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ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco
05/10/2022
Clerk of the Court
BY: KAREN VALDES
Deputy Clerk

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN FRANCISCO**

10 RICHARD IKECHUKWU ANUMENE,
11 AKA, RIKA ILAY ABBIR;

12 Plaintiff;

13 vs.

14 THE PERMANENTE MEDICAL GROUP,
15 INC.; CHARLES WEI SHIH, M.D.; ALI
16 SALIM, M.D.; ERICA METZ, M.D.; CARL
17 THOMAS, M.D.; DENISE ZUSMAN M.D.;
18 CARLOS MORALES, M.F.T.; RICHELL
19 JOSE, M.S.W. and DOES 1 through 50,
20 inclusive;

21 Defendants.

Case No.: CGC-22-598800
Assigned for all Purposes to Dept.: 610
The Honorable
[Unlimited Civil Case]

FIRST AMENDED COMPLAINT FOR DAMAGES

- (1) **MEDICAL MALPRACTICE**
(2) **BATTERY**

DEMAND FOR JURY TRIAL

Trial Date: Not yet Assigned

22 Plaintiff, RICHARD IKECHUKWU ANUMENE, AKA, RIKA ILAY ABBIR
23 (Hereinafter “Mr. Anumene” or “Plaintiff”) complains against Defendants, and each of them,
24 demands a trial by jury of all issues and for all causes of action, and hereby alleges, based upon
25 information and belief, the following:

PARTIES

26 1. Plaintiff, RICHARD IKECHUKWU ANUMENE, AKA, RIKA ILAY ABBIR, is
27 and was at all times relevant to this action was living in County of San Francisco, State of
28 California and the surrounding areas.

1 2. Plaintiff is informed and believes and thereon alleges that Defendant, THE
2 PERMANENTE MEDICAL GROUP, INC. is a California Corporation, operating and
3 conducting business in the County of San Francisco, State of California and at all relevant times
4 stated herein its agents and employees rendered healthcare to Plaintiff.

5 3. Plaintiff is informed and believes and thereon alleges that Defendant, CHARLES
6 WEI SHIH, M.D., is an individual, residing in the County of San Francisco, State of California,
7 and is a medical doctor licensed to practice medicine in California and at relevant times stated
8 herein provided medical care to Plaintiff.

9 4. Plaintiff is informed and believes and thereon alleges that Defendant, ALI SALIM,
10 M.D., is an individual, residing in the County of San Francisco, State of California, and is a
11 medical doctor licensed to practice medicine in California and at relevant times stated herein
12 provided medical care to Plaintiff.

13 5. Plaintiff is informed and believes and thereon alleges that Defendant, ERICA
14 METZ, M.D., is an individual, residing in the County of San Francisco, State of California, and
15 is a medical doctor licensed to practice medicine in California and at relevant times stated herein
16 provided medical care to Plaintiff.

17 6. Plaintiff is informed and believes and thereon alleges that Defendant, CARL
18 THOMAS, M.D., is an individual, residing in the County of San Francisco, State of California,
19 and is a medical doctor licensed to practice medicine in California and at relevant times stated
20 herein provided medical care to Plaintiff.

21 7. Plaintiff is informed and believes and thereon alleges that Defendant, DENISE
22 ZUSMAN, M.D., is an individual, residing in the County of San Francisco, State of California,
23 and is a medical doctor licensed to practice psychiatry in California and at relevant times stated
24 herein provided medical care to Plaintiff.

25 8. Plaintiff is informed and believes and thereon alleges that Defendant, CARLOS
26 MORALES, M.F.T., is an individual, residing in the County of San Francisco, State of California,
27 and is a licensed Marriage Family Therapist in California and at relevant times stated herein
28 provided care to Plaintiff.

1 Haight Ashbury. It was during this time of despair and need for support that Mr. Anumene found
2 his way to doctors and therapists from the Kaiser Permanente, San Francisco Gender Pathways
3 clinic located at 1635 Divisadero Street, San Francisco, CA.

