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CIV-120

FILED
FOR COURT USE ONLY
ALAMEDA COUNTY

2018 DEC -6 PM 2:05

CLERK OF THE SUPERIOR COURT

Jennifer de Jesus
Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Scott E. Murray, Esq. (State Bar No. 104741); smurray@dndmlawyers.com
201 N. Civic Dr., Suite 239, Walnut Creek, CA 94596
TELEPHONE NO.: (925) 287-8181 FAX NO.: (925) 287-8188
E-MAIL ADDRESS:

ATTORNEY FOR (Name): Defendant James Howard, M.D.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
STREET ADDRESS: 24405 Amador Street
MAILING ADDRESS: 24405 Amador Street
CITY AND ZIP CODE: Hayward, 94544
BRANCH NAME: Hayward Hall of Justice

PLAINTIFF/PETITIONER: Latasha Nailah Spears Winkfield, et al.
DEFENDANT/RESPONDENT: James Howard, M.D., et al.

NOTICE OF ENTRY OF DISMISSAL AND PROOF OF SERVICE

- Personal Injury, Property Damage, or Wrongful Death
 - Motor Vehicle Other
- Family Law
- Eminent Domain
- Other (specify):

CASE NUMBER:

RG16760730

TO ATTORNEYS AND PARTIES WITHOUT ATTORNEYS: A dismissal was entered in this action by the clerk as shown on the Request for Dismissal. (Attach a copy completed by the clerk.)

Date: December 4, 2018

Scott E. Murray

Scott E. Murray
(SIGNATURE)

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

PROOF OF SERVICE

1. I am over the age of 18 and not a party to this cause. My residence or business address is:
201 N. Civic Dr., Suite 239, Walnut Creek, CA 94596
2. I am a resident of or employed in the county where the mailing occurred. I served a copy of the Notice of Entry of Dismissal and Request for Dismissal by mailing them, in a sealed envelope with postage fully prepaid, as follows:
 - a. I deposited the envelope with the United States Postal Service.
 - b. I placed the envelope for collection and processing for mailing following this business's ordinary practice with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
 - c. Date of deposit: 12/05/18
 - d. Place of deposit (city and state): Walnut Creek, CA
 - e. Addressed as follows (name and address):
3. I served a copy of the Notice of Entry of Dismissal and Request for Dismissal by personally delivering copies as shown below:
 - a. Name of person served:
 - b. Address at which person served:
 - c. On (date):
 - d. At (time):
4. I served a copy of the Notice of Entry of Dismissal and Request for Dismissal by electronically serving copies as shown below (complete if electronic service is used based on a court order or agreement of the parties):
 - a. Name of person served:
 - b. Electronic service address of person served:
 - c. On (date):
 - d. At (time):
 - e. Electronic service address from which I served the documents:
 - Proof of electronic service is attached.
5. Proof of service on additional parties is attached.

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

Date: December 5, 2018

Kari A. Rebar

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Page 1 of 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) **SBN 93578**
Bruce M. Brusavich
Agnew Brusavich, 20355 Hawthorne Boulevard, 2nd Fl., Torrance, CA 90503
 TELEPHONE NO.: (310) 793-1400 FAX NO. (Optional): (310) 793-1499
 E-MAIL ADDRESS (Optional):
 ATTORNEY FOR (Name): **Plaintiffs LATASHA NAILAH SPEARS; et al.**

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
 STREET ADDRESS: **24405 Amador Street**
 MAILING ADDRESS: **24405 Amador Street**
 CITY AND ZIP CODE: **Hayward, CA 94544**
 BRANCH NAME: **Hayward Hall of Justice**

**FILED
ALAMEDA COUNTY**

SEP 07 2018

CLERK OF THE SUPERIOR COURT
 By Sue Pesko Deputy

PLAINTIFF/PETITIONER: **LATASHA NAILAH SPEARS WINKFIELD; et al.**
 DEFENDANT/RESPONDENT: **FREDERICK S. ROSEN, M.D.; et al.**

REQUEST FOR DISMISSAL CASE NUMBER: **RG 15760730**

A conformed copy will not be returned by the clerk unless a method of return is provided with the document.

This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)

1. TO THE CLERK: Please dismiss this action as follows:

- a. (1) With prejudice (2) Without prejudice
- b. (1) Complaint (2) Petition
- (3) Cross-complaint filed by (name):
- (4) Cross-complaint filed by (name):
- (5) Entire action of all parties and all causes of action
- (6) Other (specify):*

on (date):

on (date):

2. (Complete in all cases except family law cases.)

