

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Robert W. Hodges (SBN 95033)</b>  <b>McNamara Law Firm</b>  <b>1211 Newell Avenue</b>  <b>Walnut Creek, CA 94596</b>  TELEPHONE NO.: (925) 939-5330 FAX NO. (Optional): (925) 939-0203  E-MAIL ADDRESS (Optional):  ATTORNEY FOR (Name): <b>Defendant ROBERT M. WESMAN, M.D.</b></p>	<p><b>FOR COURT USE ONLY</b></p> <p><b>FILED BY E-DELIVERY</b></p> <p><b>ALAMEDA COUNTY</b></p> <p><b>September 25, 2017</b></p> <p><b>CLERK OF THE SUPERIOR COURT</b>  By Keisha Ghee, Deputy</p> <p><b>CASE NUMBER:</b>  <b>RG15760730</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda</b>  STREET ADDRESS: 1225 Fallon Street  MAILING ADDRESS:  CITY AND ZIP CODE: Oakland, CA 94612-4293  BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER: <b>LATASHA NAILAH SPEARS WINKFIELD et al.</b>  DEFENDANT/RESPONDENT: <b>FREDERICK S. ROSEN, M.D., et al</b></p>	
<p style="text-align: center;"><b>CASE MANAGEMENT STATEMENT</b></p> <p>(Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b>      <input type="checkbox"/> <b>LIMITED CASE</b>  (Amount demanded exceeds \$25,000)      (Amount demanded is \$25,000 or less)</p>	
<p>A <b>CASE MANAGEMENT CONFERENCE</b> is scheduled as follows:  Date: <b>October 10, 2017</b> Time: <b>3:00 pm</b> Dept.: <b>16</b> Div.: Room:  Address of court (if different from the address above):  <b>1211 Oak Street, Oakland</b></p> <p><input type="checkbox"/> <b>Notice of Intent to Appear by Telephone, by (name):</b></p>	
<p><b>INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.</b></p>	

1. Party or parties (answer one):

- a.  This statement is submitted by party (name): **Defendant ROBERT M. WESMAN**
- b.  This statement is submitted jointly by parties (names):

2. Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)

- a. The complaint was filed on (date):
- b.  The cross-complaint, if any, was filed on (date):

3. Service (to be answered by plaintiffs and cross-complainants only)

- a.  All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
- b.  The following parties named in the complaint or cross-complaint
  - (1)  have not been served (specify names and explain why not):
  - (2)  have been served but have not appeared and have not been dismissed (specify names):
  - (3)  have had a default entered against them (specify names):
- c.  The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):

4. Description of case

- a. Type of case in  complaint  cross-complaint (Describe, including causes of action):  
**Alleged wrongful death/personal injury.**

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4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)  
Defendant Wesman offered second opinion pre-operatively and was the on-call ENT on day of surgery. He had no active role in the patient's care.
- (If more space is needed, check this box and attach a page designated as Attachment 4b.)
5. **Jury or nonjury trial**  
The party or parties request  a jury trial  a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):
6. **Trial date**
- a.  The trial has been set for (date):
- b.  No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):
- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):  
See attached vacation/trial schedule.
7. **Estimated length of trial**  
The party or parties estimate that the trial will take (check one):
- a.  days (specify number): 25
- b.  hours (short causes) (specify):
8. **Trial representation (to be answered for each party)**  
The party or parties will be represented at trial  by the attorney or party listed in the caption  by the following:
- a. Attorney:
- b. Firm:
- c. Address:
- d. Telephone number:
- e. E-mail address:
- f. Fax number:
- g. Party represented:
- Additional representation is described in Attachment 8.
9. **Preference**  
 This case is entitled to preference (specify code section):
10. **Alternative dispute resolution (ADR)**
- a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.
- (1) For parties represented by counsel: Counsel  has  has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.
- (2) For self-represented parties: Party  has  has not reviewed the ADR information package identified in rule 3.221.
- b. **Referral to judicial arbitration or civil action mediation (if available).**
- (1)  This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under of Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.
- (2)  Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
- (3)  This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):  
Amount in controversy exceed arbitration limits.

