

Case No. 16-15883

Jonee Fonseca, an individual and parent and guardian of Israel Stinson, a minor,

Plaintiff-Appellant,

v.

Kaiser Permanente Roseville Medical Center; Dr. Michael Myette; and Karen Smith, M.D., in her official capacity as Director of the California Department of Public Health,

Defendants-Appellees,

Interlocutory Appeal from a Decision of the United States District Court for the Eastern District of California, No. 2:16-CV-00889-KJM-EFB · Honorable Kimberly J. Mueller, United States District Court Judge

STATUS UPDATE RE EMERGENCY MOTION UNDER

CIRCUIT RULE 27-3

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NOTICE OF WITHDRAWAL OF EMERGENCY MOTION

COMES NOW attorneys for Plaintiff/Appellant, Jonee Fonseca, an individual and parent and guardian of Israel Stinson, a minor, who hereby requests leave to withdraw, as moot, the emergency motion filed with this Court. This request is based upon the declaration of Alexandra Snyder filed herewith.

To protect the privacy of the family, the name of the life flight company, as well as, the name and location of the hospital where the child has been transferred is not being provided in Ms. Snyder's declaration below. Upon order, said information can be filed *in camera* with this Court.

Dated: May 23, 2016

s/ Kevin Snider _____
Kevin T. Snider, Attorney for
Plaintiff/Appellant
Michael J. Peffer
Matthew B. McReynolds
PACIFIC JUSTICE INSTITUTE

DECLARATION OF ALEXANDRA SNYDER

I, Alexandra Snyder, am one of the attorneys for Jonee Fonseca, an individual and parent and guardian of Israel Stinson, a minor, in the District Court case from which the above-encaptioned interlocutory appeal was filed, and if called upon I could, and would, testify truthfully, as to my own personal knowledge, as follows:

1. On Saturday, May 21, 2016 at 5:30 a.m., Dr. Michael Myette and a medical team from Kaiser Roseville Medical Center (“Kaiser”) assembled to assist in the transfer of Israel Stinson (“Israel”) from the hospital. Kaiser attorney Jason Curliano was also present, as was I, representing Jonee Fonseca and Nathanael Stinson, Israel’s parents.

2. An air transport team consisting of a registered nurse and a respiratory therapist, as well as a ground transport team, prepared Israel for transport with the assistance of Kaiser’s medical team.

3. At approximately 7:30 a.m., Israel was transported by ambulance to McClellan Airport in Sacramento.

4. From there, Israel and his parents were transported by air ambulance to a hospital where he has been admitted as a patient.

5. Israel's parents signed an agreement releasing Kaiser and its staff from all liability involving Israel's transfer to another hospital once Israel was outside the doors of the facility in Roseville.

6. Israel Stinson and his parents arrived at the new hospital the afternoon of May 21.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this twenty-third day of May, 2016.

s/ Alexandra Snyder
Alexandra Snyder, Declarant

CERTIFICATE OF SERVICE

Pursuant to Fed. R. App. P. 25(d) and Ninth Cir. R. 25-5(e) I hereby certify that on May 23, 2016, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Kevin Snider