influenced and Corrupt Organizations Act  
20 ("RICO") found at 18 U.S.C. § 1961, et seq. Plaintiff is further informed and believes and thereon  
21 alleges that said Enterprise used the instrumentalities of interstate commerce in furtherance of its  
22 racketeering activities, including but not limited to the use of interstate transport and distribution of  
23 counterfeit and defective medical devices and equipment, and the use of the United States Mail,  
24 telephonic and electronic forms of communication. Plaintiff is further informed and believes that the  
25 predicate acts committed in furtherance of the activities of the Enterprise violated, inter alia, the federal  
26 mail fraud and wire fraud statutes, including but not limited to 18 U.S.C. §§ 1341 and 1343, as well as  
27 regulations promulgated by the FDA governing the manufacture, distribution, sale and use of medical  
28 equipment and devices.

1 45. Plaintiff is further informed and believes and thereon alleges that the participants in the  
2 Enterprise – defendants Spinal Solutions, Roger Williams, Mary Williams, Crowder Machine & Tool  
3 Shop, William Crowder, Olympia, Olympia Medical Center and Does 1 through 30, and each of them --  
4 knew and intended its violations of statutes and regulations as alleged above, and intended to profit, and  
5 did profit, therefrom.

6 46. The actions of the Enterprise were a substantial factor in causing substantial injury and  
7 damage to plaintiff, in an amount according to proof but substantially in excess of the minimum needed  
8 to invoke the Unlimited Civil jurisdiction of the Court. The actions of said Enterprise have also required  
9 plaintiff to obtain attorneys and to incur attorneys' fees in order to vindicate his rights which were  
10 violated by the Enterprise.

11 WHEREFORE, plaintiff prays for relief, as follows:

- 12 1. On all causes of action, for all compensatory economic and noneconomic damages allowable  
13 by law;
- 14 2. On the First, Second, and Third Causes of Action, for exemplary damages in an amount  
15 determined to be just;
- 16 3. On the Sixth Cause of Action, for a trebling of all permissible damages as allowed by the  
17 RICO statute, 18 U.S.C. § 1961, et seq;
- 18 4. For costs of suit herein; and
- 19 5. For all other relief that the Court determines is just and proper.
- 20

21 DATED: January 22, 2014

PURCELL LAW

22  
23  
24 By: 

Chris Purcell, Esq.  
Christina D. Bennett, Esq.  
Attorney for Plaintiff, DAVID SOLOMON

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 Chris Purcell, SBN 145483 / Christina Bennett, SBN 251842  
 PURCELL LAW  
 1539 E. 4th Street  
 Santa Ana, CA 92701

TELEPHONE NO.: 714-884-3006 FAX NO.: 714-884-3007  
 ATTORNEY FOR (Name): David Solomon

FOR COURT USE ONLY

**FILED**  
 Superior Court of California  
 County of Los Angeles

**JAN 24 2014**

Sherri R. Carter, Executive Officer/Clerk  
 By Myrna Beltran Deputy  
 Myrna Beltran

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles  
 STREET ADDRESS: 111 N. Hill Street  
 MAILING ADDRESS: 111 N. Hill Street  
 CITY AND ZIP CODE: Los Angeles, CA 90012  
 BRANCH NAME: Stanley Mosk Courthouse

CASE NAME: Solomon v. Spinal Solutions, Inc., et al.

**CIVIL CASE COVER SHEET**

**Unlimited** (Amount demanded exceeds \$25,000)  **Limited** (Amount demanded is \$25,000 or less)

**Complex Case Designation**  
 **Counter**  **Joinder**  
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **BC534074**

JUDGE:  
 DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- |  |   |   |
|--|---|---|
| <p><b>Auto Tort</b></p> <p><input type="checkbox"/> Auto (22)<br/> <input type="checkbox"/> Uninsured motorist (46)</p> <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <p><input type="checkbox"/> Asbestos (04)<br/> <input checked="" type="checkbox"/> Product liability (24)<br/> <input type="checkbox"/> Medical malpractice (45)<br/> <input type="checkbox"/> Other PI/PD/WD (23)</p> <p><b>Non-PI/PD/WD (Other) Tort</b></p> <p><input type="checkbox"/> Business tort/unfair business practice (07)<br/> <input type="checkbox"/> Civil rights (08)<br/> <input type="checkbox"/> Defamation (13)<br/> <input type="checkbox"/> Fraud (16)<br/> <input type="checkbox"/> Intellectual property (19)<br/> <input type="checkbox"/> Professional negligence (25)<br/> <input type="checkbox"/> Other non-PI/PD/WD tort (35)</p> <p><b>Employment</b></p> <p><input type="checkbox"/> Wrongful termination (36)<br/> <input type="checkbox"/> Other employment (15)</p> | <p><b>Contract</b></p> <p><input type="checkbox"/> Breach of contract/warranty (06)<br/> <input type="checkbox"/> Rule 3.740 collections (09)<br/> <input type="checkbox"/> Other collections (09)<br/> <input type="checkbox"/> Insurance coverage (18)<br/> <input type="checkbox"/> Other contract (37)</p> <p><b>Real Property</b></p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)<br/> <input type="checkbox"/> Wrongful eviction (33)<br/> <input type="checkbox"/> Other real property (26)</p> <p><b>Unlawful Detainer</b></p> <p><input type="checkbox"/> Commercial (31)<br/> <input type="checkbox"/> Residential (32)<br/> <input type="checkbox"/> Drugs (38)</p> <p><b>Judicial Review</b></p> <p><input type="checkbox"/> Asset forfeiture (05)<br/> <input type="checkbox"/> Petition re: arbitration award (11)<br/> <input type="checkbox"/> Writ of mandate (02)<br/> <input type="checkbox"/> Other judicial review (39)</p> | <p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b></p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)<br/> <input type="checkbox"/> Construction defect (10)<br/> <input type="checkbox"/> Mass tort (40)<br/> <input type="checkbox"/> Securities litigation (28)<br/> <input type="checkbox"/> Environmental/Toxic tort (30)<br/> <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p><b>Enforcement of Judgment</b></p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p><b>Miscellaneous Civil Complaint</b></p> <p><input type="checkbox"/> RICO (27)<br/> <input type="checkbox"/> Other complaint (not specified above) (42)</p> <p><b>Miscellaneous Civil Petition</b></p> <p><input type="checkbox"/> Partnership and corporate governance (21)<br/> <input type="checkbox"/> Other petition (not specified above) (43)</p> |
|--|---|---|

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive
4. Number of causes of action (specify): Six
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 22, 2014  
 Chris Purcell, SBN 145483 / Christina Bennett, SBN 251842  
 (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL 14  HOURS/  DAYS

**Item II.** Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input checked="" type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

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	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.	
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
		<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
		<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
		<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
		<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
<input type="checkbox"/> A6012 Other Promissory Note/Collections Case		2., 5.	
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.	
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.	
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.	
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.	
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation	Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
<input type="checkbox"/> A6032 Quiet Title		2., 6.	
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2., 6.	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2., 8.
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2.
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.		
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
<input type="checkbox"/> A6100 Other Civil Petition	2., 9.		

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**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

<b>REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.</b>  <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		<b>ADDRESS:</b> 5900 W. Olympic Boulevard
<b>CITY:</b> Los Angeles	<b>STATE:</b> CA	<b>ZIP CODE:</b> 90036

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subs. (b), (c) and (d)].

Dated: January 22, 2014



(SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

01/24/2014