

ELECTRONICALLY FILED
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County of Sacramento
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SACRAMENTO**

11 GINGER CONGI, ANGIE RUBINO,
12 CHANDRA PETERSON-CHASTAIN AND
13 JESSIE PETERSON via her estate,
14 individually,

14 Plaintiffs,

15 v.

16 DIGNITY HEALTH, d/b/a MERCY SAN
17 JUAN MEDICAL CENTER; a division of
18 COMMON SPIRIT and DOES 1-50,
19 inclusive,

18 Defendants.

Case No. **24CV015815**

COMPLAINT FOR:

1. **NEGLIGENT HANDLING OF A CORPSE;**
2. **NEGLIGENCE;**
3. **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS; and,**
4. **VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE § 7100.**

20 COMES NOW Plaintiffs Ginger Congi, Angie Rubino, Chandra Peterson-Chastain and Jessie
21 Peterson for causes of action against Defendants and each of them, complain and allege as follows:
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INTRODUCTION

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2 1. Jessie Marie Peterson (hereinafter “Jessie”) was born on August 15, 1991. Jessie grew up
3 in Sacramento, California along with her sisters Angie and
4 Chandra. Jessie was a very loving and energetic person. She was
5 diagnosed with Type I diabetes at the early age of ten. This
6 affected her energy and participation in gymnastics when she was
7 younger. Jessie was a member of the High School Water polo
8 team, High School Dance team, and was a prosecuting attorney for
9 the Placer County Peer Court. She graduated Roseville High
10 School and attended Sierra College.



11 2. On April 6, 2023 Jessie suffered a diabetic episode
12 and was admitted to Mercy San Juan Medical Center in Sacramento, California. Jessie’s medical records
13 indicate a discharge date of April 8, 2023. Jessie’s family was told that Jessie had been discharged
14 against medical advice. In truth, Jessie had died while in the care of Mercy San Juan. Jessie’s
15 Certificate of Death, not completed until nearly a year after her passing, states that she died from
16 cardiopulmonary arrest at age 31. Because Jessie’s death was not reported to family for a year after her
17 death, an autopsy to determine whether medical malpractice played any role in her death was rendered
18 impossible.

19 3. Unaware that Jessie had died on **April 8, 2023**, Jessie’s family tirelessly tried to locate
20 Jessie. Her family also filed a Missing Person’s report with the Sacramento County Sheriff’s Office.
21 Information about Jessie Marie was also posted on the Department of Justice website for missing
22 persons. The family searched and searched for Jessie. It was not until **April 12, 2024**, that the
23 Sacramento County Detective’s Office notified Jessie’s family that she was found deceased at Mercy
24 San Juan hospital. At this point, Jessie’s body was so decomposed that an open casket funeral was not
25 feasible, and Jessie’s fingerprints were not even obtainable for any keepsake.

26 4. Mercy San Juan hospital advertises that “at our care facilities, we take pride in treating all
27 people with dignity and respect.” In this case, there was no dignity and no respect. Mercy San Juan
28 hospital failed in its most fundamental duty to notify Jessie’s family of her death. Mercy San Juan stored

1 Jessie in an off-site warehouse morgue and she was left to decompose for nearly a year while her family
2 relentlessly inquired about her whereabouts. On information and belief, this is not the first time that
3 Mercy San Juan hospital has mishandled a decedent. While a patient that doesn't survive may be just
4 another lifeless body to Mercy San Juan hospital, Jessie was a family member, daughter, and sister, all
5 of whom deserved the dignity and respect Mercy San Juan grossly failed to provide. Even to this day,
6 the hospital has not apologized to Jessie's family members.

7 **PARTIES, JURISDICTION AND VENUE**

8 5. Plaintiffs are all natural persons residing in the Counties of Sacramento and Placer,
9 California. Ginger Congi is Jessie's mother, Angie Rubino and Chandra Peterson-Chastain are Jessie's
10 sisters.

11 6. Defendant Dignity Health, doing business as San Juan Medical Center (hereinafter
12 "Mercy San Juan"), is a not-for-profit public-benefit corporation incorporated in 1986 in California with
13 its principal place of business in San Francisco, California. Dignity Health is "one of the largest health
14 systems in the nation, with more than 400 care centers, including 41 hospitals, urgent and occupational
15 care, imaging and surgery centers, home health, and primary care clinics in 22 states." In Northern
16 California alone, Dignity Health operates six hospitals — Mercy General Hospital, Mercy Hospital of
17 Folsom, Mercy San Juan Medical Center, Methodist Hospital of Sacramento, Sierra Nevada Memorial
18 Hospital and Woodland Memorial Hospital.

