

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Jon Takasugi

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

ASHLEY STEELE, individually and as the  
Successor-in-Interest to the ESTATE OF  
MARIA ISABELLA STEELE,

Plaintiff,

v.

REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, PATRICK YAFFEE, MD,  
DOES 1 through 30, Inclusive,

Defendants.

Case No.

**COMPLAINT FOR DAMAGES:**

**1. WRONGFUL DEATH**

**2. SURVIVAL ACTION**

**DEMAND FOR JURY TRIAL**

**COMES NOW** Plaintiff, ASHLEY STEELE, an individual, (hereinafter "Plaintiff"), for  
causes of action against Defendants, REGENTS OF THE UNIVERSITY OF CALIFORNIA,  
PATRICK YAFFEE, MD and DOES 1 through 30, Inclusive, who complains and alleges as  
follows:

**INTRODUCTORY ALLEGATIONS**

1. This is a wrongful death case arising from the death of 33-year-old Maria Isabella  
Steele as a result of the negligence of Defendants Regents of the University of California, Patrick  
Yaffee, MD, and DOES 1 through 30, inclusive (hereinafter "Defendants") while she was a patient  
of Dr. Patrick Yaffee at UCLA Health, Jack H. Skirball Health Center in Woodland Hills,

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1 California.

2           2.       Plaintiff, Ashley Steele, is  
3 the surviving spouse and successor-in-  
4 interest to decedent Maria Isabella Steele.  
5 Plaintiff is, and at all times herein  
6 mentioned was, a resident of the County of  
7 Los Angeles, State of California.

8           3.       At all times mentioned in  
9 this complaint, each of the Defendants was  
10 and is a resident of or doing business in the  
11 County of Los Angeles, State of California.



12           4.       The true names and capacities, whether individual, associate, corporate or  
13 otherwise, of defendants DOES 1 through 30, inclusive, are unknown to Plaintiff who therefore  
14 sues them by such fictitious names. Plaintiff is informed and believes and thereon alleges that each  
15 of the fictitiously named defendants are responsible in some manner for the occurrences herein  
16 alleged, and that the acts and omissions of the fictitiously named defendants were a proximate  
17 cause of Plaintiff's injuries as hereinafter alleged. Plaintiff therefore sues the fictitiously named  
18 defendants by such fictitious names and will amend this complaint to show their true names and  
19 capacities when same have been ascertained.

20           5.       All of the facts, acts, events and circumstances herein mentioned and described  
21 occurred in the County of Los Angeles, State of California, and Plaintiff and Defendants are  
22 residents of the County of Los Angeles, State of California.

23           6.       At all times mentioned in this complaint, each of the Defendants was the agent,  
24 alter ego, servant, or employee of each other and was acting within the purpose and scope of  
25 agency, service or employment. Each of the Defendants, when acting as a principal, was negligent  
26 in the selection, hiring, training and retention of each and every other Defendant as an agent,  
27 servant or employee and furthermore expressly directed, consented to, approved affirmed and  
28 ratified each and every action taken by the other Defendants.

7. At all times herein mentioned, the Defendants were and now are physicians, surgeons, nurses, medical personnel or other health care professionals, duly licensed to practice their profession and or engage in the practice of their profession in the County of Los Angeles, State of California or were and are corporations, partnerships, sole proprietorships, joint ventures or associations duly organized and existing under and by virtue of the laws of the State of California engaged in the owning, operating, maintaining, managing and engaged in rendering medical, surgical, hospital, diagnostic, nursing and other care to the general public for consumption in the County of Los Angeles, including UCLA Health, Jack H. Skirball Health Center. All the acts complained of by Plaintiff against Defendants which were corporations, partnerships, sole proprietorships, joint ventures or associations were done and performed by those Defendants by and through their duly authorized agents, servants, and employees, all of whom were acting within the course, purpose and scope of their agency or employment and their conduct was ratified by the Defendants which were corporations, partnerships, sole proprietorships, joint ventures or associations. Furthermore, the Defendants which were corporations, partnerships, sole proprietorships, joint ventures or associations selected and assigned physicians and other health care professionals to care for and treat Plaintiff's decedent, Maria Isabella Steele, and through words or actions held those individuals out as agents or employees, knowing and expecting the decedent and her husband to rely upon those actions or words. Those individuals were the ostensible agents of each of the remaining Defendants.

#### **GENERAL ALLEGATIONS**

8. Maria Isabella Steele (hereinafter "Isabella") died from liver failure, which was caused by the drug Atorvastatin, the generic version of Lipitor.