The court did did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date: **September, 2018**

BRUCE M. BRUSAVICH

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

[Signature]
 (SIGNATURE)

*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

Attorney or party without attorney for:
 Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

(SIGNATURE)

** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

Attorney or party without attorney for:
 Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

(To be completed by clerk)

4. Dismissal entered as requested on (date): **SEP 07 2018**

5. Dismissal entered on (date): as to only (name):

6. Dismissal not entered as requested for the following reasons (specify):

- 7. a. Attorney or party without attorney notified on (date):
- b. Attorney or party without attorney not notified. Filing party failed to provide a copy to be conformed means to return conformed copy

Date: **SEP 07 2018**

Clerk, by Sue Pesko

Deputy

PLAINTIFF/PETITIONER: LATASHA NAILAH SPEARS WINKFIELD; et al.
DEFENDANT/RESPONDENT: FREDERICK S. ROSEN, M.D.; et al.

CASE NUMBER:
RG 15760730

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived court fees and costs in this action for (name):
2. The person named in item 1 is (check one below):
 - a. not recovering anything of value by this action.
 - b. recovering less than \$10,000 in value by this action.
 - c. recovering \$10,000 or more in value by this action. (If item 2c is checked, item 3 must be completed.)
3. All court fees and court costs that were waived in this action have been paid to the court (check one): Yes No

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

Date: _____

(TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

(SIGNATURE)

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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 September 4, 2018, I served the within document **REQUEST FOR DISMISSAL**

- 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:

AGNEW BRUSAVICH
SERIOUS INJURY LAWYERS
20355 HAWTHORNE BLVD . TORRANCE, CA 90503
T: (310) 793-1400 F: (310) 793-1488

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 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

AGNEW BRUSAVICH
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T: (310) 793-1400 F: (310) 793-1499

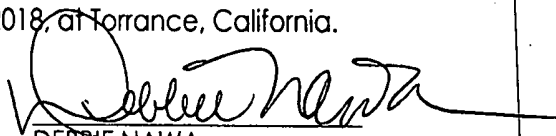
1 2 3 4 5	Robert W. Hodges McNAMARA NEY BEATTY SLATTERY BORGES & AMBACKER, LLP 3480 Buskirk Avenue Suite 250 Pleasant Hill, CA 94523 robert.hodges@mcnamaralaw.com karen.merick@mcnamaralaw.com	ATTORNEY FOR ROBERT M. WESMAN, M.D. (925) 939-5330 FAX (925) 939-0203
6 7 8 9	Thomas J. Doyle Sarah Gosling SCHUERING ZIMMERMAN & DOYLE, LLP 400 University Avenue Sacramento, CA 95825-6502 tjd@szs.com scg@szs.com	ATTORNEY FOR DEFENDANT ALICIA HERRERA, M.D. (916) 567-0400 FAX (916) 568-0400
10 11 12 13 14	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
15 16 17 18	Dennis K. Ames LaFollette, Johnson, DeHaas, Fesler & Ames 2677 North Main Street #901 Santa Ana, CA 92705-6631 dames@ljdffa.com	ASSOCIATE COUNSEL FOR JAMES PATRICK HOWARD, M.D., Ph.D. (714) 558-7008 FAX (714) 972-0379

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

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

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

26 Executed this 4th day of September, 2018, at Torrance, California.

27 
28 DEBBIE NAWA

PROOF OF SERVICE BY MAIL – C.C.P. §§1013(A), 2015.5

1 I declare under penalty of perjury that:

2 I am a citizen of the United States, and am a resident or employed in the County of Contra
3 Costa. I am over the age of eighteen years and not a party to the within action. My business
4 address is 201 North Civic Drive, Suite 239, Walnut Creek, CA 94596.

5 On December 5, 2018 I served the within NOTICE OF ENTRY OF DISMISSAL on the parties
6 in this action by placing a true copy thereof in a sealed envelope for collection and mailing, following
7 our ordinary business practices at Walnut Creek, California. I deposited the envelope(s) with the
8 United States Postal Service. On the same day that document(s) is placed for collection and
9 mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a
10 sealed envelope/package with postage fully prepaid, addressed as follows:

