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FILED
 ALAMEDA COUNTY

DEC 22 2017

CLERK OF THE SUPERIOR COURT
 By *[Signature]* Deputy

10 Attorneys for Plaintiffs

11
 12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 13 FOR THE COUNTY OF ALAMEDA

AGNEW BRUSAVICH
 SERIOUS INJURY LAWYERS
 20355 HAWTHORNE BLVD · TORRANCE, CA 90503
 T: (310) 793-1400 F: (310) 793-1499

16 LATASHA NAILAH SPEARS WINKFIELD;
 17 MARVIN WINKFIELD; SANDRA CHATMAN;
 and JAHl McMATH, a minor, by and
 18 through her Guardian ad Litem, LATASHA
 NAILAH SPEARS WINKFIELD,

19 Plaintiffs,

20 vs.

21 FREDERICK S. ROSEN, M.D.; UCSF BENIOFF
 22 CHILDREN'S HOSPITAL OAKLAND
 (formerly Children's Hospital & Research
 23 Center at Oakland); MILTON McMATH, a
 nominal defendant, and DOES 1
 24 THROUGH 100,

25 Defendants.

CASE NO. RG 15760730

ASSIGNED FOR ALL PURPOSES TO:
 JUDGE STEPHEN PULIDO - DEPT. "517"

**PLAINTIFFS' NOTICE OF MOTION AND
 MOTION TO BIFURCATE THE ISSUE OF
 WHETHER AAN AND AAP GUIDELINES
 MEET THE STATUTORY DEFINITION OF
 "DEAD" UNDER THE UNIFORM
 DETERMINATION OF DEATH ACT
 (HEALTH & SAFETY CODE, §7180);
 MEMORANDUM OF POINTS AND
 AUTHORITIES AND DECLARATIONS OF
 D. ALAN SHEWMON, M.D. AND
 BRUCE M. BRUSAVICH IN SUPPORT;
 [PROPOSED] ORDER**

DATE: March 8, 2018
 TIME: 3:00 p.m.
 DEPT: "517"

Reservation No: R-1917827

Date Action Filed: 03/03/15

**PLAINTIFFS' NOTICE OF MOTION AND MOTION TO BIFURCATE THE ISSUE OF WHETHER
 AAN AND AAP GUIDELINES MEET THE STATUTORY DEFINITION OF "DEAD" UNDER THE
 UNIFORM DETERMINATION OF DEATH ACT (HEALTH & SAFETY CODE, §7180)**

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2 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:**

3 **PLEASE TAKE NOTICE** that on March 8, 2018 at 3:00 p.m. or as soon thereafter
4 as the matter may be heard in Department "517" of the above-entitled Court
5 located at 24405 Amador Street, Hayward, CA 94544, Plaintiffs Latasha Naila Spears
6 Winkfield, Sandra Chatman and Jahi McMath, a minor by and through her
7 Guardian ad Litem Latasha Nailah Spears Winkfield will move this Court, pursuant
8 to Code of Civil Procedure §§598 and 1048, for an order that bifurcates the issue
9 of whether the American Association of Neurology and American Academy of
10 Pediatrics criteria for establishing brain death in adults and children, relied upon by
11 Defense experts in December 2013 and throughout this litigation, comports with the
12 statutory requirements of the Uniform Determination of Death Act set forth in Health
13 & Safety Code, §7180.

