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THE UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

JEFFERY JOHN HUGHES, individually and as successor-in-interest for decedent JEFFERY HUGHES, and ANNIE RUTH HUGHES, individually and as successor-in-interest for decedent JEFFERY HUGHES,

Plaintiffs,

v.

OLYMPUS AMERICA, INC., a New York corporation; OLYMPUS CORPORATION OF THE AMERICAS, a New York corporation; OLYMPUS MEDICAL SYSTEMS CORP., a Japanese corporation; and DOES 1 through 10 inclusive,

Defendants.

COMPLAINT FOR:

(1) PRODUCTS LIABILITY;
(2) NEGLIGENCE;
(3) FRAUD – INTENTIONAL MISREPRESENTATION;
(4) FRAUD – NEGLIGENT MISREPRESENTATION;
(5) SURVIVAL ACTION;
(6) WRONGFUL DEATH.

JURY TRIAL DEMANDED

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COMES NOW Plaintiffs JEFFERY JOHN HUGHES and ANNIE RUTH HUGHES, individually and as successors-in-Interest for decedent JEFFERY HUGHES ("Plaintiffs"), for claims for relief against OLYMPUS AMERICA, INC., a New York corporation, OLYMPUS CORPORATION OF THE AMERICAS, a New York corporation, OLYMPUS MEDICAL SYSTEM CORPORATION, a Japanese corporation, and DOES 1 through 10 inclusive, inclusive, ("Defendants").

JURISDICTION AND VENUE

1. This is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332 because it is a civil action between citizens of different states and citizens of a state and citizens of a foreign state, and the amount in controversy exceeds the sum or value of seventy-five thousand dollars, exclusive of costs and interest.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a). A substantial portion of the events and omissions giving rise to this lawsuit occurred in this District, and the Court has personal jurisdiction over each of the parties as alleged through this complaint.

INTRODUCTION AND SUMMARY OF ACTION

3. Olympus America, Inc., Olympus Corporation of the Americas, and Olympus Medical System Corporation ("Olympus") are in the business of manufacturing and selling medical devices including endoscopes, which are medical devices used in invasive medical procedures within the human body. In or about 2014, Olympus redesigned one of its endoscopes, the TJF-Q180V Duodenoscope ("Q180V Scope"). The Q180V Scope was designed and intended for repeated and recurrent use in multiple medical procedures, on different patients. After each use, the Q180V Scope necessarily requires cleaning and disinfecting – known as

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"reprocessing" – before it can be used on a new patient. A manufacturer of a medical device like an endoscope, which is going to be used in multiple patients, has an obligation to develop and validate a reprocessing protocol, and to incorporate this protocol into the product's labeling.

4. The product labeling must provide sufficient instructions on how to prepare the device for the next patient use. The manufacturer must maintain in the Device Master Record and/or design history file as appropriate, documentation of tests that were performed to demonstrate that the instructions are complete and understandable and can reasonably be executed by the user. The device master record must comply with the requirements of 21 CFR 820.181; the design history file must comply with requirements of 21 CFR 820.30(j). The manufacturer must ensure that the validated reprocessing protocol is disseminated to medical facilities and professionals.

5. Olympus failed to take these critical steps with the redesigned Q180V Scope. Olympus failed to provide an effective and validated reprocessing protocol for the redesigned Q180V Scope. Instead, Olympus provided its customers – medical facilities and physicians – with a safety cleaning protocol for an older endoscope, with a significantly different design. As a result, end-users were not able effectively to sanitize and clean the new redesigned Q180V Scope.

6. As a direct result of Olympus's failure to develop and validate an effective reprocessing protocol for the redesigned Q180V Scope, the end-users exposed multiple patients to potentially contaminated Q180V Scopes. The end-users rely on the manufacturer of the scope to provide an effective and validated reprocessing protocol. It was unknown to the end-users that the old reprocessing protocol was not effective in removing all residual body fluids and organic debris from the device after use. These residual fluids and debris can contain microbial contamination. When microbial contamination remains on the device, the Q180V

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Scope is contaminated. Any patient who underwent a medical procedure with a contaminated Q180V Scope was exposed to serious health risks including severe infection and death.

7. Plaintiffs' decedent JEFFERY HUGHES ("decedent"), who was a minor at all relevant times, was exposed to a contaminated Q180V Scope when he underwent multiple procedures with this device at UCLA Ronald Regan Medical Center between September 2014 and December 2014. As a result of the exposure to this contaminated device, decedent suffered significant injury and died.

PARTIES

8. Plaintiff JEFFERY JOHN HUGHES (herein "Mr. Hughes") is the surviving father and successor-in-interest of decedent Jeffery Hughes. As such, Mr. Hughes is one of decedent's successors-in-interest pursuant to *Code of Civil Procedure* § 377.11. Mr. Hughes has executed and filed with this Complaint a declaration under penalty of perjury pursuant to California *Code of Civil Procedure* §377.32. Plaintiff Mr. Hughes brings this complaint in his capacity as an individual and as successor-in-interest to decedent. Mr. Hughes is a citizen of the State of California and resides in Los Angeles County, California.

9. Plaintiff ANNIE RUTH HUGHES (herein "Mrs. Hughes") is the surviving mother and successor-in-interest of decedent Jeffery Hughes. As such, Mrs. Hughes is one of decedent's successors-in-interest pursuant to *Code of Civil Procedure* § 377.11. Mrs. Hughes has executed and filed with this Complaint a declaration under penalty of perjury pursuant to California *Code of Civil Procedure* §377.32. Plaintiff Mrs. Hughes brings this complaint in her capacity as an individual and as successor-in-interest to decedent. Mrs. Hughes is a citizen of the State of California and resides in Los Angeles County, California.