4 16. At all times relevant to the treatment at issue, Mr. Anumene presented to
5 Defendants with a history of sexual and physical abuse as a child, Schizophrenia, Post-Traumatic
6 Stress Disorder (“PTSD”), Bi-polar Disorder, and Severe Depression.

7 17. As Mr. Anumene was schizophrenic at the time of the treatment at issue, Mr.
8 Anumene suffered from a severe mental disorder with psychoses characterized by distortions in
9 thinking, perception, emotions, language, sense of self and behavior. Common psychotic
10 experiences include hallucinations (hearing, seeing or feeling things that are not there) and
11 delusions (fixed false beliefs or suspicions that are firmly held even when there is evidence to the
12 contrary). The disorder made it difficult for Mr. Anumene to work, study and otherwise conduct
13 normal activities of daily living.

14 18. As Mr. Anumene was suffering from Post-Traumatic Stress Disorder (PTSD) at the
15 time of the treatment at issue, Mr. Anumene also suffered from a psychiatric disorder that resulted
16 from experiencing the traumatic events of sexual violence, and being threatened with sexual
17 violence, among other things. At all times relevant to the treatment at issue, Mr. Anumene
18 experienced intense, disturbing thoughts and feelings related to his experiences. Mr. Anuneme
19 relived the trauma through flashbacks and nightmares; and he felt detached or estranged from other
20 people.

21 19. As Mr. Anumene was suffering from Bi-polar Disorder at the time of the treatment
22 at issue, Mr. Anumene also suffered from a brain disorder that caused changes in his mood, energy,
23 and ability to function. Mr. Anumene experienced intense emotional states (mood episodes) that
24 typically occurred during distinct periods of days to weeks. These mood episodes were
25 categorized as manic/hypomanic (abnormally happy or irritable mood) and/or depressive (sad
26 mood).

27 20. As Mr. Anumene was suffering from severe Depression at the time of the treatment
28 at issue, Mr. Anumene also suffered from a serious medical illness that negatively affected how he

1 felt, the way he thought and how he acted. Mr. Anumene’s Depression caused feelings of sadness
2 and/or a loss of interest in activities he once enjoyed. He experienced a variety of emotional and
3 physical problems that decreased his ability to function at work and at home. Mr. Anumene
4 experience severe symptoms including but not limited to: Feeling sad or having a depressed
5 mood, loss of interest or pleasure in activities he once enjoyed, Changes in his appetite — weight
6 loss or gain unrelated to dieting, trouble sleeping or sleeping too much, loss of energy or increased
7 fatigue.

8 21. As Mr. Anumene was suffering from generalized anxiety disorder at the time of
9 the treatment at issue, Mr. Anumene also suffered from persistent and excessive worry that
10 interfered with his daily activities. This ongoing worry and tension was accompanied by physical
11 symptoms, such as restlessness, feeling on edge or easily fatigued, difficulty concentrating,
12 muscle tension or problems sleeping.

13 22. Despite the ongoing mental diseases suffered by Mr. Anumene and Mr.
14 Anumene’s desire to have his own children someday, Defendants told Plaintiff his mental chaos
15 was actually driven by gender dysphoria.

16 23. Swiftly following the diagnosis of gender dysphoria by Defendants’ agents /
17 employees, the Defendants prescribed feminizing hormones to affirm Plaintiff’s social transition
18 from male to female. Plaintiff’s rebirth into a “trans” identity was praised and celebrated by his
19 new circle of friends.

20 24. The Defendants failed to address the mental health issues detected and diagnosed
21 by Defendants and their own staff before “clearing” plaintiff for surgery. Making no effort to
22 address his multiple, serious psychiatric disorders, Defendants provided a very brief
23 “consultation” assuring plaintiff that excising his healthy organs and fabricating female appearing
24 genitalia would resolve his mental distress.

25 25. Plaintiff was not informed and/or did not understand the impending and permanent
26 sterility resulting from his surgery. Mr. Anumene never learned of and/ or understood the burdens
27 and impacts of having to take cross sex hormones after the surgeries for the rest of his life. Mr.
28 Anumene did not understand the requirement of daily dilation following surgery.