14 This motion is made on the grounds that a court trial and a preliminary
15 decision of the Court on this legal issue will identify, once and for all, the standard
16 by which the determination of whether Jahi is legally alive or dead will be made.
17 This ruling will promote the efficiency, justice, and fair handling of litigation as
18 follows:

19 1. There is no dispute that Jahi suffered brain damage and that physicians
20 applying the AAN criteria found her to be brain dead in 2013. There is a major
21 dispute, however, as to whether or not Jahi currently meets the California statutory
22 definition of brain death;

23 2. The Uniform Determination of Death Act set forth in Health & Safety Code,
24 §7180 defines brain death as "either (1) irreversible cessation of circulatory
25 respiratory functions or (2) irreversible cessation of all functions of the brain,
26 including the brain stem..." Plaintiffs contend that because Jahi does not have
27 irreversible cessation of all functions of her brain, she is not dead. Defendants ignore
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1 this statutory definition of brain death and rely solely on the last sentence of Section
2 7180(a), that "a determination of death must be made in accordance with
3 accepted medical standards." Defendants argue that the court cannot declare
4 Jahi to be alive unless she takes and passes a formal neurologic examination by
5 defense experts equal to the examination that was performed in December 2013,
6 including an apnea test. Because Jahi is only intermittently responsive, it is more
7 likely than not that she would fail such an examination, even though it is clear that
8 she has brain function;

9 Plaintiffs therefore request that the court bifurcate this issue and schedule a
10 court trial on the issue of whether or not the AAN and AAP Guidelines are
11 considered "acceptable medical standards" that satisfy the extraordinarily broad
12 definition of death contained in Health & Safety Code, §7180;

13 A court determination of this issue will focus the parties to complete the
14 necessary discovery to address the factual issue of whether Jahi is alive or dead in
15 the context of whether or not the guidelines being advocated by the defense are
16 consistent with Health & Safety Code, §7180.

17 This motion will be based upon this Notice of Motion, the Memorandum of
18 Points and Authorities contained here, the Declarations of D. Alan Shewmon, M.D.
19 and Bruce M. Brusavich, the pleadings and records in this action, and on whatever
20 oral or documentary evidence may be presented at the hearing of this matter.

21
22 Dated: December 14, 2017

AGNEW BRUSAVICH
A Professional Corporation

23
24 By: 

BRUCE M. BRUSAVICH
Attorneys for Plaintiffs

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2 **MEMORANDUM OF POINTS AND AUTHORITIES**

3 **I. STATEMENT OF FACTS.**

4 This litigation arises from a surgical procedure performed on December 9,
5 2013 by Defendant Frederick S. Rosen, M.D. ("Rosen") at Children's Hospital &
6 Research Center at Oakland ("CHO") for sleep apnea. Following the surgery, Jahi
7 bled for hours before she coded and, after surviving the code, was placed on a
8 ventilator. Brain death pursuant to the pediatric guidelines for determining brain
9 death was declared on December 14, 2014. CHO Administration pressured the
10 family to donate her organs and disconnect her from life support.

11 The WINKFIELD'S obtained a restraining order preventing CHO from
12 terminating Jahi's life support. Eventually, an agreement was reached whereby
13 Jahi was released to the WINKFIELDS. Alameda County issued an incomplete
14 Death Certificate and counsel for Plaintiffs, in separate actions, have sought to
15 rescind it.

16 Judge Evelio Grillo denied the petition for medical treatment for Jahi, which
17 included a determination that Jahi "suffered brain death and was deceased as
18 defined under Health and Safety Code sections 7180 and 7181." Judge Grillo did
19 not preclude a different conclusion in the future as to Jahi's brain function based
20 on new facts and a reexamination by the parties that may alter the legal rights of
21 the parties.

22 The issue of the definition of brain death to be applied is separate and apart
23 from whether or not Jahi currently meets the AAN or AAP guidelines. Defendants
24 have on numerous occasions in both state and federal courts attempted to obtain
25 a court ruling that Jahi is dead. The California Court of Appeal issued an Order
26 commending the ruling of Judge Robert B. Freedman, stating it would not resolve
27 the question of death at the pleading stage. The Federal Court recently stayed the
28

1 from this Court as to whether Jahi currently meets a brain death diagnosis under
2 California Health and Safety Code §§ 7180 and 7181.

3 This Court, in denying Defendants' Motion for Summary Adjudication that Jahi
4 is dead, held that a triable issues of fact exists as to whether there are changed
5 circumstances pertaining to Jahi's condition and whether or not Jahi currently
6 satisfies the statutory definition of 'dead' under the Uniform Determination of Death
7 Act.

