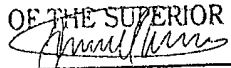




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CM-110

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</p> <p>Bruce M. Brusavich, SBN 93578 AGNEWBRUSAVICH, 20355 Hawthorne Blvd., 2nd Fl. Torrance, CA 90503</p> <p>TELEPHONE NO.: (310) 793-1400 FAX NO. (Optional): (310) 793-1499</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name): Plaintiffs LATASHA NAILAH SPEARS WINKFIELD; et al.</p>	<p>FOR COURT USE ONLY</p> <p>FILED</p> <p>ALAMEDA COUNTY</p> <p>JUL 18 2018</p> <p>CLERK OF THE SUPERIOR COURT</p> <p>By  JANIE THOMAS, Deputy</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA</p> <p>STREET ADDRESS: 24405 Amador Street, 3rd Floor</p> <p>MAILING ADDRESS: 24405 Amador Street, 3rd Floor</p> <p>CITY AND ZIP CODE: Hayward, CA 94544</p> <p>BRANCH NAME: Hayward Hall of Justice</p>	
<p>PLAINTIFF/PETITIONER: Latasha Nailah Spears Winkfield; et al.</p> <p>DEFENDANT/RESPONDENT: Frederick S. Rosen, M.D.; et al.</p>	
<p style="text-align: center;">CASE MANAGEMENT STATEMENT</p> <p>(Check one): <input checked="" type="checkbox"/> UNLIMITED CASE <input type="checkbox"/> LIMITED CASE (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)</p>	<p>CASE NUMBER: RG 15760730</p>
<p>A CASE MANAGEMENT CONFERENCE is scheduled as follows:</p> <p>Date: August 1, 2018 Time: 9:00 a.m. Dept.: "517" Div.: Room:</p> <p>Address of court (if different from the address above):</p> <p><input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Bruce M. Brusavich</p>	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties** (answer one):
 - a. This statement is submitted by party (name): Plaintiffs LATASHA NAILAH SPEARS WINKFIELD; et al.
 - 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): February 2, 2015
 - 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 date by which they may be served):
Unknown at this time. They may not be dismissed or severed pursuant to Government Code Section 68616(h).

4. **Description of case**
 - a. Type of case in complaint cross-complaint (Describe, including causes of action):
Medical Malpractice

PLAINTIFF/PETITIONER: Latasha Nailah Spears Winkfield; et al.	CASE NUMBER: RG 15760730
DEFENDANT/RESPONDENT: Frederick S. Rosen, M.D.; et al.	

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.)*
 After surgery Jahi bled for several hours while her mother and grandmother (a nurse) watched and repeatedly asked for a doctor. Jahi finally coded and her heart stopped. Jahi passed away on June 22, 2018 at Robert Wood Johnson University hospital from complications of bleeding and liver failure. A copy of the Death Certificate is attached as Exhibit 1.

(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)*: February 11, 2019
 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)*:
 This case is complex.
 c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:

7. **Estimated length of trial**
 The party or parties estimate that the trial will take *(check one)*:
 a. days *(specify number)*: 10 days or less
 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: f. Fax number:
 e. E-mail address: 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 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)*:

PLAINTIFF/PETITIONER: Latasha Nailah Spears Winkfield; et al. DEFENDANT/RESPONDENT: Frederick S. Rosen, M.D.; et al.	CASE NUMBER: RG 15760730
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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 (<i>check all that apply</i>):	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 (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete mediation by (<i>date</i>): <input type="checkbox"/> Mediation completed on (<i>date</i>):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled MSC <input checked="" type="checkbox"/> Settlement conference scheduled for (<i>date</i>): 1/10/19; 2:30 pm <input type="checkbox"/> Agreed to complete settlement conference by (<i>date</i>): Dept 303 <input type="checkbox"/> Settlement conference completed on (<i>date</i>):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete neutral evaluation by (<i>date</i>): <input type="checkbox"/> Neutral evaluation completed on (<i>date</i>):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete judicial arbitration by (<i>date</i>): <input type="checkbox"/> Judicial arbitration completed on (<i>date</i>):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete private arbitration by (<i>date</i>): <input type="checkbox"/> Private arbitration completed on (<i>date</i>):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (<i>date</i>): <input type="checkbox"/> Agreed to complete ADR session by (<i>date</i>): <input type="checkbox"/> ADR completed on (<i>date</i>):

PLAINTIFF/PETITIONER: Latasha Nailah Spears Winkfield; et al.	CASE NUMBER: RG 15760730
DEFENDANT/RESPONDENT: Frederick S. Rosen, M.D.; et al.	

