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

KIMBERLY TURBIN, an individual,

Plaintiff,

vs.

ALEX ABBASSI, M.D., an individual; and
DOES 1 through 10, inclusive,

Defendants.

) Case No.

) **COMPLAINT FOR ASSAULT AND
BATTERY**

) **REQUEST FOR TRIAL BY JURY**

1 Plaintiff KIMBERLY TURBIN (“Ms. Turbin”) hereby complains and alleges as follows:

2 **THE PARTIES**

3 1. At all times herein mentioned, Ms. Turbin was an individual residing in the
4 county of Los Angeles, California.

5 2. Plaintiff is informed and believes and based thereon alleges, that Alex Abbassi,
6 M.D. (“Dr. Abbassi”), is an individual in the State of California and was at all times mentioned
7 herein residing in, and doing business in, the County of Los Angeles, California, with a license to
8 practice medicine in the State of California, specializing in obstetrics and gynecology.

9 3. The true names and capacities, whether individual, plural, corporate, partnership,
10 associate, or otherwise, of the defendants named herein as DOES 1 through 10, inclusive, are
11 unknown to Plaintiff who therefore sues such defendants by such fictitious names. Plaintiff is
12 informed and believes, and based upon such information and belief alleges, that each of the
13 defendants designated herein as DOES 1 through 10 is legally responsible in some manner for
14 the events and happenings herein referred to, and negligently, tortiously, and unlawfully,
15 proximately caused injury and damages to Plaintiff as alleged herein. Plaintiff will seek leave of
16 Court to amend this Complaint to show defendants’ true names and capacities after the same
17 have been ascertained.

18 4. The events giving rise to the causes of action alleged herein occurred in the State
19 of California, County of Los Angeles, as that is where the relevant incident occurred.

20 **GENERAL ALLEGATIONS**

21 5. When Ms. Turbin, a two-time sexual assault survivor, arrived at Providence
22 Tarzana Medical Center in Tarzana, California for the birth of her first baby on May 4, 2013, she
23 confided in the staff that she had previously been raped. Consistent with her legal right to be
24 informed about and consent to any proposed medical procedures, Ms. Turbin asked that the staff
25 ask permission before touching her in any way and be gentle. Instead, Ms. Turbin was subjected
26 to an egregious act of obstetric violence which was recorded on video.

1 **For Assault and Battery**

2 (Against All Defendants)

3 12. Plaintiff hereby incorporates into this first cause of action paragraphs 1 through
4 12, inclusive, of this Complaint.

5 13. Without consent or legal privilege, Dr. Abbassi intentionally assaulted and
6 physically battered Plaintiff with the intent to harm Plaintiff as described herein. Such conduct
7 was extreme and outrageous and would be deemed highly offensive to a reasonable person.

8 14. As a result of the aforementioned conduct, Plaintiff was physically and
9 psychologically damaged.

10 15. Defendant Abbassi acted with malice and oppression and with a conscious
11 disregard of Plaintiff's rights, making him liable for punitive damages under California Civil
12 Code §3294.

13 **SECOND CAUSE OF ACTION**

14 **For Intentional Infliction of Emotional Distress**

15 (Against All Defendants)

16 16. Plaintiff hereby incorporates into this second cause of action paragraphs 1 through
17 16, inclusive, of this Complaint.

18 17. In committing the acts described herein, Defendants engaged in extreme and
19 outrageous conduct that transcended the bounds of human decency.

20 18. Defendants intended to cause, and did cause, Plaintiff to experience severe
21 physical injury and emotional distress and they each acted with reckless disregard of the
22 probability that Plaintiff would suffer such injuries.

23 19. Defendants' conduct was a substantial factor in causing Plaintiff's severe distress.

24 20. Plaintiff has accordingly been damaged in an amount to be determined at the time
25 of trial.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as
28 follows:

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ON THE FIRST CAUSE OF ACTION:

- 1. For general damages according to proof;
- 2. For special damages according to proof, including past and future medical expenses, rehabilitation, and related expenses, including interests, according to proof;
- 3. For punitive and/or exemplary damages in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct;

ON THE SECOND CAUSE OF ACTION:

- 1. For general damages according to proof;
- 2. For special damages according to proof;
- 3. For punitive and/or exemplary damages in an amount appropriate to punish Defendants and deter others from engaging in similar misconduct;

AND ON ALL CAUSES OF ACTION:

- 1. For an award of interest at the maximum allowable rate from the present date to the date of entry of judgment;
- 2. For any other and further relief as the Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff hereby demands a jury trial on all issues so triable.

DATED: April ____, 2015

By: _____