10. Mr. Hughes and Mrs. Hughes are herein referred to as "Plaintiffs".

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11. Defendant Olympus America, Inc., (hereafter "Olympus America") is a corporation organized and existing under the laws of the State of New York. Olympus America's principal place of business is 3500 Corporate Parkway, Center Valley, Pennsylvania 18034. Olympus America maintains multiple offices in California, including an office at 10863 Holder Street, Cypress, California. Among its business activities, Olympus America sells, markets, and services Olympus medical products in the United States, including , including endoscopes including the specific Q180V Scope involved in the subject incident. At all times relevant to this action, Olympus America has conducted substantial business in California and regularly caused its products to be sold in California. One specific way in which Olympus America engages in the sales and marketing of its endoscopes in the County of Los Angeles is through its Endoscopy sales group that consists of, but is not limited to, Endoscopy Account Manager Vincent J. Hernandez, Eric Arabit, and Katrina Respicio. Furthermore, Plaintiffs' claims for relief arise out of a specific conduct committed in the County of Los Angeles, State of California. Therefore, personal jurisdiction is proper under California Code of Civil Procedure § 410.10 and the Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

12. Defendant Olympus Corporation of the Americas (hereafter "Olympus Corp.") is a corporation organized and existing under the laws of the State of New York. Olympus Corp.'s principal place of business is 3500 Corporate Parkway, Center Valley, Pennsylvania 18034. Among its business activities, Olympus Corp. is involved in the distribution, sales, marketing, regulatory management, and services related to Olympus medical products in the United States, including the specific Q180V Scope involved in the subject incident. At all times relevant to this action, Olympus Corp. has conducted substantial business in California. Plaintiffs' claims for relief arise out of a specific conduct committed in the County of Los Angeles,

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State of California. Therefore, personal jurisdiction is proper under California Code of Civil Procedure § 410.10 and the Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

13. Defendant Olympus Medical System Corporation (hereafter "Olympus Medical") is a foreign corporation organized and existing under the laws of Japan with its principal place of business located at Shinjuku Monolith, 2-3-1 Nishi-Shinjuku, Shinjuku-ku, Tokyo 163-0914, Japan. Olympus Medical designs, manufactures, assembles, tests, markets, distributes, and sells medical endoscopes, including the specific Q180V Scope involved in the subject incident. Olympus Medical may be served by and through the Chairman of the Board, Chief Executive Officer, and President of Olympus Medical under Article 10(a) of the Hague Service Convention, to which Japan is a signatory, and as is consistent with California law. In addition, Olympus Medical may be served through Japan's central authority pursuant to Article 5 of the Hague Convention. At all times relevant herein, Olympus Medical conducted substantial business in California, regularly caused its products to be sold in California, and the claims for relief arise out of a tort committed in California. Therefore, personal jurisdiction is proper under California Code of Civil Procedure § 410.10 and the Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

14. Defendants Olympus America, Olympus Corp., and Olympus Medical (hereafter, collectively, "Olympus") designed, developed, manufactured, advertised, promoted, marketed, sold and/or distributed the defective Olympus endoscopes throughout the United States.

15. The true names and capacities of Does 1 through 10 are unknown to Plaintiffs. Plaintiffs are informed and believes and thereon alleges that each of these Defendants are in some way liable for the events referred to in this Complaint and caused damage to Plaintiffs and decedent. Plaintiffs will amend this Complaint and

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insert the correct names and capacities of those Defendants when they are discovered.

16. At all times mentioned, each Defendant, including DOES 1 through 10, was the representative, agent, employee, joint venturer, or alter ego of each of the other defendants and in doing the things alleged herein was acting within the scope of its authority as such.

17. Olympus and DOES 1 through 10 are collectively referred to herein as "Defendants."

GENERAL ALLEGATIONS

18. Olympus manufactures and sells endoscopes to be used repeatedly by medical service providers in endoscopic retrograde cholangiopancreatography procedures ("ERCP"). Specifically, Olympus designs, manufactures, assembles, tests, markets, distributes, promotes, advertises and sells duodenoscopes, a sub-type of endoscope, to be used by medical practitioners for internal and invasive diagnostic and therapeutic procedures within a human's body, such as a person's hepatobiliary and pancreatic systems.

19. Olympus has known that the complex design of its duodenoscopes renders some parts of the medical device extremely difficult to access. As a result, effective cleaning of its duodenoscopes is difficult. Defendants have known that the moving parts of the elevator mechanism within the duodenoscope contain microscopic crevices that may not be reached with a brush, and that residual body fluids and organic debris may remain in these crevices following use. Defendant knew, or should have known, that if these residual fluids contain microbial contamination, multiple patients would be exposed to a serious risk of harm, including lethal infection.

20. In 2014, Olympus completely redesigned the TJF-Q180V

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Duodenoscope, broadening the range of scope positions in which the device's guide wire can be securely locked.

21. Notwithstanding this complete redesign, Olympus failed to take any action to update the reprocessing protocol for the TJF-Q180V Duodenoscope (hereinafter "Q180V Scope"). Specifically, Defendants failed to: (a) re-evaluate the existing safety and cleaning/disinfection protocols developed for earlier duodenoscope models; (b) research and develop reliable safety and cleaning/disinfection protocols for the Q180V Scope prior to marketing the product; (c) provide purchasers and end-users with effective and validated cleaning/disinfection protocols for the Q180V Scope at the date of sale; (d) recall the Q180V Scope upon realizing that Olympus had not updated the safety and cleaning/disinfection protocols; and (e) provide purchasers and end-users with effective and validated cleaning/disinfection protocols for the Q180V Scope at any time after the date of sale.

22. Even before the redesign and subsequent sale and marketing of the Q180V Scope, Defendants were on notice that Defendants' endoscope devices were difficult to clean and, as such, that they posed health risks to patients exposed to the devices. In 2013, Olympus was informed of infections to patients in the state of Washington involving multiple duodenoscopes from its 160 and 180 series. At least four patients who were infected as a result of exposure to contaminated duodenoscopes died.

23. Despite the harm that can result from inadequately disinfected Q180V Scopes, Defendants negligently, recklessly, and with conscious disregard of the extreme risks to the public of serious infection, pain, suffering, and death, aggressively marketed and sold the Q180V Scope to medical service providers across the United States and in California, including the University of California at Los Angeles (UCLA) Ronald Reagan Medical Center (hereafter "UCLA Hospital"),

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claiming that the product was a safe and effective device, that could be recurrently and invasively used in multiple patients for ERCP procedures.

24. A manufacturer of a medical device like an endoscope, which is going to be used in multiple patients, has an obligation to develop and validate an effective reprocessing protocol, and then to disseminate the protocol to medical facilities and professionals.

25. Defendants knew that end-users of the Q180V Scope relied on the manufacturer to provide effective and validated reprocessing protocols necessary for the safe operation of the Q180V Scope. Defendants intended and expected the Q180V Scope to be used invasively by medical service providers, in multiple patients across the United States. Defendants sold the Q180V Scope to the UCLA Hospital with that intention and expectation.

26. The UCLA Hospital complied with the reprocessing protocols provided by Defendants in its operation and use of the Q180V Scopes it purchased from Defendants. The UCLA Hospital complied with the reprocessing protocols provided by Defendants because Defendants represented those protocols as adequate and effective for the safe use and operation of the Q180V Scope.