11. Insurance

- a. Insurance carrier, if any, for party filing this statement (*name*):
- 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: Jahi McMath, a minor; et al. v. State of California; et al.
 - (2) Name of court: United States District Court for the Northern District of California
 - (3) Case number: 4:15-cv-06042
 - (4) Status: Pending. A Status Conference has been set for August 28, 2018.
- 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*):

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>
Plaintiffs	All discovery allowed pursuant to the Code of Civil Procedure, including depositions, interrogatories, request for production, request for admissions and document subpoenas	Per Code
Plaintiffs	Expert Discovery	Per Code

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

Plaintiffs have dismissed the First Cause of Action for personal injuries and there is no intention to proceed with a survival action. Some defendants have noticed depositions in New York, New Jersey and Oakland on the issue of "brain death" in preparation for the February 11, 2019 Trial currently set on the issue of whether or not Jahi McMath has standing to proceed with a personal injury claim. Plaintiffs take the position that the issue of "brain death" is now moot and the contemplated discovery should be abandoned voluntarily or precluded by Court Order.

PLAINTIFF/PETITIONER: Latasha Nailah Spears Winkfield; et al.	CASE NUMBER: RG 15760730
DEFENDANT/RESPONDENT: Frederick S. Rosen, M.D.; et al.	

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):
All counsel are clear to try this case on February 11, 2019, more than four years after the case was filed. This case is now a simple medical malpractice wrongful death and NIED matter. If it does not resolve, it should proceed to trial on February 11, 2019.

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):
Plaintiffs have sought an agreement on the "brain death" discovery issue and proceeding to trial on February 11, 2019 on the wrongful death and NIED claims. See Exhibit "2".
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

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

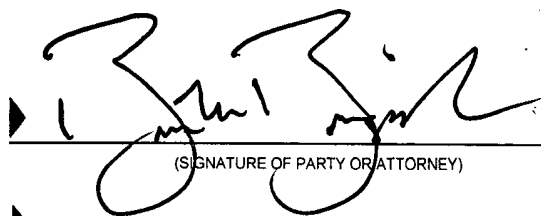
I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference,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

Date: July 13 2018

BRUCE M. BRUSAVICH

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

EXHIBIT 1

A0015872813

STATE FILE NUMBER

20180037090

CERTIFICATE OF DEATH

DECEASED NAME

JAH I KELIS MCMATH

DATE OF BIRTH

10/24/2000

SEX

FEMALE

DATE OF DEATH

06/22/2018

PLACE OF DEATH

NEW BRUNSWICK CITY

COUNTY OF DEATH

MIDDLESEX

RESIDENCE ADDRESS

308 PICKERING PLACE

SOCIAL SECURITY NUMBER



MUNICIPALITY OF RESIDENCE

FRANKLIN TOWNSHIP

COUNTY OF RESIDENCE

SOMERSET

DOMESTIC STATUS

SINGLE/NEVER MARRIED

MANNER OF DEATH: NATURAL

CAUSE OF DEATH:

- BLEEDING
HYPOVOLEMIC SHOCK
HEPATIC FAILURE
ANOXIC BRAIN INJURY

DATE ISSUED: JUNE 29, 2018

DATE FILED WITH REGISTRAR: 06/29/2018

AMENDED DATE:

ISSUED BY:

New Brunswick City

Jenny Sanders, Deputy Registrar

This is to certify that the above is correctly copied from a record on file in my office.

Certified copy not valid unless the raised Great Seal of the State of New Jersey or the seal of the issuing municipality or county is affixed hereon.

Vincent T. Arrisi (Signature)

Vincent T. Arrisi
State Registrar
Office of Vital Statistics and Registry



REG-42A
JUN 14



THIS DOCUMENT CONTAINS A UNIQUE STATE OF NJ WATERMARK HOLD AT LIGHT TO VERIFY

THIS DOCUMENT CONTAINS A UNIQUE STATE OF NJ WATERMARK HOLD AT LIGHT TO VERIFY



EXHIBIT 2

brusavich@agnewbrusavich.com

From: brusavich@agnewbrusavich.com
Sent: Thursday, July 12, 2018 4:40 PM
To: 'Jennifer Still'; 'Baker, Laurie'; 'Pruett, Dave'; 'Dennis Ames'; 'Scott Murray'; 'robert.hodges@mcnamaralaw.com'; 'ricardo.martinez@mcnamaralaw.com'; 'Sonja Dahl'; 'Sarah C. Gosling'; 'Thomas J. Doyle'; 'dunn@agnewbrusavich.com'; 'Debbie Nawa'; 'Carroll, Dick'
Cc: 'Tom Still'; 'Natalyn Griffie'; 'kpedroza@colepedroza.com'; 'Dana Stenvick'; 'Andrew Chang'
Subject: RE: McMath Depositions of NJ PICU Physicians: OFF CALENDAR

Thank you Jennifer.

Given the fact that I am dismissing the 1st cause of action, Plaintiffs object to the rest of the presently noticed depositions on the issue of "brain death" as not relevant to any issues left in the case. Please tell me why any of these depositions should proceed.