19 7. Dignity Health is a division of Defendant Common Spirit. Common Spirit, based in
20 Chicago, Illinois, operates 142 hospitals and more than 700 care sites in 21 states. Common Spirit is a
21 29 billion dollar system that includes Dignity Health and Mercy San Juan hospital in Sacramento,
22 California.

23 8. Plaintiffs are unaware of the true names and capacities of the Defendants sued herein as
24 Does 1 through 50, inclusive, and therefore, pursuant to Code of Civil Procedure § 474, sue these
25 Defendants by such fictitious names. Defendants Does 1 through 50, which may include employees of
26 Dignity Health that are responsible in some manner for the activities and conduct alleged herein and
27 each was acting as an agent for the others. Plaintiffs will amend this Complaint to add the true names of
28 Does 1 through 50 when their identities and capacities are ascertained. Whenever reference is made to

1 Defendants, such reference shall include all Defendants, including Does 1 through 50.

2 9. On information and belief, each Defendant transacts substantial and significant business
3 and/or has agents within Sacramento County. The unlawful acts alleged herein took place in Carmichael
4 within the County of Sacramento. The unlawful acts alleged herein have a direct effect on Plaintiffs'
5 family who resides in the Counties of Sacramento and Placer.

6 10. Venue is proper in this Court pursuant to California Civil Procedure Sections 395 and
7 395.5 since the principal place of business of Dignity Health is in the County of San Francisco,
8 California, and it operates multiple facilities in the County of Sacramento, California, including
9 Defendants' joint and sever misconduct which occurred at 6501 Coyle Avenue, in Carmichael,
10 California, County of Sacramento.

11 11. At all relevant times, each of the Defendants acted as a principal, agent, representative or
12 employee of each of the other Defendants, and acted within the course and scope of said agency,
13 representation or employment, and with the permission and ratification of each of the other Defendants.

14 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

15 12. On December 1, 2022 Ginger Congi (hereinafter "Ginger") received a phone message
16 from Teresa, a social worker at Mercy San Juan. Teresa left a callback number. On the same day, Ginger
17 also received a phone message from Gail, a case manager at Mercy San Juan. Gail also left a callback
18 number for Ginger. These phone calls concerned the hospitalization of Ms. Congi's daughter, Jessie.

19 13. On January 10, 2023, Jessie had a diabetic episode and was picked up by an ambulance.
20 She was admitted to Mercy San Juan Hospital. Jessie needed surgery due to an infection in her right
21 foot. Jessie eventually underwent surgery on January 14, 2023, and she was under the care of medical
22 staff at the hospital.

23 14. Jessie was readmitted to Mercy San Juan on April 6, 2023.

24 15. On April 8, 2023 at 2:50 p.m., Jessie called her mother asking to be picked up because she
25 was going to leave the hospital. This is the last time that Ginger heard from her daughter. Approximately
26 two hours later, at 4:27 p.m., Jessie was pronounced dead by staff at Mercy San Juan hospital.

27 16. Jessie's family was not notified of Jessie's passing, despite extensive previous contact
28 between the hospital and Jessie's family, as well as the fact that Ginger was listed as Jessie's next of kin.

1 Ginger's phone records reveal zero incoming calls from the Mercy San Juan hospital after Jessie's
2 passing on April 8, 2023.

3 17. On April 9, 2023, Mercy San Juan hospital transferred Jessie's body to a cold storage
4 facility. Jessie was placed on Shelf Number Red 22
5 A and forgotten.

6 18. Mercy San Juan hospital was legally
7 obligated to issue a Certificate of Death within
8 fifteen (15) hours of Jessie's death. (California
9 Health And Safety Code, § 102800.) A Certificate
10 of Death was issued for Jessie by Doctor Nadeem
11 Mukhtar, DO, Mercy San Juan hospital, on **April 4,**

12 **2024**, three hundred and sixty-one days after Jessie's passing while in the care of the Defendants.

