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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

APR 20 2007

ALAN SLATER, Clerk of the Court

BY Y. MEJIA

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8 WENDY A. WALKER

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SUPERIOR COURT OF CALIFORNIA

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COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

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WENDY A. WALKER,

Plaintiff,

vs.

RICHARD HANSEN, DOES ONE,
TWO, THREE, FOUR, AND FIVE

Defendants.

CASE NO. **07CC05147**

**COMPLAINT FOR DAMAGES
CAUSED BY PROFESSIONAL
NEGLIGENCE OF A HEALTH CARE
PROVIDER AND FOR DAMAGES
CAUSED BY FRAUD AND MALICE**

Date Action Filed:

JANE D. MYERS, CUMMI.
DEPT. C10

For her Complaint, plaintiff WENDY A. WALKER alleges as follows:

**COUNT I
(Negligence/malpractice)**

1. Plaintiff Wendy A. Walker is a resident of Rancho Santa Fe, California.

THIS CASE IS ASSIGNED TO A COMMISSIONER. BY ORDER OF THE COURT, THE STIPULATION TO COMMISSIONER FORM (WHICH MUST BE SERVED ON ALL PARTIES) OR ANY OBJECTION TO THE ASSIGNMENT MUST BE FILED IN DEPT. WITHIN 15 DAYS OF NOTICE OF ASSIGNMENT. PLA. IF NO TIMELY OBJECTIONS ARE RECEIVED, THE ASSIGNMENT IS DEEMED ACCEPTED.

WALKER
HANSEN

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1 consultation with dentists and later by discussions with some of
2 the staff of defendant HANSEN, that he had committed malpractice
3 in the manner described below and had defrauded her in the manner
4 described below.

5 8. Defendant HANSEN represented to plaintiff WALKER that he
6 had special expertise in the fitting of veneers so that he could
7 accomplish the results referred to in paragraph 6 of this
8 Complaint, and that he would use this expertise and perform the
9 veneer fitting for her if he would pay him the sum of \$40,000.00.
10 Plaintiff WALKER agreed to have him perform his services and to
11 pay him the specified amount.

12 9. Commencing on or around November 23, 2005 and continuing
13 through on or around February, 3, 2006, plaintiff WALKER went to
14 the offices of defendant HANSEN and he attempted to fit her with
15 Veneers in the manner and with the results he had promised her.

16 10. However, he failed miserably, performed negligently, made
17 a series of misrepresentations about his work that damaged her
18 further, all with the result that plaintiff WALKER is now much
19 worse than if he had never been treated by defendant HANSEN, has
20 been beset by constant pain and bleeding, has suffered severe
21 damage to her gums requiring major, painful surgery to correct,
22 has ill-fitting veneers which are not the correct size or color,

23 PLAINTIFF'S COMPLAINT

1 is now sensitive to any hot or cold beverage which, when they make
2 contact with her teeth or gums, causes pain, has difficulty
3 chewing her food without pain, and suffers an uneven bite and the
4 general unpleasantness of teeth that are not the correct color,
5 are too big, and unattractive.

6 11. The injuries described in paragraph 10 of this Complaint
7 were caused by the negligence of plaintiff Hansen in that he
8 failed to correctly fit the veneers, inserted them improperly so
9 that there are gaps between her teeth and the veneers, cracked the
10 veneers while he inserted them, thereby damaging them from the
11 outset, chose veneers that were too large for plaintiff WALKER's
12 mouth, failed to create and present to her a sample presentation
13 of the veneers (a "mock up") of the veneers he proposed to use so
14 that she could see and consider their appearance in advance of
15 their being fitted into her gums, instead selecting veneers that
16 were not of the size and color she had desired, and otherwise
17 fitted the veneers in such a way as to render them painful, not
18 functional and unattractive.

19 12. The above described actions on the part of defendant
20 Hansen were below the minimum professional standards and
21 competence required for the fitting of veneers, were unreasonable
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PLAINTIFF'S COMPLAINT

1 and amounted to negligence by a health care provider and
2 malpractice.

3 13. The negligence described above was the proximate cause of
4 the injuries described above.

5 14. As a result of the injuries described above, defendant
6 has been damages in the amount of \$500,000.00.

7 **COUNT II**
8 **(Fraud)**

9 15. Plaintiff WALKER repeats and realleges each and every
10 allegation made in paragraphs 1 through 14 hereof as if fully
11 restated herein.

12 16. In order to induce plaintiff Walker to pay defendant
13 HANSEN the money he required to fit the veneers described above,
14 defendant Hansen falsely told plaintiff WALKER that he was skilled
15 in performing veneer fittings because he had performed many such
16 fittings recently enough to remain sufficiently skilled at doing
17 so; This statement was false because he had not performed any such
18 veneer fittings recently and was no longer proficient on doing so.