27. The reprocessing protocols provided by Defendants, to be used in the operation of their Q180V Scope, were inadequate. Despite complying with the protocols which Defendants provided, and which Defendants instructed the UCLA Hospital to implement, multiple patients, including Plaintiffs' decedent, were infected with a highly drug-resistant bacteria. Specifically, as a direct and proximate result of an ERCP procedure using Defendants' Q180V Scope, each of these individuals, including Plaintiffs' decedent, were infected with lethal drug-resistant bacteria.

28. As a direct and proximate result of Defendants' failure to update the reprocessing protocols for the Q180V Scope, and of their fraudulent marketing and sale of the device as safe and effective, multiple individuals, including Plaintiffs,

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have suffered extraordinary pain and suffering, incurring both general and special damages to be proven at trial.

FIRST CLAIM FOR RELIEF

PRODUCTS LIABILITY SOUNDING IN NEGLIGENCE

(By Plaintiffs as Successors-In-Interest for decedent JEFFERY HUGHES, Against All Defendants)

29. Plaintiffs hereby incorporate by reference all preceding paragraphs of this Complaint as if fully set forth here.

30. Defendants designed, manufactured, promoted, distributed, marketed, and sold the Q180 V Scope.

31. At all times material hereto, the Q180V Scope, that was designed, manufactured, promoted, distributed, marketed, and sold by the Defendants, was expected to reach, and did reach, physicians and consumers, including Plaintiffs and decedent, without substantial change to the condition in which it was sold.

32. At all times material hereto, the Q180V Scope that was designed, manufactured, promoted, distributed, marketed, and sold by the Defendants, was in a defective and unreasonably dangerous condition at the time it was placed in the stream of commerce. Such condition included, but is not limited to, one or more of the following particulars:

a. When placed in the stream of commerce, the Q180V Scope was designed in such a manner that it required a specific reprocessing protocol to render it safe for re-use in subsequent procedures on new patients. Olympus failed to provide an effective and validated reprocessing protocol for the Q180V Scope, thus rendering it unsafe for its intended use, and subjecting Plaintiff and others to risks;

b. The reprocessing protocol associated with the Q180V Scope was insufficiently tested, rendering that reprocessing protocol unsafe and, thus, rendering

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the Q180V Scope defective; and

c. Olympus failed to develop an effective and validated reprocessing protocol for the completely redesigned Q180V Scope, thus rendering the device defective.

d. The Q180V Scope has a unique design that renders it susceptible to microbial contamination no matter how the device is cleaned, thereby rendering the Q180V scope defectively designed.

33. Defendants knew or should have known of the dangers associated with the use of the Q180V Scope, as well as the fact that the existing reprocessing protocol was insufficient to disinfect the newly redesigned Q180V Scope. Notwithstanding this knowledge, Defendants continued to manufacture, sell, distribute, promote and supply the Q180V Scope so as to maximize sales and profits at the expense of the health and safety of the public. Defendants took these actions in conscious disregard of the foreseeable harm caused by the Q180V Scope, and in conscious disregard for the rights and safety of consumers such as decedent.

34. Decedent's physicians used the Q180V Scope as directed for its intended purpose.

35. At all times herein mentioned, the Q180V Scope was defective, and Defendants knew that it was to be used without inspection for defects in the reprocessing protocol. Moreover, neither the Plaintiffs, decedent, nor decedent's physician knew, or had reason to know, at the time of the use of the subject products, of the existence of the aforementioned defects. Neither Plaintiffs, decedent, nor decedent's physicians could have discovered the defects in the Q180V Scope through the exercise of reasonable care.

36. The Q180V Scope had not been materially altered or modified prior to its use in decedent.

37. As a direct and proximate result of Defendants' negligence, decedent

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suffered significant damages and injuries that ultimately resulted in his death.

SECOND CLAIM FOR RELIEF

NEGLIGENCE

(By Plaintiffs as Successors-In-Interest for decedent JEFFERY HUGHES, Against All Defendants)

38. Plaintiffs hereby incorporate by reference all preceding paragraphs of this Complaint as if fully set forth here.

39. Defendants had a duty to exercise reasonable care in the design, manufacture, testing, marketing and distribution into the stream of commerce of the Q180V Scope, including a duty to ensure that the Q180V Scope did not pose a significantly increased risk of adverse events.

40. Defendants failed to exercise reasonable care in the design, manufacture, testing, marketing and distribution into the stream of commerce of the Q180V Scope. Defendants knew, or should have known, that the Q180V Scope required a new reprocessing protocol unique to the Q180V Scope design and one which was effective and validated. Defendants knew that, if inadequately cleaned, the Q180V Scope posed a significant risk of contamination, giving rise to infection, and causing injury, pain, suffering, debilitation and subsequent medical treatment, with the attendant risks of serious injury or death, and therefore was not safe for use on decedent or by decedent's physicians.

41. Despite the fact that Defendants knew or should have known that the Q180V Scope lacked an adequate, effective and validated reprocessing protocol, which was suited to the device's new design and, that if inadequately cleaned, the Q180V Scope posed a significant risk of contamination, giving rise to infection, and causing pain and suffering, debilitation and subsequent medical treatment, with the attendant risks of serious injury or death, Defendants continued to market the Q180V

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Scope as a safe and effective device.

42. In so doing, the Defendants failed to act as a reasonable manufacturer and distributer of duodenoscopes.

43. As a direct and proximate result of Defendants' negligence, decedent suffered significant damages and injuries that ultimately resulted in his death.

THIRD CLAIM FOR RELIEF

FRAUD - INTENTIONAL MISREPRESENTATION

(By PLAINTIFFS, individually and as Successors-In-Interest for decedent JEFFERY HUGHES, Against All Defendants)

44. Plaintiffs hereby incorporate by reference all preceding paragraphs of this Complaint as if fully set forth here.

45. Defendants owed legal duties to decedent, decedent's physicians, and Plaintiffs to disclose important material facts concerning the safety of the Q180V Scope and the adequacy of the reprocessing protocol for the Q180V Scope, to ensure it was disinfected and safe for reuse.