8 Through this motion, Plaintiffs seek to bifurcate for a preliminary court trial the
9 issue whether the ANN and AAP guidelines meet California's statutory definition of
10 brain death. Plaintiffs contend that it is only with the Court's decision on this issue
11 that the parties can move forward to develop evidence that Jahi does or does not
12 meet that definition.

13 **II. THIS COURT SHOULD ORDER BIFURCATION OF THE APPLICABILITY OF THE AAN**
14 **AND AAP GUIDELINES TO CALIFORNIA'S STATUTORY DEFINITION OF DEATH.**

15 The Court may order separate trials of any cause of action or issue pursuant
16 to Code of Civil Procedure §§ 1048(b) and 598. Code of Civil Procedure § 1048(b)
17 states:

18 "The Court, in furtherance of convenience or to avoid prejudice, or when
19 separate trials will be conducive to expedition and economy, may order a
20 separate trial of any cause of action, including a cause of action asserted
21 in a cross-complaint, or any separate issue or any number of causes of
22 action or issues, preserving the right of trial by jury required by the Constitution
23 or a statute of this State of the United States."

24 California Code of Civil Procedure § 598 also grants the court the power to
25 bifurcate this action. This section states in pertinent part:

26 "The court may, when the convenience of witnesses, the ends of justice, or
27 the economy and efficiency of handling the litigation would be promoted
28 thereby, on motion of a party, after notice and hearing, make an order...that
the trial of any issue or any part thereof shall precede the trial of any other
issue or any part thereof in the case..."

Trial courts are authorized to order bifurcation of a "liability trial" and then, if
necessary, a "damages trial". Horton v. Jones (1972) 26 Cal. App. 3d 952, 953-954,

1 957. A trial court may sua sponte order bifurcation at any time, including after the
2 point when the trial has commenced. Code of Civil Procedure §598; Buran Equip.
3 Co. v. H&C Invest. Co., (1983) 142 Cal. App. 3d 338, 342. Alternatively, a trial court
4 may regulate the order of proof in a single trial. Evidence Code §320.

5 An order granting bifurcation of the application of the AAN and AAP
6 Guidelines to California's UDDA would not only minimize potential prejudice, but it
7 would also serve the interests of judicial economy. Bifurcating trial on this issue would
8 save the Court's time, the jury's time, and the parties' time making and defending
9 motions. It will reduce the complexity of the discovery on the "death" issue by
10 determining, once and for all, the proper standard by which to judge whether Jahi
11 is alive or dead. The defense has vowed to file a motion seeking a brain death
12 examination in New Jersey pursuant to the AAN guidelines and then a bifurcated
13 Court Trial on whether or not Jahi failed the test. Plaintiff Jahi McMath urges the
14 Court to first determine through a bifurcated trial if the tests comport to the statutory
15 definition of brain death.

16 It is well established that courts "have fundamental inherent equity,
17 supervisory, and administrative powers, as well as the inherent power to control
18 litigation before them. Cottle v. Superior Court (1992) 3 Cal. App. 4th 1367, 1377.
19 Furthermore, this "inherent power entitles trial courts to exercise reasonable control
20 over all proceedings connected with pending litigation in order to ensure the orderly
21 administration of justice." Rutherford v. Owens-Illinois, Inc. (1997) 16 Cal. 4th 953, 967
22 citing Hays v. Superior Court (1940) 16 Cal. 2d 260, 264-265.