1 26. Defendants proceeded with gender re-assignment surgeries knowing of Mr.
2 Anumene’s diagnosed mental illnesses. The surgeries performed to complete gender
3 reassignment on Mr. Anumene include facial feminization surgery, Vaginoplasty, Clitoroplasty,
4 Perineal Urethroplasty and Bilateral Orchiectomy, with the latter leaving Mr. Anumene sterile
5 and unable to have children of his own.

6 27. Defendants completed gender transition techniques and surgeries on plaintiff
7 despite the fact that doctors and surgeons have never objectively proven the effectiveness of any
8 gender affirming technique in relieving the mental stress otherwise known as “gender dysphoria”
9 of the trans identifying person. Defendants failed to provide Plaintiff any information on the
10 effectiveness of gender affirming techniques such as the surgeries and hormone therapy.

11 28. Defendants failed to perform the care and treatment of Mr. Anumene within the
12 standards of care for medical professionals in general and the standards of care for health of
13 transsexual, transgender, and gender nonconforming people. More specifically, Defendants violated
14 their standard of care to Mr. Anumene by: failure to provide treatment aimed at correcting Mr.
15 Anumene’s gender identity and lived gender expression congruent with his biologic sex; performing
16 gender transition techniques and surgeries on plaintiff without data and/or peer reviewed studies
17 objectively proving the effectiveness of any gender affirming techniques and surgeries in relieving
18 the mental stress otherwise known as “gender dysphoria”; improperly diagnosing/classifying Mr.
19 Anumene as “Transgender”; improperly assessing and diagnosing Mr. Anumene with gender
20 dysphoria; proceeding with gender re-assignment techniques and surgeries knowing of Mr.
21 Anumene’s diagnosed mental illnesses; failure to provide information regarding options to gender
22 transition for gender identity and expression; failure to provide psychotherapy in conjunction with
23 hormone therapy and/or surgery; assessing and diagnosing that Mr. Anumene’s mental diseases
24 were caused by gender dysphoria; failing to assess, diagnose, and discuss treatment options for co-
25 existing mental health concerns; failing to obtain informed consent for the gender transition
26 techniques and surgeries by failing to provide information on the risks, benefits, alternatives, and
27 consequences of the recommended care; performing gender transition techniques and surgeries
28 leaving Mr. Anumene sterile despite Mr. Anumene’s desire to have his own children; performing

1 Feminizing Hormone Therapy without satisfying the requisite criteria set forth in the WPATH
2 Standards of Care; performing gender transition surgeries without satisfying the requisite criteria set
3 forth in the WPATH Standards of Care; failure to provide a period of reversible estrogen or
4 testosterone suppression, before undergoing irreversible surgical intervention; failure to properly
5 assess the medical necessity of the treatments for gender dysphoria for Mr. Anumene; providing
6 mental health care for Mr. Anumene's diagnosed gender dysphoria without proper clinical
7 competence and credentials; failure to improve the serious mental illnesses of Mr. Anumene prior
8 to the use of gender transition techniques and surgeries; and failure to the surgical procedures
9 referenced above within the applicable standard of care.

10 29. With very little follow up care after surgeries, Richard again found himself alone,
11 confused, and devastated that he was now sterile, and will not be able to have a family of his own.
12 Mr. Anumene regrets the trust he placed in Defendants as they did not have his best interest in
13 mind when they moved him through the gender transition process without the ability to properly
14 evaluate and appreciate the severity and permanency of the treatments performed by Defendants.

15 30. The promise of a medical miracle was encouraging to plaintiff in his confused and
16 unstable state of mind. But the reality played out differently. No hormones, no surgery, and no
17 feeling will ever be strong enough to undo the truth of plaintiff being irrevocably male. The
18 promise of being a true woman for Mr. Anumene was a lie. The promise of improved mental
19 health for Mr. Anumene as a result of the surgeries was a lie.

20 **FIRST CAUSE OF ACTION**

21 **MEDICAL MALPRACTICE**

22 **[Against All Defendants]**

23 31. Plaintiffs hereby reallege and incorporate by reference paragraph 1 through 28 as
24 though fully set forth herein.