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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (check all that apply and provide the specified information):

	The party or parties completing this form are willing to participate in the following ADR processes (check all that apply):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (attach a copy of the parties' ADR stipulation):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (specify):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

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11. Insurance

- a.  Insurance carrier, if any, for party filing this statement (name): Medical Insurance Exchange of California
- b. Reservation of rights:  Yes  No
- c.  Coverage issues will significantly affect resolution of this case (explain):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- Bankruptcy  Other (specify):

Status:

13. Related cases, consolidation, and coordination

- a.  There are companion, underlying, or related cases.
  - (1) Name of case:
  - (2) Name of court:
  - (3) Case number:
  - (4) Status:
- Additional cases are described in Attachment 13a.
- b.  A motion to  consolidate  coordinate will be filed by (name party):

14. Bifurcation

- The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

15. Other motions

- The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):  
 See Dr. Rosen's CMC statement for plan for discovery.

16. Discovery

- a.  The party or parties have completed all discovery.
- b.  The following discovery will be completed by the date specified (describe all anticipated discovery):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Defendant Wesman	Depositions of plaintiffs	Not noticed yet
Defendant Wesman	Discovery	On going
Defendant Wesman	Expert review	On going
Defendant Wesman		On going

- c.  The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (specify):

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17. Economic litigation

- a.  This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b.  This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (specify): Attorney Galloway is retiring and his client will obtain new counsel who will need time to review and become familiar with this complicated case. Suggest a new CMC in 90-120 days.

19. Meet and confer

- a.  The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify): All issues are disputed.

20. Total number of pages attached (if any): -2-

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: September 25, 2017

ROBERT W. HODGES  
(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

▶ Robert W. Hodges  
(SIGNATURE OF PARTY OR ATTORNEY)

▶  
(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

**RWH TRIAL/ARBITRATION CALENDAR**

**2017**

**OCTOBER**

**RWH VACATION OCT 24-27**

**NOVEMBER**

3	Morrow v. Klein	SSC
4	In Re: David Shenassa, M.D.	MB Hearing

**DECEMBER**

5-7	In Re: Frederick Johnson (MB)	MB Hearing
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**2018****JANUARY**

29

Anderson v. CCC

USDC

**MARCH****RWH VACATION MARCH 1-23****APRIL****RWH VACATION APRIL 30**

5-8

California Medical-Legal Committee Meeting  
Hill v. ABSMC

Alameda SC

9

**MAY****RWH VACATION MAY 1-6****JUNE**

18

Johnson v. Lee

CCSC

**JULY**

16-27

In Re: Edward Zabrek, M.D. (MB)

MB Hearing

**NOVEMBER**

5

Domenighini v. Salinas Valley Memorial

Monterey SC

Revised Date: 9/25/17

1 PROOF OF SERVICE BY MAIL (C.C.P. §§ 1013a, 2015.5)

2 I hereby declare that I am a citizen of the United States, am over the age of eighteen years,  
3 and not a party to the within action; my business address is 3480 Buskirk Avenue, Suite 250,  
4 Pleasant Hill, CA 94523.

5 On this date I served the foregoing **CASE MANAGEMENT STATEMENT** on the  
6 parties in said action, by placing a true copy thereof enclosed in a sealed envelope addressed as  
7 listed below for mailing. I am readily familiar with this firm's practice of collection and  
8 processing correspondence for mailing. Under that practice, it would be deposited with the United  
9 States Postal Service on that same day with postage thereon fully prepaid, in the United States  
10 Post Office mail box at Pleasant Hill, California, addressed as follows:

11 **Attorneys For Plaintiffs:**

12 Bruce M. Brusavich, Esq.  
13 AgnewBrusavich  
14 20355 Hawthorne Boulevard, 2nd Floor  
15 Torrance, CA 90503

16 Phone: 310-793-1400  
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18 **Attorneys For Defendant UCSF BENIOFF  
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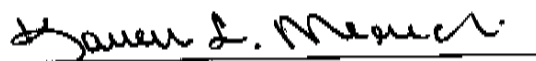
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on September 25, 2017 at Pleasant Hill, California.

  
Karen L. Merick