23 **III. THE ANN AND AAP DEFINITIONS OF BRAIN DEATH ARE INCONSISTENT**
24 **WITH H&S §7180.**

25 Defendants contend that the American Academy of Neurology and
26 American Academy of Pediatrics adult and pediatric guidelines for the
27 determination of "brain death" are the "accepted medical standard"
28 contemplated in California Health & Safety Code, §7180. Both the ANN and AAP

1 Guidelines require three cardinal findings in brain death - coma, absence of
2 brainstem reflexes and apnea. Section 7180 has a much broader definition,
3 "irreversible cessation of *all functions of the entire brain, including the brain stem.*"

4 Attached to this Motion is the Declaration of pediatric neurologist, D. Alan
5 Shewmon, M.D., who opines that "while there is no question that in December 2013,
6 Jahi fulfilled the widely accepted pediatric guidelines for determining death", there
7 is no question in his mind that she no longer does, for the single reason that the first
8 of the three AAN requirements, coma, does not exist. Rather, Jahi is intermittently
9 responsive, placing her in the category of 'minimally responsive state'. (Shewmon
10 declaration, para 6.) Since early 2014 when Jahi was transferred to St. Peter's
11 Hospital in New Jersey, Jahi has received proper nutrition and other treatments for
12 a patient requiring intensive care. Her intestines healed, her skin turgor and
13 pulmonary status recovered to normal, and she regained spontaneous
14 maintenance of blood pressure without pressor medications. In Dr. Shewmon's
15 opinion, this recovery from impending multisystem failure is not possible for a
16 ventilated corpse. (Shewmon declaration, para 54.)

17 In the Matter of the Guardianship of the Person and Estate of Aden Hailu, An
18 Adult, (2015) 131 Nev., Advance Opinion 89, the Court addressed the identical issue:
19 that Plaintiffs now request the Court bifurcate and try - whether the AAN and AAP
20 Guidelines are considered "acceptable medical standards" that satisfy the statutory
21 definition of brain death which, like California's statute, requires "the irreversible
22 cessation of ...all functions of the person's entire brain, including his or her brain
23 stem."

24 Like Jahi, Hailu had an anoxic brain injury following surgery and was
25 transferred to the ICU. EEG's conducted over weeks showed brain functioning.
26 However, when Hailu failed an apnea test, the hospital declared her to be brain
27 dead. Her father filed an emergency motion for temporary restraining order to
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1 enjoin the hospital from removing life-support. In the court hearings that followed,
2 the hospital relied on the AAN Guidelines calling for three determinations to
3 determine brain death: whether there is a coma and unresponsiveness, whether
4 there is brainstem activity, and whether the patient can breathe on her own. The
5 District Court ruled in favor of the hospital, finding that the ANN Guidelines were
6 followed and therefore medical standards were met. However, the District Court
7 granted an injunction to permit an expedited appeal to the Nevada Supreme Court
8 on this issue of first impression.

9 The Nevada Supreme Court initially observed that while brain death presents
10 a mixed legal and medical question, courts have deferred to the medical
11 community to determine the applicable criteria for deciding whether brain death
12 is present. However, the statutory requirements of Nevada's Determination of Death
13 Act (which is identical to California's UDDA), requiring that "accepted medical
14 standards" be applied and that the Act be applied and construed in a manner
15 uniform among the states which enacted it, necessitated a legal analysis regarding
16 what the accepted medical standards are across the country. While the District
17 Court focused exclusively on whether the physicians satisfied the AAN Guidelines,
18 it did not address whether the AAN Guidelines are accepted medical standards
19 that are applied uniformly throughout states which, like California, have adopted
20 the UDDA definition of brain death.

21 The Nevada Supreme Court held that the District Court erred in denying the
22 TRO, but also held that the briefing and record presented did not answer two key
23 questions: first, whether the AAN Guidelines are considered accepted medical
24 standards among states that have enacted the UDDA, and secondly whether the
25 AAN Guidelines adequately measure the extraordinarily broad statutory definition
26 of brain death set forth in the UDDA.