9. Atorvastatin belongs to a class of drugs known as statins. Statins are known to cause rhabdomyolysis (a condition characterized by muscle aches and pains), kidney insufficiency, and liver injury, up to and including liver failure.

10. On January 4, 2019, Isabella was seen by Dr. Patrick Yaffee at UCLA Health, Jack H. Skirball Health Center for an annual physical. As part of the physical, blood was drawn from Isabella to obtain diagnostic information.

11. On January 7, 2019, Dr. Yaffee called Isabella to tell her that her cholesterol levels were higher than the standard range, and that he had prescribed her a two-month supply of Atorvastatin at the 80 mg. dosage. He did not disclose to Isabella that this was highest dose of Atorvastatin available. He did not disclose to Isabella that this dosage was between 4 and 8 times higher than the starting dose recommended by the manufacturer. He did not provide Isabella with any warnings about potential side effects of the drug, such as muscle aches and pains, which can be a harbinger of more serious side effects, like liver failure. He did not warn Isabella to stop taking Atorvastatin if she experienced any of the known side effects. He did not warn Isabella that the drug's side effects are amplified at the highest dosage.

12. At the time Defendants prescribed Isabella Atrovastatin 80 mg, the manufacturer's recommended starting dose was 10 or 20 mg. The maximum recommended starting dose was 40 mg.

13. Upon information and belief, on or before January 25, 2019, Isabella contacted Dr. Patrick Yaffee through the myUCLAhealth online portal complaining of fatigue and other symptoms and expressed her concerns that these symptoms might be related to the Atorvastatin.

14. Upon information and belief, in response to Isabella's complaints, Dr. Yaffee instructed Isabella to continue taking the Atorvastitin and arranged for her to see a cholesterol specialist on February 6, 2019.

15. Upon information and belief, on January 25, 2019, Isabella contacted UCLA Health, Jack H. Skirball Health Center and again expressed her concerns that her symptoms were related to the Atorvastatin. Isabella requested a liver panel be performed. Defendants denied the request.

16. On January 28, 2019, Isabella again contacted UCLA Health, Jack H. Skirball Health Center seeking authorization for the Liver Panel. Dr. Yaffee called in authorization and the liver panel test was performed later that same day.

17. On January 29, 2019, Dr. Yaffee called Isabella and left a voicemail explaining the test results showed "increased enzymes for liver *probably* related to the Lipitor" and suggested she stop taking the medication, give it time to wash out of her system and follow up with a

1 cardiologist and cholesterol specialist to see what next steps need to be taken.

2 18. On January 29, 2019, Isabella presented to West Hills Hospital & Medical Center  
3 severely fatigued, in pain and too weak to walk. Isabella's husband, Ashley, had to physically pick  
4 her up and carry her to the emergency room.

5 19. On January 30, 2019, Isabella was transferred to the Intensive Care Unit of West  
6 Hills Hospital & Medical Center.

7 20. On January 31, 2019, Isabella was transported via air ambulance to Ronald Reagan  
8 UCLA Medical Center.

9 21. On February 1, 2019, Isabella was transferred to the Cardiac Care Unit at Ronald  
10 Reagan UCLA Medical Center and was put on the liver transplant list.

11 22. On February 2, 2018, Maria Isabella Steele died as a result of the drug-induced  
12 hepatitis caused by Atorvastatin.

13 23. Defendants utterly failed to meet the minimum standard of care, beginning with Dr.  
14 Yaffee's first interaction with Isabella at the physical. He failed to take a history adequate enough  
15 to determine she had been on a ketogenic diet for nearly a year. This information would have  
16 provided context for her elevated lipids, and would have suggested the most appropriate, and  
17 safest treatment plan; namely, to change her diet.

18 24. Dr. Yaffee failed even to consider a more conservative approach to treating  
19 Isabella's elevated cholesterol, even though her history called for precisely this approach. At the  
20 time Dr. Yaffee prescribed Atorvastatin to Isabella, she was a healthy 33-year-old premenopausal  
21 woman with a normal body mass index, normal blood pressure, no history of smoking, no known  
22 family history of heart disease, and who exercised regularly. Other than her high cholesterol she  
23 had no traditional risk factors for coronary artery disease. There simply was no indication for  
24 Atorvastatin initiated at twice the maximum recommended starting dose.

25 25. Dr. Yaffee failed to counsel Isabella in person to explain that he was initiating  
26 statin therapy at twice the maximum recommended starting dose. He failed to inform her that this  
27 dosage made it far more likely that she would experiences adverse side effects.

