

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

SEP 28 2001

ALAN SLATER, Clerk of the Court

BY O. MORENO

MM

1 John Rapillo, Esq., Bar No. 82574
2 LAW OFFICES OF JOHN RAPILLO
3 2700 Newport Blvd. Suite 172
4 Newport Beach, CA 92663
5 Telephone: (949) 675-5060
6 Fax: (949) 673-6253

7 Mark J. Peacock, Bar No. 156625
8 LAW OFFICES OF MARK PEACOCK
9 1300 Bristol Street North Suite 100
10 Newport Beach, California 92660
11 Telephone: (949) 660-7762
12 Fax: (949) 660-7764
13 Email: Peacocklaw@Earthlink.net

Attorneys for Plaintiff **VINCE GERAGHTY**

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE - CENTRAL JUSTICE CENTER**

14 **VINCE GERAGHTY,**
15 Plaintiff,

16 vs.

17 **THOMAS TOOMA, M.D., TLC LASER**
18 **EYE CENTERS INC., LASER VISION**
19 **CORRECTION, and DOES 1 through**
20 **50, Inclusive**

Defendants.

Case No. **01CC12382**

**COMPLAINT
(Medical Negligence)**

**JUDGE DEREK W. HUNT
DEPT. C9**

02010058042 GERAGHTY
01CC12382 TOOMA

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23 COMES NOW Plaintiff **VINCE GERAGHTY** and for a cause of action against the
24 defendants, and each of them, allege:

- 25 1. The true names, identities, or capacities, whether individual, associate, corporate, or
26 otherwise, of defendants DOES 1 through 50, inclusive, are unknown to Plaintiff at this
27 time, and Plaintiff therefore sue said defendants by such fictitious names and will ask
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COMPLAINT

THIS CASE HAS BEEN ASSIGNED TO CIVIL CASE MANAGEMENT. EACH
PLEADING MUST INCLUDE THE ASSIGNING JUDGE AND DEPARTMENT
DESIGNATION AS SHOWN UNDER THE CASE NUMBER. ALL PARTIES MUST
COMPLY WITH THE ORANGE COUNTY SUPERIOR COURT RULES.

Handwritten notes and signatures in the top left margin.

1 leave of court to amend this Complaint to insert their true names and capacities when the
2 same have been ascertained.

3 2. Plaintiff is informed and believes and upon such information and belief alleges that
4 defendants **THOMAS TOOMA, M.D., TLC LASER EYE CENTERS INC., LASER**
5 **VISION CORRECTION, and DOES 1 through 50, Inclusive**, and each of them, were
6 agents, servants, and employees of each other and, that in doing the things herein alleged,
7 were acting within the scope of such agency and employment.

8 3. Plaintiff is informed and believes and upon such information and belief alleges that at all
9 times herein mentioned, defendants, **THOMAS TOOMA, M.D., and DOES 1 through**
10 **15, Inclusive**, and each of them, were physicians and surgeons, licensed by the State of
11 California to practice medicine and surgery in said State, with their principal offices in
12 the County of Orange.

13 4. Plaintiff is informed and believes and upon such information and belief alleges that at all
14 times herein mentioned, defendant **TLC LASER EYE CENTERS INC., and DOES 16**
15 **through 50, Inclusive** was now and is a California partnership, association, or
16 corporation, authorized and conducting a medical business within the County of Orange,
17 where said facility is located, State of California; that at all times herein mentioned, said
18 defendant has been doing business in said county and state.

19 5. Plaintiff is informed and believes and upon such information and belief alleges that at all
20 times herein mentioned, defendant **LASER VISION CORRECTION, and DOES 16**
21 **through 50, Inclusive** was now and is a California partnership, association, or
22 corporation, authorized and conducting a medical business within the County of Orange,
23 where said facility is located, State of California; that at all times herein mentioned, said
24 defendant has been doing business in said county and state.

25 6. Plaintiff is informed and believes and upon such information and belief alleges that at all
26 times herein mentioned, defendants **DOES 16 through 50, inclusive**, and each of them,
27 were and now are a California partnership, association, or corporation, authorized and
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1 conducting a medical business within the County of Orange, where said facility is
2 located, State of California; that at all times herein mentioned, said defendant has been
3 doing business in said county and state.

4 7. On **July 21, 2001**, Plaintiff served notice, pursuant to Code of Civil Procedure, Section
5 364, to defendants **THOMAS TOOMA, M.D., TLC LASER EYE CENTERS INC.,**
6 **LASER VISION CORRECTION, and DOES 1 through 50, Inclusive** and its
7 employees, agents, and representatives, and each of them of his intention to sue them for
8 professional negligence.

9 8. Beginning in **December 8, 1999**, and continuing on dates thereafter, including **January**
10 **22, 2001**, Plaintiff **VINCE GERAGHTY** consulted defendants, and each of them, for the
11 purpose of obtaining diagnosis, treatment, and care for himself and employed said
12 defendants, and each of them, to care for and treat himself. In so doing, Plaintiff **VINCE**
13 **GERAGHTY** placed himself under the sole and exclusive care, control, management,
14 treatment, and advice of said defendants, and each of them.

15 9. While Plaintiff **VINCE GERAGHTY** was under the sole and exclusive care and control
16 of the defendants, and each of them, defendants, and each of them, negligently, carelessly,
17 and unskillfully examined, treated, diagnosed, operated upon, carried out procedures
18 upon, tendered hospital and other services to, and otherwise handled Plaintiff **VINCE**
19 **GERAGHTY** and negligently failed to possess and exercise that degree of skill and
20 knowledge ordinarily possessed and exercised by other physicians and surgeons,
21 hospitals, nurses, attendants, and the like engaged in said professions in the same locality
22 as defendants and each of them.

23 10. As a direct, legal and proximate result of said conduct of the defendants, and each of
24 them, as previously alleged, Plaintiff **VINCE GERAGHTY** sustained the following
25 injuries and damages;

- 26 1. Injuries to his body and loss of enjoyment of life in a sum in excess of the
27 minimum jurisdiction of this court;

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- b) Medical expenses for hospital and medical care according to proof;
- c) Loss-of-earning and earning capacity according to proof.

WHEREFORE, Plaintiff VINCE GERAGHTY, pray judgment against defendants, and each of them, as follows:


FIRST CAUSE OF ACTION

- 2. For general damages according to proof
- 3. For all medical and incidental expenses according to proof;
- 3. For all loss of earnings and earning capacity according to proof;
- 4. For all property damage according to proof;
- 5. For prejudgment interest;
- 6. For costs of suit incurred herein; and
- 7. For such other and further relief as the Court may deem just and proper.

REQUEST FOR TRIAL BY JURY

Plaintiff hereby request a trial by Jury.

DATED: September 25, 2001 LAW OFFICES OF MARK J. PEACOCK



MARK J. PEACOCK
 Attorney for Plaintiff