

Virginia:

In the Circuit Court of the City of Richmond, John Marshall Courts Building

IN RE: MIRRANDA GRACE LAWSON

Case No. CL16-2358

ORDER

THIS DAY CAME VCU Health System Authority (VCUHS), by counsel, upon its Motion for an Emergency Hearing on its Petition for entry of an Order permitting its health care providers to proceed with and complete testing to determine if brain death has occurred in Miranda Grace Lawson, a patient currently hospitalized at VCUHS (MCV Hospitals), and to act on the results of that testing in compliance with Virginia Code Section 54.1-2972.

IT APPEARING that Patrick Lawson and Alison Lawson, father and mother of Miranda Grace Lawson, are aware of VCUHS's intent to proceed with testing but have refused to permit VCUHS personnel to conduct such testing;

AND IT FURTHER APPEARING that VCUHS has shown good cause to convene the parties for an emergency hearing on its Petition to perform such testing;

IT IS HEREBY ORDERED that VCUHS's Motion for an Emergency Hearing on its Petition is **GRANTED**, and that such hearing shall take place at 11:00 a.m. on May 26, 2016 at the Circuit Court of the City of Richmond, John Marshall Courts Building, 400 North 9th Street, Richmond, Virginia 23219, Courtroom 307.

The Sheriff shall serve this Order, VCUHS's Motion for Emergency Hearing and VCUHS's Petition on Mr. Patrick Lawson, father of Miranda Grace Lawson.

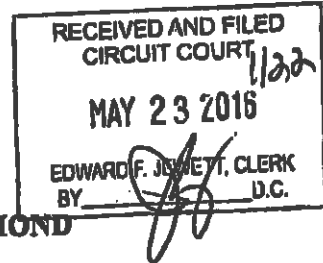
This case is continued generally.

IT IS SO ORDERED AND DECREED.

ENTER: 5/24/16

A Copy
Teste: EDWARD F. JEWETT, CLERK
BY: Ca Hargrove D.C.


Judge



VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND
John Marshall Courts Building

IN RE: MIRRANDA GRACE LAWSON

Case No. CL16-2358

**MOTION FOR EMERGENCY HEARING ON VCU HEALTH SYSTEM AUTHORITY'S
PETITION**

COMES NOW, VCU Health System Authority (VCUHS), by counsel, and requests an emergency hearing on its Petition to this Court for entry of an Order permitting its health care providers to proceed with and complete testing to determine if brain death has occurred in Miranda Grace Lawson, a patient currently hospitalized at VCUHS (MCV Hospitals), and to act on the results in compliance with Virginia Code Section 54.1-2972. In support of its Motion for an emergency hearing, VCUHS states as follows:

1. On May 19, 2016, this Court entered a temporary injunction *ex parte* upon motion of Patrick Lawson, father of Miranda Grace Lawson, proceeding without an attorney, to prevent removal of life support from the child. On May 20, 2016, Mr. Lawson and VCUHS, by counsel, appeared before this Court on whether to continue a temporary injunction entered by the Court to prevent removal of life support. Mr. Lawson appeared *pro se* and stated his opposition to performance of brain death testing and to removal of life support. VCUHS (MCV Hospitals) appeared by counsel and presented evidence from Douglas Willson, M.D., Chief of the Division of Pediatric Critical Care at VCUHS. At the conclusion of the hearing, this Court held that there was no evidence presented from a medical standpoint that any inappropriate procedures or testing had been done or proposed, that there was no evidence that the standard of care had been violated, and that accordingly, there was no reason to continue the injunction. VCUHS, by

counsel, represented that its physicians would proceed with the testing, would provide the results of that testing to the parents, and would try to reach a resolution with the parents and move forward based on the results of the testing. At the hearing, Mr. Lawson did not state that he or the child's mother would refuse to prevent the testing to go forward. The parties left the hearing with the understanding that testing would proceed, that the results would be provided to the family, and that VCUHS would work with the family to move forward based on the results of the testing.