46. Defendants made false representations to Plaintiffs, decedent, and/or decedent's physicians concerning the safety of the Q180V Scope and the risks associated with the reprocessing protocol for the Q180V Scope. Specifically, Defendants intentionally, knowingly, or recklessly without regard for the truth, misrepresented that the reprocessing protocol associated with the Q180V Scope was a safe and adequate means of cleaning and disinfecting the Q180V Scope. Defendants falsely represented that the Q180V Scope would be disinfected and safe for subsequent use in a new patient after undergoing cleaning pursuant to the reprocessing protocol. Defendants made those false representations in an effort to mislead consumers into purchasing the Q180V Scope and using it for medical procedures, so that Defendants could profit. Through their agents, Defendants

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directly communicated these misrepresentations to decedent and/or decedent's physicians who were decedent's fiduciaries.

47. Olympus sales representatives, specifically Vincent J. Hernandez, Eric Arabit and Katrina Respicio, made the representations described above to physicians and staff at UCLA Hospital between July 2014 and January 2015.

48. At no time prior to the use of Defendants' Q180V Scope in decedent did Defendants acknowledge that the reprocessing protocol provided to UCLA Hospital had not been validated and proven effective in disinfecting the redesigned Q180V Scope.

49. Defendants' representations to decedent and/or decedent's physicians were false because in reality the reprocessing protocol was not effective to adequately disinfect the Q180V Scope for re-use in a new patient. As such, the Q180V was unsafe for use. Defendants' reprocessing protocol did not eliminate all bodily fluids and organic debris from prior use, thereby rendering the Q180V Scope susceptible to microbial contamination. Defendants' reprocessing instructions did not prepare the Q180V Scope for safe re-use.

50. Defendants intended medical professionals, including decedent's physicians, and patients to rely on the Defendants' the important material representations regarding the safety of the Q180V and adequacy of the reprocessing protocol.

51. Decedent and decedent's physicians reasonably relied on Defendants' misrepresentations to Plaintiffs' and decedent's detriment. Decedent's physicians used a previously-used Q180V Scope on Plaintiff only after attempting to clean and disinfect the Q180V Scope following Defendants' reprocessing protocol. Following the reprocessing, Plaintiffs, decedent, and decedent's physicians believed the Q180V Scope was safe for use on decedent when, in fact, it was contaminated with bacteria.

52. As a direct and proximate result of Plaintiffs', decedent's, and decedent's

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physicians' detrimental reliance on Defendants' false representations, decedent was injured, thereby causing harm and damage to decedent and Plaintiffs.

FOURTH CLAIM FOR RELIEF

FRAUD - NEGLIGENT MISREPRESENTATION

(By Plaintiffs, individually and as Successors-In-Interest for decedent JEFFERY HUGHES, Against All Defendants)

53. Plaintiff hereby incorporates by reference all preceding paragraphs of this Complaint as if fully set forth here.

54. Defendants owed legal duties to decedent, decedent's physicians, and Plaintiffs to disclose important material facts concerning the safety of the Q180V Scope and the adequacy of the reprocessing protocol for the Q180V Scope in disinfecting the scope to ensure it is safe for reuse.

55. Defendants made false representations to decedent, decedent's physicians, and/or Plaintiffs concerning the safety of the Q180V Scope and the risks associated with the reprocessing protocol for a previously used Q180V Scope. Defendants failed to develop an effective and validated reprocessing protocol for the redesigned Q180V Scope and/or failed to test the existing reprocessing protocol on the Q180V Scope and/or failed to adequately investigate prior complaints by medical facilities of contamination of Defendants' scopes, despite the fact that these devices had been reprocessed in accordance with the recommended protocol. Nevertheless, Defendants falsely represented that the Q180V Scope would be disinfected and safe for subsequent use in a new patient after administration of the reprocessing protocol. Defendants made those false representations in an effort to encourage consumers to purchase and use the Q180V Scope for medical procedures, so Defendants could profit. Through their agents, Defendants directly communicated these misrepresentations to decedent and/or decedent's physicians who were decedent's

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fiduciaries.

56. Olympus sales representatives, specifically Vincent J. Hernandez, Eric Arabit and Katrina Respicio, made the representations described above to physicians and staff at UCLA Hospital between July 2014 and January 2015.

57. At no time prior to the use of Defendants Q180V Scope in decedent did Defendants acknowledge that the reprocessing protocol provided to UCLA Hospital had not been validated and proven effective in disinfecting the redesigned Q180V Scope.

58. Defendants' representations to decedent, decedent's physicians, and/or Plaintiffs were false because in reality the reprocessing protocol was not effective to adequately disinfect the Q180V Scope for re-use in a new patient. As such, the Q180V was unsafe for use. Defendants' reprocessing protocol did not eliminate all bodily fluids and organic debris from prior use, thereby rendering the Q180V Scope susceptible to microbial contamination. Defendants' reprocessing instructions did not prepare the Q180V Scope for safe re-use.

59. Defendants intended medical professionals, including decedent's physicians, and patients, including decedent, to rely on the Defendants' important material representations regarding the safety of the Q180V and adequacy of the reprocessing protocol.

60. Decedent, decedent's physicians, and/or Plaintiffs reasonably relied on Defendants' misrepresentations to decedent's and Plaintiff's detriment. Decedent's physicians used a previously-used Q180V Scope on decedent only after attempting to clean and disinfect the Q180V Scope following Defendants' reprocessing protocol. Following the reprocessing, decedent and decedent's physicians believed the Q180V Scope was safe for use on decedent when, in fact, it was contaminated with bacteria.

61. As a direct and proximate result of Plaintiffs, decedent, and/or decedent's physicians' detrimental reliance on Defendants' false representations,

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decedent was injured, thereby causing harm and damage to Plaintiffs.

FIFTH CLAIM FOR RELIEF

SURVIVAL ACTION

(By Plaintiffs as Successors-In-Interest for decedent JEFFERY HUGHES Against All Defendants)

62. Plaintiffs hereby incorporate by reference all preceding paragraphs of this Complaint as if fully set forth here.

63. Decedent was exposed to Defendants' Q180V Scope in December 2014, causing her to suffer fatal injuries.

64. As a legal, direct and proximate result of the intentional, reckless and negligent conduct of Defendants, and each of them, as aforesaid, decedent was injured in his person by the Defendants' product and was alive for an interval of time following her injuries before succumbing to them and dying.

65. Decedent sustained severe injuries to his body that ultimately resulted in his death, and therefore Plaintiffs Mr. Hughes and Mrs. Hughes seek all damages accruing to the decedent in a survival action, pursuant to the California Code of Civil Procedure § 377.34. All of said damages combine to a sum in excess of the jurisdictional minimum of this Court, including any penalties, punitive or exemplary damages that the decedent would have been entitled to had she lived, with the exception of pain, suffering, disfigurement, which will be stated according to proof, pursuant to Section 425.10 of the California Code of Civil Procedure.