13 19. On April 11, 2023, unaware that Jessie had died, Jessie's mother, Ginger Congi, called
14 Mercy San Juan on April 11, 2023, requesting to be transferred to Jessie's room. Hospital staff
15 responded by saying that "there is no one here by that name." After inquiring further, Ginger was then
16 informed that her daughter left against medical advice. This was, obviously, not true. Jessie had died
17 while in the care of the Defendants and her body had been quickly transferred to cold-storage.

18 20. After not hearing from Jessie, Jessie's family relentlessly began a search campaign over
19 the next several months. Ginger contacted Taylor Haggerty and Robert Baldwin, both places of which
20 Jessie resided, and Angie filed a missing person report on behalf of the family with the Sacramento
21 County Sheriff's Office (Report #23-234756), a copy of which is attached hereto as Exhibit A.

22 21. Angie then arranged for Jessie's information to be posted on the Department of Justice's
23 website for missing persons. Jessie's information was posted on August 28, 2023.

24 22. Angie Rubino also posted flyers of Jessie. She talked to houseless individuals in the area
25 to ascertain whether Jessie was recently spotted.

26 23. On October 12, 2023 Ginger contacted the County of Sacramento Coroners' office.
27 Despite leaving several messages and speaking to a person regarding the possibility of the coroner's
28 office having Jessie's remains, Ginger could not locate Jessie. Albeit Ginger was relieved that Jessie was

Casket Delivery * Decedent Placed on Shelf Number: Red 22 A
Name of Delivery Location: SMJ
Address Delivery Location: 35 Quin
Date of Call: 4/9/23 Time of Call: 1430
Departure: 500 Arrival: 530 Removal: 1000 Delivery: MKS
Starting Mileage _____ Ending Mileage _____
Transport Driver: Nadeem Assisting: _____
Comments: _____
Print Name/Signature: Timmy W. Estey

1 not with the County Coroner. Jessie’s family members drove around the area and handed out photos to
2 Citrus Heights Police, Fire department, and security personnel, still looking for Jessie.

3 24. The search continued for months until a detective with the Sacramento County Sheriff’s
4 Office called on April 12, 2024, and informed the family that Jessie was found deceased. Following the
5 call, Angie drove to the Sacramento County Coroner’s office, where a staff member informed Angie that
6 Jessie was not housed in their office. He then directed Angie to call Mercy San Juan to ascertain Jessie’s
7 whereabouts. Angie left a message to Mercy San Juan’s mortuary department inquiring about her sister.

8 25. On April 15, 2024, Ginger called Decedent Affairs and spoke with an individual who
9 answered immediately. When Ginger inquired about the circumstances surrounding her daughter’s
10 death, the responding woman asked for Ginger’s number stating that she will call her from a quieter
11 place. Ginger never received that call. Ginger then contacted Mercy San Juan Security regarding any
12 belongings the hospital may have that belonged to Jessie. Security stated that there were none. Finally,
13 that same day at 11:50 a.m., East Lawn Mortuary contacted Ginger Congi informing her that Jessie’s
14 body was found in one of Mercy San Juan’s off-site storage facilities.

15 26. On information and belief, this is not the first time that Mercy San Juan hospital has
16 misplaced a patient that died in their care.

17 **FIRST CAUSE OF ACTION**

18 **Negligent Handling of a Corpse**

19 27. Plaintiffs reallege and incorporate by reference every allegation contained in this
20 Complaint as if fully set forth herein.

21 28. Defendants owed a duty to Plaintiffs to exercise reasonable and ordinary care when
22 handling the decedent’s remains. That duty arose from, among other things, federal, state, and local laws
23 that require Defendants to properly and adequately handle an individual’s remains as to preserve their
24 dignity.

25 29. Defendants breached that duty to Plaintiffs by failing to properly care for Jessie’s
26 remains. Indeed, while in Defendant’s possession, Jessie was left decomposing for over a year. As a
27 result, Jessie’s body was so discolored that her tattoos could not be identified. Moreover, Jessie’s
28 fingerprints were not obtainable for any keepsake, and Jessie’s family could not say good-bye or hold an

1 open casket funeral. The mishandling also denied the family the option of an autopsy. Defendants’
2 conduct caused damages and is so egregious to justify the imposition of punitive damages.

3 **SECOND CAUSE OF ACTION**

4 **Negligence**

5 30. Plaintiffs reallege and incorporate by reference every allegation contained in this
6 Complaint as if fully set forth herein.