27 This is precisely the issue upon which Plaintiffs seek bifurcation and a court trial.
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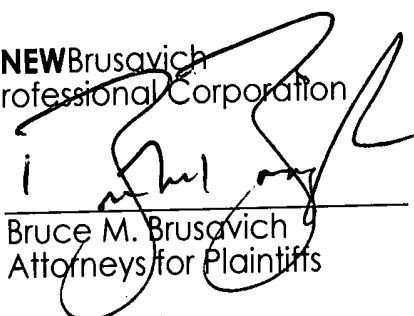
1 This is precisely the issue upon which Plaintiffs seek bifurcation and a court trial.
2 Plaintiffs request the opportunity to present evidence and expert testimony that the
3 ANN and AAP Guidelines fail to meet the requirements of California's UDDA that an
4 individual is brain dead only after suffering "an irreversible cessation of all functions
5 of the person's entire brain, including her brain stem".
6

7 **IV. CONCLUSION**

8 For all the foregoing reasons, Plaintiffs respectfully request that this issue be
9 bifurcated so that the parties can present evidence and testimony to the Court
10 regarding whether the ANN Guidelines comport with H&S Code, §7180.

11 Dated: December 14, 2017

12 **AGNEW** Brusavich
A Professional Corporation

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14 By: 
15 Bruce M. Brusavich
16 Attorneys for Plaintiffs
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DECLARATION OF BRUCE M. BRUSAVICH

I Bruce M. Brusavich, declare:

1. I am an attorney licensed to practice law before all of the Courts of the State of California, and am a principal in AGNEWBrusavich, counsel of record for Plaintiffs in the matter. I have personal knowledge of the facts stated here, and if called as a witness, I would and could testify competently to them.

2. This action arises out of the purported medical malpractice of Defendants on December 9 and 10, 2013 in relation to surgery performed on the minor Plaintiff, Jahi McMath, and her follow-up care, or lack of care, resulting in excessive bleeding and cardiac arrest. Defendants have taken the position that Jahi is brain dead and therefore this case is, at most, a wrongful death case. Plaintiffs are taking the position that Jahi is alive and she is suing, through her Guardian ad Litem, for damages that will compensate her for the damages caused by the malpractice.

3. Defendants have taken the position that Jahi was found to be brain dead in December 2013, and that she continues to be brain dead. Plaintiffs have presented evidence to the Court in opposition to demurrers and a Motion for Summary Adjudication that Jahi no longer meets the definition of brain death in the AAN and AAP guidelines because she is not in a coma, and further that the ANN and AAP Guidelines fail to reflect California's statutory definition of brain death which requires the irreversible cessation of all functions of the brain.

4. This litigation can be handled more economically and efficiently once this Court rules on the standard to be applied in determining whether Jahi is alive or dead. If Defendants prevail in this bifurcated phase and the Court rules that the ANN and AAP Guidelines are consistent with the statute and therefore apply, the court and the parties will avoid the necessity of extensive discovery and law and motion on that issue. If Plaintiffs prevail in the bifurcated phase and the Court determines that the ANN and AAP Guidelines are not consistent with California's

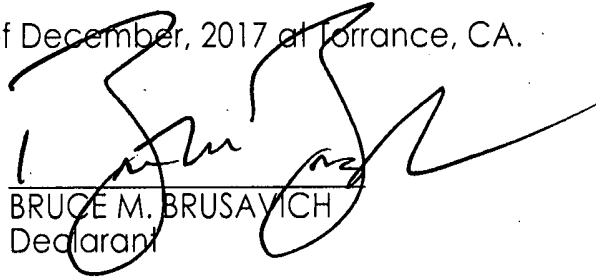
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statute, the parties need not waste the time to go to New Jersey for a brain death examination utilizing the guidelines Plaintiffs contend are invalid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this ____ day of December, 2017 at Torrance, CA.