28 26. Dr. Yaffee failed to warn Isabella about the risk of Atorvastatin, such as muscle

1 pain and weakness, particularly at increased doses. He failed to warn her that these symptoms can  
2 be a harbinger of far more serious side effects, such as liver failure and even death.

3 27. Dr. Yaffee failed to instruct Isabella to stop taking Atorvastatin if she experienced  
4 muscle pain and weakness. He failed to warn her that if she continued to take the drug after  
5 experiencing side effects that she was risking more serious injury, such as liver failure and death.

6 28. Dr. Yaffee failed to order the appropriate lab tests, in particular a liver function test,  
7 in follow up of Isabella's reports of symptoms. When Isabella requested a liver panel be  
8 performed, Defendants denied her request and instructed her to call back the following week.

9 29. Dr. Yaffee failed to ensure prompt and adequate communication with Isabella after  
10 reviewing the liver function tests that were ordered at the request of the patient.

11 **FIRST CAUSE OF ACTION ON BEHALF OF PLAINTIFF ASHLEY STEELE AGAINST**  
12 **ALL DEFENDANTS FOR WRONGFUL DEATH**

13 30. Plaintiff alleges and incorporates here by reference all of the allegations contained  
14 in paragraphs 1 through 29 of the General Allegations section of this complaint.

15 31. Decedent was a patient of Defendants. Decedent remained under the sole and  
16 exclusive care and control of Defendants during all times mentioned in this complaint.

17 32. At all times relevant to this complaint, Defendants agreed to perform, and  
18 undertook to perform, for Decedent all services necessary in care and treatment of Decedent which  
19 included, but which were not limited to, examinations, evaluations, diagnosis, care and treatment  
20 of Decedent; in so doing the Defendants, and each of them, established a physician/nurse/hospital/  
21 health care provider relationship with the decedent to provide skillful management of her medical  
22 care.

23 33. Defendants were negligent, careless and unskillful in their management of  
24 Decedent's medical condition, in particular as relates to the prescribing of Atorvastatin: (1) in the  
25 failure to determine whether there was any indication for the drug; (2) in the failure to determine  
26 whether there was any indication for a starting dose in excess of the maximum recommended  
27 starting dose; (3) in the failure to obtain an adequate history of Isabella; (4) in the failure to warn  
28 of the risks associated with the use of the drug; (5) in the failure instruct Isabella to immediately

1 stop taking the drug when she reported symptoms; and, (6) in the failure to order appropriate  
2 blood tests as soon as she reported symptoms consistent with a serious adverse reaction.

3 34. As a direct and legal result of the Defendants' negligence, carelessness and  
4 unskillfulness, Decedent died on February 2, 2019, and Plaintiff suffered damages. Plaintiff's  
5 injuries include but are not limited to all damages permissible under C.C.P. section 377, et seq.,  
6 including funeral and burial expenses.

7 **SECOND CAUSE OF ACTION FOR SURVIVAL CLAIMS BY PLAINTIFF ASHLEY**  
8 **STEELE AS SUCCESSOR-IN-INTEREST TO MARIA ISABELLA STEELE AGAINST**  
9 **ALL DEFENDANTS**

10 35. Plaintiff alleges and incorporates here by reference all of the allegations contained  
11 in paragraphs 1 through 29 of the General Allegations section of this complaint.

12 36. Plaintiff is the Successor-in-Interest to the claims of decedent Maria Isabella Steele  
13 pursuant to Code of Civil Procedure section 377.20.

14 37. As a direct and legal result of the Defendants' negligence, Decedent suffered  
15 additional medical expenses over and above what was planned for her anticipated treatment all to  
16 her damages in an amount according to proof.

17 **PRAYER FOR RELIEF**

18 **WHEREFORE**, Plaintiff ASHLEY STEELE prays for judgment against the Defendants,  
19 and each of them, as follows:

- 20 1. For general damages in a sum well in excess of the jurisdictional  
21 minimum of this Court;
- 22 2. For medical, incidental, hospital and service expenses according to  
23 proof;
- 24 3. For loss of future income according to proof;
- 25 4. For costs of suit incurred herein and prejudgment interest; and
- 26 5. For such other and further relief as the Court deems just and proper in the premises.
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DATED: May 3, 2019

PANISH SHEA & BOYLE LLP

By:



Peter Kaufman  
Attorney for Plaintiffs

**DEMAND FOR JURY TRIAL**

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

DATED: May 3, 2019

PANISH SHEA & BOYLE LLP

By:



Peter Kaufman  
Attorney for Plaintiffs