19 17. Defendant's false statement that he was proficient at
20 performing the veneer-fitting was known by defendant HANSEN to
21 have been false when made; was material in that plaintiff WALKER
22 would not have allowed him to fit the veneers had she known of his

23 PLAINTIFF'S COMPLAINT

1 lack of sufficient recent experience in doing this kind of dental
2 work, and plaintiff WALKER relied on this false statement to her
3 detriment in that she did in fact allow him to perform the
4 fitting, paid him approximately \$40,000.00 to do so, and suffered
5 the injuries and damages referred to above.

6 18. Defendant Hansen also fraudulently failed to disclose to
7 plaintiff WALKER that he was in serious financial trouble, with
8 many debts, and that he wanted to perform this veneer fitting on
9 plaintiff WALKER so that he quickly obtain money he needed to pay
10 debts.

11 19. This was a material omission on his part because had
12 plaintiff WALKER known that his decision to offer the fittings was
13 driven by his acute need for income, she would not have allowed
14 him to perform the fittings and would instead have retained
15 another dentist to do this work; plaintiff WALKER was injured as a
16 result of not knowing this fact in that she did in fact allow
17 defendant Hansen to proceed with the fitting and she thereby
18 suffered the injuries and sustained the damages referred to above.

19 20. Defendant HANSEN, having been retained to perform the
20 fittings by the fraud described above proceeded to rush the
21 fittings in such a way that while attempting to force ill-fitting
22 veneers over plaintiff' natural teeth quickly in order to hasten

23 PLAINTIFF'S COMPLAINT

1 the completion of the fitting, he applied excessive pressure on
2 three of the veneers and, as a result they cracked, ruining them.
3 Moreover, because he was rushing the fillings and because of his
4 inexperience in performing these fittings, he misfit the veneers
5 so that they did not lie properly on her gums, there were gaps
6 between the veneers and her teeth and gums, he had cut her gums in
7 an inappropriate and medically unsound manner, all of which, he
8 well knew, would cause the veneers to erode over time and need to
9 be replaced, and would also cause pain, discomfort when eating,
10 acute and painful sensitivity to both cold and hot foods,
11 constantly aggravated and bleeding gums, and a dental bite that
12 was not properly aligned, itself causing headaches and taking the
13 enjoyment out of eating a meal. In his rush to complete this
14 fitting, he also chose he wrong size and color of veneers with the
15 result that the veneers are aesthetically unpleasant too big for
16 her mouth.

17 21. Defendant HANSEN withheld the information referred to in
18 paragraph 20 from plaintiff WALKER, instead telling her falsely
19 that the veneers had been well fitted, were fully in tact and
20 properly in place.

21 22. Defendant's failure to inform plaintiff WALKER that he
22 had misapplied the veneers and that they were ill-fitting and

23 PLAINTIFF'S COMPLAINT

1 cracked caused harm and injury which were compounded by the fact
2 that, when plaintiff WALKER almost immediately experienced pain,
3 bleeding, headaches, gum swelling, ad difficulty in chewing, she
4 telephone plaintiff HANSEN for assistance on many occasions and he
5 refused to speak with her, instead having one of his assistance
6 tell her to use "a different toothpaste."

7 23. By knowingly making false statements to the effect that
8 he had suitable experience in fitting veneers when in fact he did
9 not, and by failing to inform her of his desperate need for money
10 and of all of the mistakes and damage cause by the improper manner
11 in which he fit the veneers, defendant HANSEN defrauded plaintiff
12 WALKER, she sustained the injuries referred to above, and has been
13 damaged thereby in the amount of \$250,000.00.

14 24. The acts and omissions of defendant HANSEN toward
15 plaintiff WALKER were in callous disregard for her health, and
16 were committed with oppression, fraud and malice., entitling her
17 to punitive and exemplary damages in the amount of \$1,000,000.00.

18 WHEREFORE, plaintiff WALKER prays judgement as follows:

19 (I) Compensatory damages in the amount of \$250,000.00;

20 (II) Punitive or exemplary damages in the amount of
21 \$1,000,000.00;

22 (III) Compensatory damages in the amount of \$250,000.00;

23 PLAINTIFF'S COMPLAINT

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(IV) All properly assessed costs of this suit; and

(V) Such other and further relief as is deemed just by
this Court;

Dated: ~~April 17~~ 2007

Respectfully Submitted,

MARKHAM & READ

By: 
John J.E. Markham, I⁴
Attorney for WENDY A. WALKER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address):
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 ATTORNEY FOR (Name): Plaintiff

CSB #69623

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange County
 STREET ADDRESS: 700 Civic Center Drive West
 MAILING ADDRESS:
 CITY AND ZIP CODE: Santa Ana, CA 92701
 BRANCH NAME: CENTRAL JUSTICE CENTER

CASE NAME: Wendy A. Walker v. Richard Hansen, etc.

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **07CC05147**

JUDGE: **JANE D. MYERS, COMM.**
 DEPT.: **DEPT. C10**

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <p>Non-PI/PD/WD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input checked="" type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
 a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): **TWO**
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 17, 2007

JOHN J.E. MARKHAM, II

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this a complex case, this cover sheet will be used for statistical purposes only.