BRUCE M. BRUSAVICH
Declarant

AGNEW BRUSAVICH
SERIOUS INJURY LAWYERS
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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is AGNEW BRUSAVICH, 20355 Hawthorne Blvd., 2nd Floor, Torrance, California. On December 18, 2017, I served the within document **PLAINTIFFS' NOTICE OF MOTION AND MOTION TO BIFURCATE THE ISSUE OF WHETHER AAN AND AAP GUIDELINES MEET THE STATUTORY DEFINITION OF "DEAD", etc.; [PROPOSED] ORDER**

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Torrance, California, addressed as set forth below:

by placing a true copy thereof enclosed in a sealed envelope(s), and caused such envelope(s) to be delivered by hand delivery addressed pursuant to the document(s) listed above to the person(s) at the address(es) set forth below to be hand delivered at Court.

by electronic service. Based on a court order or an agreement of the parties to accept service by electronic transmission. I caused the documents to be sent to the persons at the electronic notification addresses as set forth below:

Andrew N. Chang ESNER, CHANG & BOYER Southern California Office 234 East Colorado Boulevard, Suite 975 Pasadena, CA 91101 achang@ecbappeal.com	ASSOCIATE ATTORNEY FOR PLAINTIFFS LATASHA NAILAH SPEARS WINKFIELD; MARVIN WINKFIELD; SANDREA CHATMANH; and JAH McMATH, a minor, by and through her Guardian ad Litem, LATASHA NAILAH SPEARS WINKFIELD (626) 535-9860 FAX (626) 535-9859
Thomas E. Still HINSHAW, MARSH, STILL & HINSHAW 12901 Saratoga Avenue Saratoga, CA 95070-9998 tstill@hinshaw-law.com	ATTORNEYS FOR FREDERICK S. ROSEN, M.D. (408) 861-6500 FAX (408) 257-6645
Richard Carroll CARROLL KELLY TROTTER FRANZEN McKENNA & PEABODY 111 West Ocean Boulevard 14 th Floor Long Beach, CA 90802	ATTORNEYS FOR DEFENDANT UCSF BENOIFF CHILDREN'S HOSPITAL (562) 432-5855 FAX (562) 432-8785
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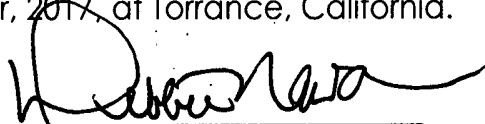
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1 2 3 4 5 6	Scott E. Murray Vanessa L. Efremsky DONNELLY NELSON DEPOLO MURRAY & EFREMSKY A Professional Corporation 201 North Civic Drive, Suite 239 Walnut Creek, CA 94596-3879 Smurray@dndmlawyers.com vefremsky@dndmlawyers.com	ATTORNEYS FOR DEFENDANT JAMES PATRICK HOWARD, M.D., Ph.D. (925) 287-8181 FAX (925) 287-8188
7 8 9 10	Robert Hodges McNAMARA NEY BEATTY SLATTERY BORGES & AMBACKER, LLP 3480 Buskirk Avenue Suite 250 Pleasant Hill, CA 94523 robert.hodges@mcnamaralaw.com karen.merick@mcnamaralaw.com	ATTORNEY FOR ROBERT M. WESMAN, M.D. (925) 939-5330 FAX (925) 939-0203
11 12 13 14 15	Thomas J. Doyle Chad Couchet SCHUERING ZIMMERMAN & DOYLE, LLP 400 University Avenue Sacramento, CA 95825-6502 tjd@szs.com ccc@szs.com	ATTORNEY FOR DEFENDANT ALICIA HERRERA, M.D. (916) 567-0400 FAX (916) 568-0400
16 17 18 19 20	Kenneth R. Pedroza Dana L. Stenvick COLE PEDROZA LLP 2670 Mission Street, Suite 200 San Marino, CA 91108 kpdroza@colepedroza.com dstenvick@colepedroza.com	ASSOCIATE COUNSEL FOR FREDERICK S. ROSEN, M.D. and UCSF BENIOFF CHILDREN'S HOSPITAL OAKLAND (626) 431-2787 FAX (626) 431-2788

21 I am readily familiar with the firm's practices of collection and processing
22 correspondence for mailing. Under that practice, it would be deposited with the
23 U.S. Postal Service on that same day with postage thereon fully prepaid in the
24 ordinary course of business. I am aware that on motion of the party served,
service is presumed invalid if post cancellation date or postage meter date is
more than one day after date of deposit for mailing in affidavit.