7 31. Defendants owed a duty to Plaintiffs to exercise reasonable and ordinary care. That duty
8 arose from, among other things, federal, state, and local laws that require Defendants to notify
9 decedent’s next of kin of their deaths.

10 32. Defendants breached that duty when they failed to notify Jessie’s family of her death for
11 a year. Defendants had extensive contact with Jessie’s mother, and she was also listed as her next of kin
12 on hospital records.

13 33. Defendants failure to issue a timely Certificate of Death, failure to notify Jessie’s next of
14 kin, failure to allow an autopsy, and mishandling of Jessie’s remains negligent, careless, and heartless.
15 Defendants violated their own promise of dignity and respect for the people in their care.

16 34. Defendants’ conduct is so egregious and malicious to shock the conscious and punitive
17 damages should be awarded.

18 **THIRD CAUSE OF ACTION**

19 **Negligent Infliction of Emotional Distress**

20 35. Plaintiffs reallege and incorporate by reference every allegation contained in this
21 Complaint as if fully set forth herein.

22 36. Defendants owed a duty to Plaintiffs to act as reasonable, prudent persons. This duty
23 includes an obligation to act in a careful, lawful, and prudent manner and in full compliance with
24 applicable federal, state, and local laws.

25 37. Defendants’ conduct toward Plaintiffs resulted in a breach of Defendants’ duties to act as
26 reasonable, prudent persons.

27 38. Defendants should reasonably have anticipated that their conduct would have resulted in
28 emotional distress. Because they failed to notify Jessie’s mother about her death, Jessie’s family

1 continued the search for Jessie for over a year, while suffering emotional and mental anguish for Jessie
2 during their search.

3 39. Defendants also denied Plaintiffs the ability to have an autopsy completed to determine
4 the actual cause of death.

5 40. As a result of Defendants' breach of their duties, Plaintiffs suffered legally compensable
6 emotional distress damages.

7 41. Defendants' conduct towards Plaintiffs was malicious and outrageous. Defendant acted
8 with complete disregard for the probability that Plaintiffs would suffer severe or extreme emotional
9 distress by mishandling Jessie's remains and letting her corpse decompose for a year thus rendering an
10 open casket funeral to be impossible, and by failing to notify Plaintiffs of her death and allowing for the
11 search for Jessie to continue causing emotional and mental anguish for Jessie's family. Only the
12 imposition of punitive damages will deter similar mistreatment of a corpse and disregard of the rights
13 and emotional needs of a decedent's family.

14 **FOURTH CAUSE OF ACTION**

15 **Violation of California Health & Safety Code § 7100.**

16 42. Plaintiffs reallege and incorporate by reference every allegation contained in this
17 Complaint as if fully set forth herein.

18 43. California Health & Safety Code § 7100 states that the control of a deceased individual's
19 remains vests in "the surviving competent parent or parents of the decedent."

20 44. Defendants violated the section above by retaining control over Jessie's remains for over
21 a year and failing to relinquish control of Jessie's corpse to her family.

22 **PRAYER FOR RELIEF**

23 **WHEREFORE**, Plaintiffs prays for relief as follows:

- 24 1. Awarding in excess of five million dollars for Plaintiffs actual and statutory damages;
25 2. Awarding five times the jury's award of actual damages to punish Defendants for their
26 outrageous and inexcusable negligence and complete disregard for the dignity of Jessie and
27 failure to respect the rights and needs of Jessie's family;
28 3. Awarding reasonable attorney fees, interest and costs, to the full extent permitted by law;

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4. All such other and further relief as the Court may deem just, appropriate, and equitable.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury on all issues triable of right by jury.

DATED: August 7, 2024

TUCKER ELLIS LLP

By: 

Marc R. Greenberg
Attorneys for Plaintiffs

EXHIBIT A

MISSING PERSON

Jessie Marie Peterson



MISSING SINCE:	04/07/2023	SEX:	Female
DOB:	08/15/1991	RACE:	White
HEIGHT:	5' 7"	EYES:	Hazel
WEIGHT:	100 lbs.	HAIR:	Brown
DENTAL X-RAYS AVAILABLE:	No		

Jessie Marie Peterson's date of last contact was on April 7, 2023.

Contact

AGENCY:	Sacramento County Sheriff's Office
PHONE NUMBER:	(916) 874-5467
CASE NUMBER:	23-234756