

Superior Court of California, County of Alameda  
Rene C. Davidson Alameda County Courthouse

**Matter of Jahi McMath**

**No. RP13707598**

(Abbreviated Title)

**Minutes**

Department 31

Honorable Evelio Grillo, Judge

Cause called for Hearing Re: Application Re: Other Ex Parte: 01/03/2014

Matter came on for hearing on the court's 9:30 calendar. Christopher Dolan for the Petitioner; Robert Straus for Respondent.

The court met with counsel for the parties in chambers and ordered the parties to meet and confer to attempt to develop a stipulation regarding the terms and conditions under which Jahi McMath could be moved to another facility. Parties reached a stipulation re: Protocol for Possible Removal of Jahi McMath from Children's Hospital. The court reconvened in open session and Respondent's counsel read the stipulation in open court. No court reporter was available. The court accepted a written outline of the stipulation from the parties and requested that the parties have a transcript of the proceedings prepared from tape recordings of the session made by the media. The court ordered a copy of the written stipulation of the parties notes to be attached to minutes, nunc pro tunc.

Petitioner renewed her motion for a court order ordering Respondent to insert a feeding tube and a tracheal tube into the person of Jahi McMath. The court heard oral argument and denied the motion. The court recited that on the facts of this case, the court could not order a physician or hospital to provide medical treatment that was not authorized by law, and that the decisions whether to insert a gastric feeding tube and to perform a tracheotomy were medical decisions. Jahi McMath has been found to be brain dead pursuant to Health and Safety Code sections 7180-7181, and the court cannot order a physician or a hospital to conduct procedures on an individual where the conduct of such procedures would be medically ineffective or contrary to generally accepted health care standards, or could violate medical or ethical norms. Probate Code section 4735.

Minutes of 01/03/2014

Entered on 01/03/2014

Executive Officer / Clerk of the Superior Court

By

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Deputy Clerk

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**Minutes**

M8735509

# STIPULATION FOR PROTOCOL FOR POSSIBLE REMOVAL OF JAHI MCMATH FROM CHILDREN'S HOSPITAL

Here are the terms for Children's to release the body as I understand it:

- The Coroner has to sign something accepting the body from the Hospital—whether it is the Release or some other document. ✓
- Petitioner must agree that she shall be wholly and exclusively responsible for Jahi McMath the moment custody is transferred in the Hospital's pediatric intensive care unit and acknowledge that she understands that the transfer and subsequent transport could impact the condition of the body, including causing cardiac arrest. ✓
- The TRO existing under the Superior Court's Order of December 26, 2013, as extended to 5 pm January 7, 2014 by order of December 30, 2013, shall be dissolved and of no further enforceability effective upon the transfer of the body in the ICU ✓
- The ~~air-eva~~<sup>code started</sup> team will be allowed to use the Dover Street entrance and park in the driveway/circle there with access provided to the adjacent entrance used by the air transport teams that use Children's heliport; ✓
- The ~~transfer~~<sup>transfer</sup> team will be permitted to come into the ICU- transfer Jahi to their gurney- transfer her IV's and other fluids to their poles, transfer the endotracheal tube and attached hose to their vent- be allowed to take the Pulse Ox indicator – leads- or other items attached to Jahi's body (if they so desire) , and then once they have her situated they take her down to the Dover Street entrance. ✓
- At the time of transfer, her current orders, medications, and her medication records and other recent records will be provided to the transport company <sup>as if the air-eva team were</sup> ~~transporting a patient who the hospital considered to be alive~~ ✓
- The stipulation lasts as long as the current TRO lasts but no longer.

available if needed

to a health care facility

and a status report on her current vital signs and instrument tabs will be provided. ✓