- 25 (State) I declare under penalty of perjury under the laws of the State of
California that the above is true and correct.
- 26 (Federal) I declare that I am employed in the office of a member of the
27 bar of this court at which direction the service was made.

28 Executed this 18th day of December, 2017, at Torrance, California.


DEBBIE NAWA



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DEC 22 2017

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

LATASHA NAILAH SPEARS WINKFIELD;
MARVIN WINKFIELD; SANDRA CHATMAN;
and JAHI McMATH, a minor, by and
through her Guardian ad Litem, LATASHA
NAILAH SPEARS WINKFIELD,

Plaintiffs,

vs.

FREDERICK S. ROSEN, M.D.; UCSF BENIOFF
CHILDREN'S HOSPITAL OAKLAND
(formerly Children's Hospital & Research
Center at Oakland); MILTON McMATH, a
nominal defendant, and DOES 1
THROUGH 100,

Defendants.

CASE NO. RG 15760730

ASSIGNED FOR ALL PURPOSES TO:
JUDGE STEPHEN PULIDO - DEPT. "517"

**[PROPOSED] ORDER RE PLAINTIFFS'
NOTICE OF MOTION AND MOTION
TO BIFURCATE THE ISSUE OF WHETHER
AAN AND AAP GUIDELINES MEET THE
STATUTORY DEFINITION OF "DEAD"
UNDER THE UNIFORM
DETERMINATION OF DEATH ACT
(HEALTH & SAFETY CODE, §7180)**

DATE: March 8, 2018
TIME: 3:00 p.m.
DEPT: "517"

Reservation No: R-1917827

Date Action Filed: 03/03/15

PLEASE TAKE NOTICE that Plaintiffs' Motion to Bifurcate the Issue of Whether
AAN and AAP Guidelines Meet the Statutory Definition of "Dead" Under the Uniform

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Determination of Death Act (Health & Safety Code, §7180) came on regularly for hearing on March 8, 2018, counsel for respective parties appearing.

IT IS SO ORDERED that Plaintiffs' Motion to Bifurcate the Issue of Whether AAN and AAP Guidelines Meet the Statutory Definition of "Dead" Under the Uniform Determination of Death Act (Health & Safety Code, §7180) is granted.

DATED:

Stephen Pulido
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is AGNEW BRUSAVICH, 20355 Hawthorne Blvd., 2nd Floor, Torrance, California. On December 18, 2017, I served the within document **PLAINTIFFS' NOTICE OF MOTION AND MOTION TO BIFURCATE THE ISSUE OF WHETHER AAN AND AAP GUIDELINES MEET THE STATUTORY DEFINITION OF "DEAD", etc.; [PROPOSED] ORDER**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Torrance, California, addressed as set forth below:
- by placing a true copy thereof enclosed in a sealed envelope(s), and caused such envelope(s) to be delivered by hand delivery addressed pursuant to the document(s) listed above to the person(s) at the address(es) set forth below to be hand delivered at Court.
- by electronic service. Based on a court order or an agreement of the parties to accept service by electronic transmission. I caused the documents to be sent to the persons at the electronic notification addresses as set forth below:

AGNEW BRUSAVICH
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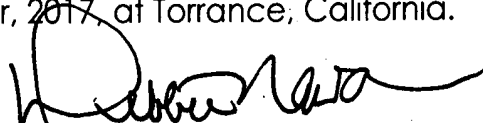
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- 25 (State) I declare under penalty of perjury under the laws of the State of
California that the above is true and correct.
- 26 (Federal) I declare that I am employed in the office of a member of the
27 bar of this court at which direction the service was made.

28 Executed this 18th day of December, 2017, at Torrance, California.


DEBBIE NAWA