66. Plaintiffs bring the preceding claims for relief – the first through fourth claims herein – on decedent's behalf as his successors-in-interest.

67. Defendants acted with "malice" in that they engaged in despicable conduct in conscious disregard of the rights, safety and welfare of the decedent and the Plaintiffs, thereby entitling the decedent and Plaintiffs to an award of punitive

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damages pursuant to California Civil Code § 3294.

68. Defendants acted with "malice" by conduct that included, but is not limited to the following:

a. Olympus has known that the complex design of its duodenoscopes renders some parts of the medical device extremely difficult to access. As a result, effective cleaning of its duodenoscopes is difficult. Defendants have known that the moving parts of the elevator mechanism within the duodenoscope contain microscopic crevices that may not be reached with a brush, and that residual body fluids and organic debris may remain in these crevices following use. Defendant knew, or should have known, that if these residual fluids contain microbial contamination, multiple patients would be exposed to a serious risk of harm, including lethal infection.

b. In 2014, Olympus completely redesigned the TJF-Q180V Duodenoscope, broadening the range of scope positions in which the device's guide wire can be securely locked.

c. Notwithstanding this complete redesign, Olympus failed to take any action to update the reprocessing protocol for the TJF-Q180V Duodenoscope (hereinafter "Q180V Scope"). Specifically, Defendants failed to: (a) re-evaluate the existing safety and cleaning/disinfection protocols developed for earlier duodenoscope models; (b) research and develop reliable safety and cleaning/disinfection protocols for the Q180V Scope prior to marketing the product; (c) provide purchasers and end-users with effective and validated cleaning/disinfection protocols for the Q180V Scope at the date of sale; (d) recall the Q180V Scope upon realizing that Olympus had not updated the safety and cleaning/disinfection protocols; and (e) provide purchasers and end-users with effective and validated cleaning/disinfection protocols for the Q180V Scope at any time after the date of sale.

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d. Even before the redesign and subsequent sale and marketing of the Q180V Scope, Defendants were on notice that Defendants' endoscope devices were difficult to clean and, as such, that they posed health risks to patients exposed to the devices. In 2013, Olympus was informed of infections to patients in the state of Washington involving multiple duodenoscopes from its 160 and 180 series. At least four patients who were infected as a result of exposure to contaminated duodenoscopes died.

e. Despite the harm that can result from inadequately disinfected Q180V Scopes, Defendants negligently, recklessly, and with conscious disregard of the extreme risks to the public of serious infection, pain, suffering, and death, aggressively marketed and sold the Q180V Scope to medical service providers across the United States and in California, including the University of California at Los Angeles (UCLA) Ronald Reagan Medical Center (hereafter "UCLA Hospital"), claiming that the product was a safe and effective device, that could be recurrently and invasively used in multiple patients for ERCP procedures.

f. A manufacturer of a medical device like an endoscope, which is going to be used in multiple patients, has an obligation to develop and validate an effective reprocessing protocol, and then to disseminate the protocol to medical facilities and professionals.

g. Defendants knew that end-users of the Q180V Scope relied on the manufacturer to provide effective and validated reprocessing protocols necessary for the safe operation of the Q180V Scope. Defendants intended and expected the Q180V Scope to be used invasively by medical service providers, in multiple patients across the United States. Defendants sold the Q180V Scope to the UCLA Hospital with that intention and expectation.

h. The UCLA Hospital complied with the reprocessing protocols provided by Defendants in its operation and use of the Q180V Scopes it purchased

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Los Angeles, California 90025
310.477.1700 phone • 310.477.1699 fax

from Defendants. The UCLA Hospital complied with the reprocessing protocols provided by Defendants because Defendants represented those protocols as adequate and effective for the safe use and operation of the Q180V Scope.

i. The reprocessing protocols provided by Defendants, to be used in the operation of their Q180V Scope, were inadequate. Despite complying with the protocols which Defendants provided, and which Defendants instructed the UCLA Hospital to implement, multiple patients, including Plaintiffs' decedent, were infected with a highly drug-resistant bacteria. Specifically, as a direct and proximate result of an ERCP procedure using Defendants' Q180V Scope, each of these individuals, including Plaintiffs' decedent, were infected with lethal drug-resistant bacteria.

j. As a direct and proximate result of Defendants' failure to update the reprocessing protocols for the Q180V Scope, and of their fraudulent marketing and sale of the device as safe and effective, multiple individuals, including decedent, have suffered extraordinary pain and suffering, incurring both general and special damages to be proven at trial.

69. The above-mentioned acts and omissions were authorized and/or ratified by managerial employees of Defendants, and were carried out with the consent of their officers, directors, and/or managing agents.

70. Because the acts and/or omissions of Defendants were committed in a malicious, unlawful, and/or unreasonable manner, as fully set forth above, causing injury and damage to decedent, and done with a conscious disregard of the rights and safety of decedent, Plaintiffs request the assessment of punitive damages against Defendants in an amount appropriate to punish or set an example of Defendants, and each of them.

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Los Angeles, California 90025
310.477.1700 phone • 310.477.1699 fax

SIXTH CLAIM FOR RELIEF

WRONGFUL DEATH

(By Plaintiffs, individually, Against All Defendants)

71. Plaintiffs hereby incorporate by reference all preceding paragraphs of this Complaint as if fully set forth here.

72. Plaintiffs bring this claim for relief based on Defendants' negligence and fraudulent actions, including intentional and negligent misrepresentation, and all other actions described herein.

73. As a direct and proximate result of Defendants' conduct as alleged herein, the wrongful death of Plaintiffs' minor son, decedent Jeffery Hughes, occurred.

74. As a direct and proximate result of Defendants' negligence and fraudulent actions, including intentional and negligent misrepresentation, and decedent's death, Plaintiffs have been, and will be, deprived of the love, care, society, affection, comfort, moral support, protection, companionship, guidance, solace, services and support of their son, and have thereby sustained, and will continue to sustain, damages in an amount to be ascertained according to proof.

75. As a further direct and proximate result of the acts and omissions of Defendants, and the death of Plaintiffs' decedent, Plaintiffs have incurred funeral and related expenses, as well as other expenses, in an amount to be ascertained according to proof.