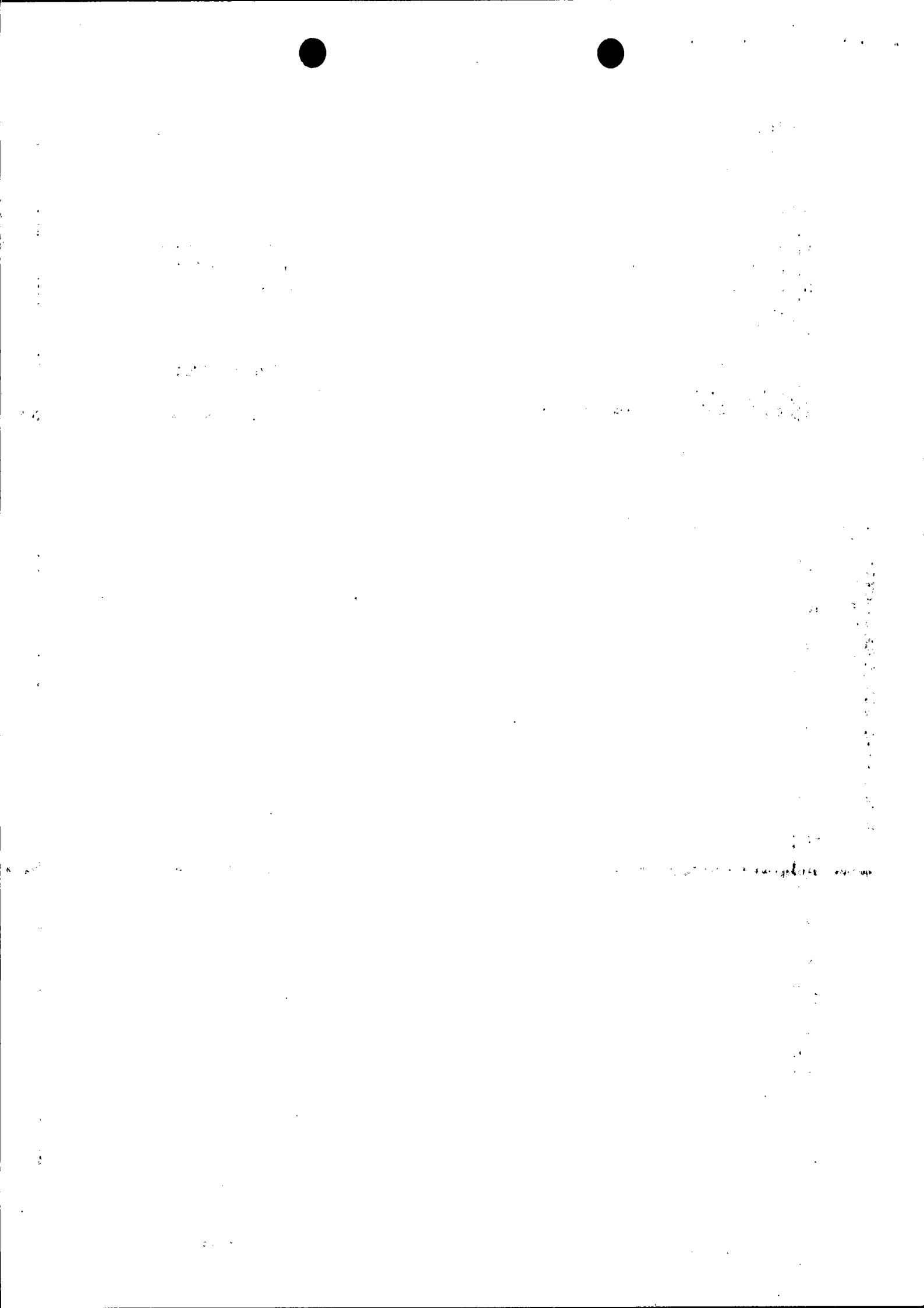
11
12 Bruce M. Brusavich, Esq. Counsel for Plaintiffs
13 Agnew Brusavich
14 20355 Hawthorne Blvd., Second Floor
15 Torrance, CA 90503

16 Andrew N. Chang, Esq. Counsel for Plaintiffs
17 Esner, Chang & Boyer
18 234 East Colorado Blvd., Suite 975
19 Pasadena, CA 91101

20 Thomas E. Still, Esq. Counsel for Defendant Frederick S. Rosen,
21 Jennifer Still, Esq. M.D.
22 Hinshaw, Marsh, Still & Hinshaw, LLP
23 12901 Saratoga Avenue
24 Saratoga, CA 95070

25 Richard Carroll, Esq. Counsel for Defendant UCSF Benioff
26 Tobin J. Trobough, Esq. Children's Hospital
27 David P. Pruet, Esq.
28 Carroll Kelly Trotter Franzen McBride &
Peabody
111 W. Ocean Blvd, 14th floor
P.O. Box 22636
Long Beach, CA 90802

Robert W. Hodges, Esq. Counsel for Defendant Robert Wesman,
Ricardo A. Martinez, Esq. M.D.
McNamara, Ney, Beatty, Slattery, Borges
& Ambacher LLP
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Pleasant Hill, CA 94523



1 Thomas J. Doyle, Esq.
Sarah C. Gosling, Esq.
2 Schuering Zimmerman & Doyle LLP
400 University Avenue
3 Sacramento, CA 95825-6502

Counsel for Defendant Alicia Herrera, M.D.

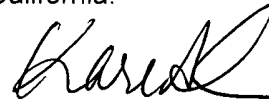
4 Kenneth R. Pedroza, Esq.
Dana L. Stenvick, Esq.
5 Cole Pedroza LLP
2670 Mission Street, Suite 200
6 San Marino, CA 91108

Counsel for Defendants (in association)
UCSF Benioff Children's Hospital Oakland
and Frederick S. Rosen, M.D.

7 Dennis K. Ames, Esq.
LaFollette, Johnson, DeHaas, Fesler &
8 Ames
2677 North Main Street, 9th Floor
9 Santa Ana, CA 92705-6632

Counsel for Defendant James Patrick
Howard, M.D. Ph.D.

10
11 Executed on December 5, 2018 at Walnut Creek, California.



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13 Kari A. Rebar

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