



SHORT TITLE: <b>Fritzoni v. QTC Medical Services Center, Manzanera, and DOES 1 to 10</b>	CASE NUMBER:
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4.  Plaintiff (name):  
 is doing business under the fictitious name (specify):  
  
 and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a.  **except defendant (name):** QTC Medical Services c.  **except defendant (name):**
- |   |  |
|---|--|
| (1) <input checked="" type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br><br>(5) <input type="checkbox"/> other (specify): | (1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br><br>(5) <input type="checkbox"/> other (specify): |
|---|--|
- b.  **except defendant (name):**
- |  |  |
|--|--|
| (1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br><br>(5) <input type="checkbox"/> other (specify): | (1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br><br>(5) <input type="checkbox"/> other (specify): |
|--|--|
- d.  **except defendant (name):**
- |  |  |
|--|--|
| (1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br><br>(5) <input type="checkbox"/> other (specify): | (1) <input type="checkbox"/> a business organization, form unknown<br>(2) <input type="checkbox"/> a corporation<br>(3) <input type="checkbox"/> an unincorporated entity (describe):<br><br>(4) <input type="checkbox"/> a public entity (describe):<br><br>(5) <input type="checkbox"/> other (specify): |
|--|--|
- Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a.  Doe defendants (specify Doe numbers): 1-5 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b.  Doe defendants (specify Doe numbers): 6-10 are persons whose capacities are unknown to plaintiff.
7.  Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a.  at least one defendant now resides in its jurisdictional area.
- b.  the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c.  injury to person or damage to personal property occurred in its jurisdictional area.
- d.  other (specify):
9.  Plaintiff is required to comply with a claims statute, and
- a.  has complied with applicable claims statutes, or
- b.  is excused from complying because (specify):

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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a.  Motor Vehicle
- b.  General Negligence
- c.  Intentional Tort
- d.  Products Liability
- e.  Premises Liability
- f.  Other (*specify*):

Violation of CA Civil Code Section 51.9 & General Negligence

11. Plaintiff has suffered

- a.  wage loss
- b.  loss of use of property
- c.  hospital and medical expenses
- d.  general damage
- e.  property damage
- f.  loss of earning capacity
- g.  other damage (*specify*):

Compensatory and Punitive Damages, as well as Attorney and Paralegal Fees.

12.  The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a.  listed in Attachment 12.
- b.  as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1)  compensatory damages
- (2)  punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1)  according to proof
- (2)  in the amount of: \$

15.  The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: 11/14/2018

Stephen B. Morris

(TYPE OR PRINT NAME)



*S. Morris*

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

## Exhibit A

1. Plaintiff is currently serving in the Navy reserves as a YNC/E7 at Costal Riverine Squadron Eleven (CRS-11) Seal Beach, CA. She has been in the Navy Reserve and on active duty for a total of 23 years. Plaintiff was injured in the course of duty, requiring intensive physical therapy for her wrist, back and foot.
2. Plaintiff was referred by the Veteran's Administration (VA) to QTC for evaluation with Doctor Edgar Manzanera.
3. Plaintiff appeared for her examination in January 2015 at the QTC facility located in Temecula, California.
4. The examination by Dr. Manzanera was sexually inappropriate and offensive to Plaintiff. Specifically, Dr. Manzanera made inappropriate comments about plaintiff's breasts, rubbed her breasts inappropriately, and sought to sexually stimulate plaintiff by inserting his fingers into plaintiff's vagina in an unprofessional manner.
5. Within several days of the examination, Plaintiff called QTC to complain about the examination and to alert QTC to the inappropriateness of the examination. Plaintiff is informed and believes and based thereon alleges QTC failed to investigate the complaint, and failed to even document the complaint.
6. Unbeknownst to Plaintiff at the time of her examination, and based on information and belief, Dr. Manzanera had, for a period of years, engaged in similar inappropriate examinations of multiple female patients referred to QTC for evaluations, often coercing these women, like plaintiff, into having unnecessary pelvic examinations.
7. Subsequently, multiple women have come forth complaining of inappropriate sexual conduct by Dr. Manzanera, who has since been indicted on multiple charges.
8. Plaintiff is informed and believes, and based thereon alleges, that prior to plaintiff complaining about her examination, other women also complained to QTC about their examinations with Dr. Manzanera and/or complained to other healthcare providers about Dr. Manzanera.
9. Plaintiff is informed and believes and based thereon alleges that QTC knew or should have known of Dr. Manzanera's sexually predatory conduct, and complaints pertinent thereto, prior to plaintiff's examination and failed to protect its patients, including plaintiff.
10. Plaintiff is informed and believes and based thereon alleges that QTC failed to exercise due diligence in allowing Dr. Manzanera to provide examinations at QTC facilities, and that had QTC exercised due diligence in performing a background check on Dr. Manzanera before

granting him privileges, QTC could have discovered additional suspicious information about Dr. Manzanara.

11. Given the accusations made against Dr. Manzanara, the VA undertook, in 2016, an investigation into possible sexual misconduct by Dr. Manzanara. The VA sent out over 150 survey forms to female patients and received over 50 back, approximately 8 or so of which the VA determined contained significant references to sexually inappropriate conduct by Dr. Manzanara, warranting further investigation.
12. Plaintiff alleges that at least through August 2016, any statute of limitations was equitably tolled pending investigation by the VA of the allegations raised against Dr. Manzanara and QTC.