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**FILED**  
**ALAMEDA COUNTY**  
**FEB 15 2018**

CLERK OF THE SUPERIOR COURT  
 By *[Signature]*  
 R. OLIVER Deputy

9 Attorneys for Defendant  
 10 ROBERT M. WESMAN, M.D. (sued and served as DOE 3)

11 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA  
 12 CIVIL - UNLIMITED JURISDICTION

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & AMBACHER LLP  
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13 LATASHA NAILAH SPEARS  
 14 WINKFIELD; MARVIN WINKFIELD;  
 15 SANDRA CHATMAN; and JAH  
 16 McMATH, a minor, by and through her  
 17 Guardian Ad Litem, LATASHA NAILAH  
 18 SPEARS WINKFIELD,

19 Plaintiffs,

20 vs.

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

27 Defendants.

Case No. RG15760730

ASSIGNED FOR ALL PURPOSES TO THE  
 HON. ROBERT B. FREEDMAN, DEPT. 20

**JOINDER OF DEFENDANT ROBERT M.  
 WESMAN, M.D. IN EX PARTE  
 APPLICATION OF DEFENDANT UCSF  
 BENIOFF CHILDREN'S HOSPITAL  
 OAKLAND FOR AN ORDER  
 CONTINUING PLAINTIFFS' MOTION  
 TO BIFURCATE**

Date: February 15, 2018  
 Time: 2:30 p.m.  
 Dept: 517  
 Reservation No. R-1935569

28 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that defendant ROBERT M. WESMAN, M.D. joins in the ex parte application of defendant UCSF BENIOFF CHILDREN'S HOSPITAL OAKLAND to be presented on February 15, 2018 at 2:30 p.m., in Department 517 of the above-entitled court.

Plaintiffs' motion to bifurcate is an attempt by plaintiffs' counsel to circumvent this court's instruction to the parties to prepare for, and appear at, the upcoming Case Management

JOINDER OF DEFENDANT ROBERT M. WESMAN, M.D. IN EX PARTE APPLICATION OF DEFENDANT UCSF BENIOFF CHILDREN'S HOSPITAL OAKLAND FOR AN ORDER CONTINUING PLAINTIFFS' MOTION TO BIFURCATE

**FAXED**

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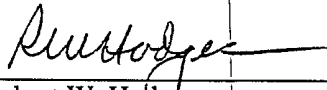
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Conference, set for March 6, 2018 that is solely dedicated to addressing discovery, law and motion, and general management of the multitude of unique jurisdictional, legal, ethical and medico-legal issues presented by this case. Instead of following the court's clear directions to the parties on this subject, plaintiffs' counsel filed the instant motion, the subject matter of which defendant believes should be addressed at the Case Management Conference.

Defendant Wesman therefore requests that the court order plaintiffs' motion off calendar, or re-calendared according to the court's discretion after completion of the Case Management Conference.

Dated: February 14, 2018

McNAMARA, NEY, BEATTY, SLATTERY,  
BORGES & AMBACHER LLP

By:   
Robert W. Hodges  
Attorneys for Defendant  
ROBERT M. WESMAN, M.D. (sued and served as  
DOE 3)

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PROOF OF TRANSMISSION/SERVICE BY FACSIMILE  
Code of Civil Procedure Sections 1012.5, 1013a and 2015.5  
California Rules of Court, Rule 2008

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

On February 14, 2018 I served by use of facsimile machine telephone number (925) 939-0203, the foregoing **JOINDER OF DEFENDANT ROBERT M. WESMAN, M.D. IN EX PARTE APPLICATION OF DEFENDANT UCSF BENIOFF CHILDREN'S HOSPITAL OAKLAND FOR AN ORDER CONTINUING PLAINTIFFS' MOTION TO BIFURCATE** on the parties in said action, by transmitting by facsimile machine to the following:

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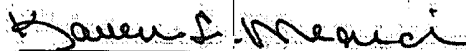
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Peabody  
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Long Beach, CA 90802

Phone: 562-432-5855  
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The facsimile I used complied with California Rules of Court, Rule 2003(3) and no error was reported by the machine. Pursuant to California Rules of Court, rule 2008(e), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

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 February 14, 2018 at Pleasant Hill, California.

  
Karen L. Merick