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PRAYER FOR RELIEF

THEREFORE, Plaintiffs demand judgment for the following:

1. Past medical and incidental expenses, according to proof;

2. Past and future loss of earnings and/or earning capacity, according to proof;

3. For funeral and burial expenses, according to proof;

4. For the deprivation of love, care, society, affection, comfort, moral support, protection, companionship, guidance, solace, services and support of their son, decedent Jeffery Hughes;

5. Punitive and exemplary damages in an amount to be determined at trial;

6. Prejudgment and post judgment interest;

7. Costs to bring this action; and

8. Such other and further relief as the court may deem just and proper.

DATED: March 19, 2015

PANISH SHEA & BOYLE LLP

By: _____

Peter L. Kaufman
kaufman@psblaw.com
Attorneys for Plaintiff

PANISH SHEA & BOYLE LLP
11111 Santa Monica Boulevard, Suite 700
Los Angeles, California 90025
310.477.1700 phone • 310.477.1699 fax

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury as to all causes of action.

DATED: March 19, 2015

PANISH SHEA & BOYLE LLP

By: _____

Peter L. Kaufman
kaufman@psblaw.com
Attorneys for Plaintiff

PANISH SHEA & BOYLE LLP
11111 Santa Monica Boulevard, Suite 700
Los Angeles, California 90025
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PHILIP MICHELS, California State Bar No. 57802
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11755 Wilshire Boulevard, Suite 1300
Los Angeles, CA 90025-1540
(310) 444-1200
(310) 444-1211 fax

Attorneys for PLAINTIFFS

THE UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

JEFFERY JOHN HUGHES, individually and as successor-in-interest for decedent JEFFERY HUGHES, and ANNIE RUTH HUGHES, individually and as successor-in-interest for decedent JEFFERY HUGHES,

Plaintiffs,

v.

OLYMPUS AMERICA, INC., a New York corporation; OLYMPUS CORPORATION OF THE AMERICAS, a New York corporation; OLYMPUS MEDICAL SYSTEMS CORP., a Japanese corporation; and DOES 1 through 10 inclusive,

Defendants.

DECLARATION OF ANNIE RUTH HUGHES

/ / /

/ / /

DECLARATION OF ANNIE RUTH HUGHES

I, ANNIE RUTH HUGHES , in accordance with the provisions set forth in Code of Civil Procedure Section 377.32, declare and state as follows:

1. Decedent Jeffrey Hughes died on ~~February 12, 2015~~ December 14, 2014 in Santa Monica, California.

2. Decedent Jeffrey Hughes was my Son at the time of his death.

3. No proceeding is now pending in California for administration of the decedent's estate.

4. This declarant, as the Mother of decedent, is the decedent's successor in interest as defined in Code of Civil Procedure Section 377.11, and succeeds the decedent's interests in all respects. No other person has a superior right to commence the action or proceeding or to be substituted for the decedent in the pending action. My husband Jeffery John Hughes, who is also decedent's father, is also bringing claims for relief as decedent's successor in interest.

5. The law firm of Panish, Shea & Boyle, LLP, specifically including Peter L. Kaufman, Esq., are my attorneys of record and are representing me in all matters relating to my son's interests, including this lawsuit.

6. Attached as Exhibit "1" to this declaration is a true and correct copy of my Son's death certificate.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 18 day of March, 2015, at Santa Monica, California.

ANNIE RUTH HUGHES, Declarant

PANISH SHEA & BOYLE LLP
11111 Santa Monica Boulevard, Suite 700
Los Angeles, California 90025
310.477.1700 phone • 310.477.1699 fax

EXHIBIT 1

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH

3052014233293 — STATE FILE NUMBER

CERTIFICATE OF DEATH

STATE OF CALIFORNIA
USE BLACK INK ONLY / NO ERASURES, WHITEOUTS OR ALTERATIONS
VS-11a(REV 3/05)

3201419051896 — LOCAL REGISTRATION NUMBER

DECEDENT'S PERSONAL DATA

1. NAME OF DECEDENT– FIRST (Given)	2. MIDDLE	3. LAST (Family)
JEFFREY	JOHN	HUGHES

AKA. ALSO KNOWN AS – Include full AKA (FIRST, MIDDLE, LAST)	4. DATE OF BIRTH mm/dd/ccyy	5. AGE Yrs.	IF UNDER ONE YEAR Months / Days	IF UNDER 24 HOURS Hours / Minutes	6. SEX
JEFFREY JOHN HUGHES JR	09/15/2003	11			M

9. BIRTH STATE/FOREIGN COUNTRY	10. SOCIAL SECURITY NUMBER	11. EVER IN U.S. ARMED FORCES?	12. MARITAL STATUS/SRDP* (at Time of Death)	7. DATE OF DEATH mm/dd/ccyy	8. HOUR (24 Hours)
CA	620-41-1440	[ ] YES [X] NO [ ] UNK	NEVER MARRIED	12/14/2014	1508

13. EDUCATION – Highest Level/Degree (see worksheet on back)	14/15. WAS DECEDENT HISPANIC/LATINO/A/SPANISH? (If yes, see worksheet on back)	16. DECEDENT'S RACE – Up to 3 races may be listed (see worksheet on back)
05	[ ] YES _____ [X] NO	CAUCASIAN

17. USUAL OCCUPATION – Type of work for most of life, DO NOT USE RETIRED	18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.)	19. YEARS IN OCCUPATION
STUDENT	EDUCATION	5

USUAL RESIDENCE

20. DECEDENT'S RESIDENCE (Street and number, or location)				
853 22ND ST.				
21. CITY	**22. COUNTY/PROVINCE**	**23. ZIP CODE**	**24. YEARS IN COUNTY**	**25. STATE/FOREIGN COUNTRY**
SANTA MONICA	LOS ANGELES	90403	11	CA

INFORMANT

26. INFORMANT'S NAME, RELATIONSHIP	27. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and zip)
JEFFREY HUGHES SR., FATHER	853 22ND ST., SANTA MONICA, CA 90403

SPOUSE/SRDP AND PARENT INFORMATION

28. NAME OF SURVIVING SPOUSE/SRDP*–FIRST	29. MIDDLE	30. LAST (BIRTH NAME)	
-	-	-	
31. NAME OF FATHER/PARENT–FIRST	**32. MIDDLE**	**33. LAST**	**34. BIRTH STATE**
JEFFREY	-	HUGHES	CA
35. NAME OF MOTHER/PARENT–FIRST	**36. MIDDLE**	**37. LAST (BIRTH NAME)**	**38. BIRTH STATE**
ANNIE	-	COOK	OR

FUNERAL DIRECTOR/ LOCAL REGISTRAR

39. DISPOSITION DATE mm/dd/ccyy	40. PLACE OF FINAL DISPOSITION	
12/20/2014	FOREST LAWN MEMORIAL PARK	6300 FOREST LAWN DRIVE, LOS ANGELES, CA 90068