25 32. Each of the defendants provided medical and / or mental health care and treatment
26 to the plaintiff. The defendants owed duty to perform that medical and / or mental health care and
27 treatment within the standard of care provided by health care professionals in the community.

28 33. Defendants, and each of them, failed to treat and / or care for the plaintiff within

1 the applicable standard of care as stated herein, and more generally by negligently and carelessly
2 obtaining informed consent, examining, diagnosing, assessing, treating, failing to treat, and
3 managing plaintiff's care thereby breaching the duty owed to plaintiff.

4 34. Defendants' breaches of their duty to Plaintiff was a substantial factor, and the
5 legal and proximate cause, in bringing about harm, injury and damage to the plaintiff all of which
6 have been caused and continued to cause plaintiff permanent injury in his health and physical
7 ability, and will cause plaintiff physical, mental and nervous pain and suffering, fright, grief,
8 anxiety and apprehension, all to his general damage in an amount in excess of the jurisdictional
9 limits of this court.

10 35. Defendants' breaches of their duty to Plaintiff was a substantial factor, and the
11 legal and proximate cause, in bringing about harm, injury and damage to the plaintiff all of which
12 have caused and will continue to cause past and future loss of earnings and future earning
13 capacity, all to his economic damage in amount to be proven at the time of trial.

14 **SECOND CAUSE OF ACTION**

15 **BATTERY**

16 **[Against Defendants CHARLES WEI SHIH, M.D.;**

17 **ALI SALIM, M.D.; CARL THOMAS, M.D.; and DOE DEFENDANTS]**

18 36. Plaintiffs hereby reallege and incorporate by reference paragraph 1 through 33 as
19 though fully set forth herein.

20 37. Defendant's CHARLES WEI SHIH, M.D.; ALI SALIM, M.D.; CARL THOMAS,
21 M.D.; and DOE DEFENDANTS; touched Plaintiff with the intent to harm or offend Plaintiff.

22 38. Plaintiff did not consent to the harmful or offensive touching.

23 39. Defendants' CHARLES WEI SHIH, M.D.; ALI SALIM, M.D.; CARL THOMAS,
24 M.D.; and DOE DEFENDANTS harmful or offensive touching of Plaintiff was a substantial
25 factor, and the legal and proximate cause, in bringing about harm, injury and damage to the
26 plaintiff all of which have been caused and continued to cause plaintiff permanent injury in his
27 health and physical ability, and will cause plaintiff physical, mental and nervous pain and
28 suffering, fright, grief, anxiety and apprehension, all to his general damage in an amount in excess

1 of the jurisdictional limits of this court.

2 40. Defendants' CHARLES WEI SHIH, M.D.; ALI SALIM, M.D.; CARL THOMAS,
3 M.D.; and DOE DEFENDANTS harmful or offensive touching of Plaintiff was a substantial
4 factor, and the legal and proximate cause, in bringing about harm, injury and damage to the
5 plaintiff all of which have caused and will continue to cause past and future loss of earnings and
6 future earning capacity, all to his economic damage in amount to be proven at the time of trial.

7 **PRAYER**

8 WHEREFORE, Plaintiff seek judgment against Defendants, and each of them, inclusive,
9 as set forth in each cause of action and as follows:

- 10 1. For noneconomic damages in an amount according to proof at the time of trial;
11 2. For medical and incidental expenses and the reasonable value of assisted and
12 therapy services, past and future, according to proof at the time of trial;
13 3. For past and future loss of earnings and earning capacity, according to proof at the
14 time of trial;
15 4. For prejudgment interest, allowed by law;
16 5. For costs of suit incurred; and
17 6. For such further relief as the Court may deem just and proper.

18
19 **DEMAND FOR JURY TRIAL**

20 Plaintiff respectfully requests a trial by jury.

21
22 DATED: May 9, 2022

WATKINS & LETOFSKY, LLP

23
24 By: /s/ Daniel R. Watkins
25 Daniel R. Watkins
26 Attorneys for Plaintiff

27 ADF.105-Anumene/Pleadings/FAC