Robert,

Latasha Nailah Winkfield, Sandra Chatman and Nigeria Sealy can be available for deposition on August 1,2,3 or 8. We could start one after the CMC on Aug 1. Marvin is still working in New Jersey but plans to return as soon as he gets a job in the Oakland area. I will keep you posted and provide dates as soon as he moves here or comes back for a visit.

Bruce M. Brusavich

AGNEW BRUSAVICH

Serious Injury Lawyers
20355 Hawthorne Blvd
Torrance, CA 90503
T: (310) 793-1400 ~ F: (310) 793-1499

From: Jennifer Still [mailto:jstill@hinshaw-law.com]
Sent: Thursday, July 12, 2018 11:27 AM
To: 'Baker, Laurie'; 'Pruett, Dave'; 'Dennis Ames'; 'Scott Murray'; robert.hodges@mcnamaralaw.com; ricardo.martinez@mcnamaralaw.com; 'Sonja Dahl'; 'Sarah C. Gosling'; 'Thomas J. Doyle'; brusavich@agnewbrusavich.com; dunn@agnewbrusavich.com; 'Debbie Nawa'; 'Carroll, Dick'
Cc: 'Tom Still'; Natalyn Griffie; kpedroza@colepedroza.com; 'Dana Stenvick'
Subject: McMath Depositions of NJ PICU Physicians: OFF CALENDAR

Dear Counsel,

I have notified legal counsel for Drs. Jonna, Chalikonda, The and Ohngemach that their depositions noticed for next week (7/16 and 7/17) in New Jersey are off calendar for the time being.

Jennifer

Jennifer Still, Esq.
Hinshaw, Marsh, Still & Hinshaw, LLP
12901 Saratoga Ave.
Saratoga, CA 95070
t. 408-861-6500
f. 408-257-6645

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 July 13, 2018, I served the within document **CASE MANAGEMENT STATEMENT**

- 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.
- 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 WINIKFIELD; SANDREA CHATMANH; and JAHl McMATH, a minor, by and through her Guardian ad Litem, LATASHA NAILAH SPEARS WINKFIELD (626) 535-9860 FAX (626) 535-9859
Thomas E. Still Jennifer Still HINSHAW, MARSH, STILL & HINSHAW 12901 Saratoga Avenue Saratoga, CA 95070-9998 tstill@hinshaw-law.com jstill@hinshaw-law.com	ATTORNEYS FOR FREDERICK S. ROSEN, M.D. (408) 861-6500 FAX (408) 257-6645
Richard Carroll CARROLL KELLY TROTTER FRANZEN McBRIDE & PEABODY 111 West Ocean Boulevard 14 th Floor Long Beach, CA 90802 rdcarroll@cktfm.com	ATTORNEYS FOR DEFENDANT UCSF BENOIFF CHILDREN'S HOSPITAL (562) 432-5855 FAX (562) 432-8785
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

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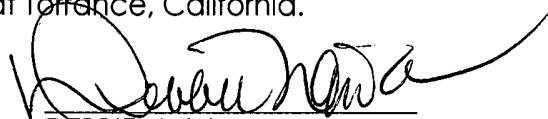
<p>Robert W. Hodges McNAMARA NEY BEATTY SLATTERY BORGES & AMBACKER, LLP 3480 Buskirk Avenue Suite 250 Pleasant Hill, CA 94523 robert.hodges@mcnamaralaw.com karen.merick@mcnamaralaw.com</p>	<p>ATTORNEY FOR ROBERT M. WESMAN, M.D.</p> <p>(925) 939-5330 FAX (925) 939-0203</p>
<p>Thomas J. Doyle Sarah Gosling SCHUERING ZIMMERMAN & DOYLE, LLP 400 University Avenue Sacramento, CA 95825-6502 tjd@szs.com scg@szs.com</p>	<p>ATTORNEY FOR DEFENDANT ALICIA HERRERA, M.D.</p> <p>(916) 567-0400 FAX (916) 568-0400</p>
<p>Kenneth R. Pedroza Dana L. Stenvick COLE PEDROZA LLP 2670 Mission Street Suite 200 San Marino, CA 91108 kpdroza@colepedroza.com dstenvick@colepedroza.com</p>	<p>ASSOCIATE COUNSEL FOR FREDERICK S. ROSEN, M.D. and UCSF BENIOFF CHILDREN'S HOSPITAL OAKLAND</p> <p>(626) 431-2787 FAX (626) 431-2788</p>
<p>Dennis K. Ames LaFollette, Johnson, DeHaas, Fesler & Ames 2677 North Main Street #901 Santa Ana, CA 92705-6631 dames@ljdfa.com</p>	<p>ASSOCIATE COUNSEL FOR JAMES PATRICK HOWARD, M.D., Ph.D.</p> <p>(714) 558-7008 FAX (714) 972-0379</p>

I am readily familiar with the firm's practices of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the 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.

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

(Federal) I declare that I am employed in the office of a member of the bar of this court at which direction the service was made.

Executed this 13th day of July, 2018, at Torrance, California.


 DEBBIE NAWA