41. TYPE OF DISPOSITION(S)	42. SIGNATURE OF EMBALMER	43. LICENSE NUMBER
BU	▸ NOT EMBALMED	-

44. NAME OF FUNERAL ESTABLISHMENT	45. LICENSE NUMBER	46. SIGNATURE OF LOCAL REGISTRAR	47. DATE mm/dd/ccyy
FOREST LAWN MEMR PRKS & MTYS	FD904	▸ JEFFREY GUNZENHAUSER, MD	12/19/2014

PLACE OF DEATH

101. PLACE OF DEATH	102. IF HOSPITAL SPECIFY ONE	103. IF OTHER THAN HOSPITAL, SPECIFY ONE
SANTA MONICA - UCLA MEDICAL CENTER	[ ] IP [X] ER/OP [ ] DOA	[ ] Hospice [ ] Nursing Home/LTC [ ] Decedent's Home [ ] Other

104. COUNTY	105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location)	106. CITY
LOS ANGELES	1250 16TH ST	SANTA MONICA

CAUSE OF DEATH

107. CAUSE OF DEATH — Enter the chain of events --- diseases, injuries, or complications --- that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE.

		Time Interval Between Onset and Death	108. DEATH REPORTED TO CORONER?
IMMEDIATE CAUSE (Final disease or condition resulting in death) →	(A) RESPIRATORY ARREST	(AT) MINS	[ ] YES [X] NO REFERRAL NUMBER
Sequentially, list conditions, if any, leading to cause on Line A. Enter UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST	(B) LIVER DISEASE	(BT) YRS	109. BIOPSY PERFORMED? [X] YES [ ] NO
	(C) RETROPERITONEAL CANCER	(CT) YRS	110. AUTOPSY PERFORMED? [ ] YES [X] NO
	(D)	(DT)	111. USED IN DETERMINING CAUSE? [ ] YES [ ] NO

112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107
PROLONGED CARDIAC ARRHYTHMIA

113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (If yes, list type of operation and date.)
BILIARY STENT PLACEMENT 11/27/2014

113A. IF FEMALE, PREGNANT IN LAST YEAR? [ ] YES [ ] NO [ ] UNK

PHYSICIAN'S CERTIFICATION

114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED.

Decedent Attended Since (A) mm/dd/ccyy	Decedent Last Seen Alive (B) mm/dd/ccyy	115. SIGNATURE AND TITLE OF CERTIFIER	116. LICENSE NUMBER	117. DATE mm/dd/ccyy
01/04/2012	12/08/2014	▸ NOAH FEDERMAN M.D.	A87474	12/19/2014

118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE
NOAH FEDERMAN M.D.
10833 LE CONTE AVENUE, LOS ANGELES, CA 90095

CORONER'S USE ONLY

119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED.
MANNER OF DEATH [ ] Natural [ ] Accident [ ] Homicide [ ] Suicide [ ] Pending Investigation [ ] Could not be determined

120. INJURED AT WORK? [ ] YES [ ] NO [ ] UNK

121. INJURY DATE mm/dd/ccyy

122. HOUR (24 Hours)

123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)

124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)

125. LOCATION OF INJURY (Street and number, or location, and city, and zip)

126. SIGNATURE OF CORONER / DEPUTY CORONER ▸

127. DATE mm/dd/ccyy

128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER

STATE REGISTRAR	A	B	C	D	E		FAX AUTH.#	CENSUS TRACT
						010001002808500		

This is a true certified copy of the record filed in the County of Los Angeles Department of Public Health if it bears the Registrar's signature in purple ink.

00429557

DATE ISSUED

DEC 23 2014

Director of Public Health and Registrar

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.

PBNCO (REV) 06/13

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

THE GREAT SEAL OF THE STATE OF CALIFORNIA — EUREKA

LOS ANGELES COUNTY — REGISTRAR OF VITAL STATISTICS — STATE OF CALIFORNIA

PANISH SHEA & BOYLE LLP
11111 Santa Monica Boulevard, Suite 700
Los Angeles, California 90025
310.477.1700 phone • 310.477.1699 fax

DECLARATION OF JEFFERY JOHN HUGHES

I, JEFFERY JOHN HUGHES , in accordance with the provisions set forth in Code of Civil Procedure Section 377.32, declare and state as follows:

1. Decedent Jeffrey Hughes died on ~~February 12, 2015~~ December 14, 2014 in Santa Monica, California.

2. Decedent Jeffrey Hughes was my Son at the time of his death.

3. No proceeding is now pending in California for administration of the decedent's estate.

4. This declarant, as the Father of decedent, is the decedent's successor in interest as defined in Code of Civil Procedure Section 377.11, and succeeds the decedent's interests in all respects. No other person has a superior right to commence the action or proceeding or to be substituted for the decedent in the pending action. My wife Annie Ruth Hughes, who is also decedent's mother, is also bringing claims for relief as decedent's successor in interest.

5. The law firm of Panish, Shea & Boyle, LLP, specifically including Peter L. Kaufman, Esq., are my attorneys of record and are representing me in all matters relating to my son's interests, including this lawsuit.

6. Attached as Exhibit "1" to this declaration is a true and correct copy of my Son's death certificate.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 18th day of March, 2015, at Santa Monica California.

JEFFERY JOHN HUGHES, Declarant

BRIAN J. PANISH, California SBN 116060
panish@psblaw.com
KEVIN R. BOYLE, California SBN 192718
boyle@psblaw.com
PETER L. KAUFMAN, California SBN 269297
kaufman@psblaw.com
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Los Angeles, California 90025
Telephone: 310.477.1700
Facsimile: 310.477.1699

PHILIP MICHELS, California State Bar No. 57802
pmichels@michels-lew.com
Law Offices of Michels & Lew
11755 Wilshire Boulevard, Suite 1300
Los Angeles, CA 90025-1540
(310) 444-1200
(310) 444-1211 fax

Attorneys for PLAINTIFFS

THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

JEFFERY JOHN HUGHES, individually and as successor-in-interest for decedent JEFFERY HUGHES, and ANNIE RUTH HUGHES, individually and as successor-in-interest for decedent JEFFERY HUGHES,

Plaintiffs,

v.

OLYMPUS AMERICA, INC., a New York corporation; OLYMPUS CORPORATION OF THE AMERICAS, a New York corporation; OLYMPUS MEDICAL SYSTEMS CORP., a Japanese corporation; and DOES 1 through 10 inclusive,

Defendants.

DECLARATION OF JEFFERY JOHN HUGHES

/ / /

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EXHIBIT 1

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CERTIFICATION OF VITAL RECORD

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH

3052014233293 — STATE FILE NUMBER

CERTIFICATE OF DEATH
STATE OF CALIFORNIA
USE BLACK INK ONLY / NO ERASURES, WHITEOUTS OR ALTERATIONS
VS-11a(REV 3/05)

3201419051896 — LOCAL REGISTRATION NUMBER

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JEFFREY	JOHN	HUGHES

AKA. ALSO KNOWN AS – Include full AKA (FIRST, MIDDLE, LAST)	4. DATE OF BIRTH mm/dd/ccyy	5. AGE Yrs.	IF UNDER ONE YEAR Months / Days	IF UNDER 24 HOURS Hours / Minutes	6. SEX
JEFFREY JOHN HUGHES JR	09/15/2003	11			M

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CA	620-41-1440	[ ] YES [X] NO [ ] UNK	NEVER MARRIED	12/14/2014	1508

13. EDUCATION – Highest Level/Degree (see worksheet on back)	14/15. WAS DECEDENT HISPANIC/LATINO/A/SPANISH? (If yes, see worksheet on back)	16. DECEDENT'S RACE – Up to 3 races may be listed (see worksheet on back)
05	[ ] YES _____ [X] NO	CAUCASIAN

17. USUAL OCCUPATION – Type of work for most of life, DO NOT USE RETIRED	18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.)	19. YEARS IN OCCUPATION
STUDENT	EDUCATION	5

USUAL RESIDENCE

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853 22ND ST.				
21. CITY	**22. COUNTY/PROVINCE**	**23. ZIP CODE**	**24. YEARS IN COUNTY**	**25. STATE/FOREIGN COUNTRY**
SANTA MONICA	LOS ANGELES	90403	11	CA

INFORMANT

26. INFORMANT'S NAME, RELATIONSHIP	27. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and zip)
JEFFREY HUGHES SR., FATHER	853 22ND ST., SANTA MONICA, CA 90403

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JEFFREY	-	HUGHES	CA
35. NAME OF MOTHER/PARENT–FIRST	**36. MIDDLE**	**37. LAST (BIRTH NAME)**	**38. BIRTH STATE**
ANNIE	-	COOK	OR

FUNERAL DIRECTOR/ LOCAL REGISTRAR

39. DISPOSITION DATE mm/dd/ccyy	40. PLACE OF FINAL DISPOSITION	
12/20/2014	FOREST LAWN MEMORIAL PARK	6300 FOREST LAWN DRIVE, LOS ANGELES, CA 90068

41. TYPE OF DISPOSITION(S)	42. SIGNATURE OF EMBALMER	43. LICENSE NUMBER
BU	▸ NOT EMBALMED	-

44. NAME OF FUNERAL ESTABLISHMENT	45. LICENSE NUMBER	46. SIGNATURE OF LOCAL REGISTRAR	47. DATE mm/dd/ccyy
FOREST LAWN MEMR PRKS & MTYS	FD904	▸ JEFFREY GUNZENHAUSER, MD	12/19/2014

PLACE OF DEATH

101. PLACE OF DEATH	102. IF HOSPITAL, SPECIFY ONE	103. IF OTHER THAN HOSPITAL, SPECIFY ONE
SANTA MONICA - UCLA MEDICAL CENTER	[ ] IP [X] ER/OP [ ] DOA	[ ] Hospice [ ] Nursing Home/LTC [ ] Decedent's Home [ ] Other

104. COUNTY	105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location)	106. CITY
LOS ANGELES	1250 16TH ST	SANTA MONICA

CAUSE OF DEATH

107. CAUSE OF DEATH — Enter the chain of events --- diseases, injuries, or complications --- that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE.

		Time Interval Between Onset and Death	108. DEATH REPORTED TO CORONER?
IMMEDIATE CAUSE (Final disease or condition resulting in death) →	(A) RESPIRATORY ARREST	(AT) MINS	[ ] YES [X] NO REFERRAL NUMBER
Sequentially, list conditions, if any, leading to cause on Line A. Enter UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST	(B) LIVER DISEASE	(BT) YRS	109. BIOPSY PERFORMED? [X] YES [ ] NO
	(C) RETROPERITONEAL CANCER	(CT) YRS	110. AUTOPSY PERFORMED? [ ] YES [X] NO
	(D)	(DT)	111. USED IN DETERMINING CAUSE? [ ] YES [ ] NO

112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107
PROLONGED CARDIAC ARRHYTHMIA

113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (If yes, list type of operation and date.)
BILIARY STENT PLACEMENT 11/27/2014

113A. IF FEMALE, PREGNANT IN LAST YEAR? [ ] YES [ ] NO [ ] UNK

PHYSICIAN'S CERTIFICATION

114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE TIME, DATE AND PLACE STATED FROM THE CAUSES STATED.

Decedent Attended Since (A) mm/dd/ccyy	Decedent Last Seen Alive (B) mm/dd/ccyy	115. SIGNATURE AND TITLE OF CERTIFIER	116. LICENSE NUMBER	117. DATE mm/dd/ccyy
01/04/2012	12/08/2014	▸ NOAH FEDERMAN M.D.	A87474	12/19/2014

118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE
NOAH FEDERMAN M.D.
10833 LE CONTE AVENUE, LOS ANGELES, CA 90095

CORONER'S USE ONLY

119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED.
MANNER OF DEATH: [ ] Natural [ ] Accident [ ] Homicide [ ] Suicide [ ] Pending Investigation [ ] Could not be determined

120. INJURED AT WORK?	121. INJURY DATE mm/dd/ccyy	122. HOUR (24 Hours)
[ ] YES [ ] NO [ ] UNK		

123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)

124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)

125. LOCATION OF INJURY (Street and number, or location, and city, and zip)

126. SIGNATURE OF CORONER / DEPUTY CORONER	127. DATE mm/dd/ccyy	128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER
▸		

STATE REGISTRAR	A	B	C	D	E		FAX AUTH.#	CENSUS TRACT
						010001002808500		

This is a true certified copy of the record filed in the County of Los Angeles Department of Public Health if it bears the Registrar's signature in purple ink.

DATE ISSUED
DEC 23 2014

Director of Public Health and Registrar

00429557

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.

PBNCO (REV) 06/13

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

PACIFIC BANCNOTE CO. – NBN CO.