2. After the hearing had concluded, on the afternoon of May 20, 2016, as more fully detailed in VCUHS's Petition, when VCUHS personnel attempted to perform brain death assessment testing, the child's parents presented a handwritten document to VCUHS personnel signed by Patrick and Alison Lawson, the child's parents, stating that the parents refused to allow brain death testing to proceed. Such testing is medically indicated and appropriate given the child's current condition.

3. In face of the parents' refusal, VCUHS personnel did not force the issue. Instead, VCUHS has filed a Petition seeking an Order from this Court to permit VCUHS to proceed with testing and to act on the results in compliance with Virginia Code Section 54.1-2972.

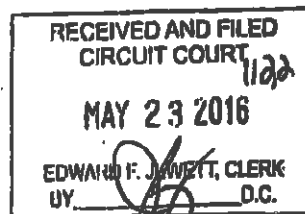
4. VCUHS requests that an emergency hearing be held by this Court on this matter, with notice of the date and time of this emergency hearing and a copy of VCUHS's Petition to be served on Patrick and Alison Lawson, parents of Miranda Grace Lawson, with service to be made on Patrick Lawson. If Patrick and Alison Lawson have retained an attorney, notice of the date and time of this emergency hearing and a copy of VCUHS's Petition shall be delivered to their attorney.

WHEREFORE, VCUHS moves this Court to schedule an emergency hearing on its Petition for an Order from this Court to permit VCUHS to proceed with testing and to act on the results in compliance with Virginia Code Section 54.1-2972.

VCU HEALTH SYSTEM AUTHORITY

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Of Counsel

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VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND
John Marshall Courts Building

IN RE: MIRRANDA GRACE LAWSON

Case No. CL16-2358

PETITION OF VCU HEALTH SYSTEM AUTHORITY

COMES NOW, VCU Health System Authority (VCUHS), by counsel, and petitions this Court for entry of an Order permitting its health care providers to proceed with and complete testing to determine if brain death has occurred in Miranda Grace Lawson, a patient currently hospitalized at VCUHS (MCV Hospitals), and to act on the results in compliance with Virginia Code Section 54.1-2972. In support of its Petition, VCUHS states as follows:

1. On May 11, 2016; Miranda Grace Lawson, age two, choked on a popcorn kernel at her home. The popcorn kernel obstructed her airway, causing respiratory failure that led to cardiac arrest. Family members immediately called Emergency Medical Services (EMS) and performed the Heimlich maneuver and CPR until the arrival of EMS, which intubated the child and emergently transported her to Mary Washington Hospital in Fredericksburg, Virginia. The child's estimated time without native cardiac output was between 20 and 30 minutes. Because the child had experienced hypoxic respiratory failure leading to cardiac arrest and likely anoxic brain injury, the child was transferred to the Pediatric Intensive Care Unit (PICU) at VCUHS, MCV Hospitals, for a higher level of care in hopes of saving her life. The child remains hospitalized in the PICU at VCUHS.

2. Unfortunately, the child has not recovered despite medical interventions and support. Indeed, the child's signs and symptoms indicate that neurologic brain death may have occurred, and that it is medically appropriate to perform testing, in accordance with guidelines

established and accepted by pediatric critical care and pediatric neurologic specialists, to determine whether brain death has occurred.¹ At present, it appears that this child's heart and lungs are functional only because of the medical support being provided. When this information was provided to the child's parents by the health care team, the parents advised that they did not want brain death testing to proceed.²

3. On May 19, 2016, Patrick Lawson, father of Miranda Grace Lawson, proceeding without an attorney, filed an "Emergency motion to stop brain dead test and postpone removal of life support" [*sic*] with this Court. On May 19, 2016, this Court entered an Order *ex parte* granting a preliminary injunction to prevent removal of life support from the child through May 20, 2016, ordered that MCV Hospitals be served with the Order, and ordered that Mr. Lawson and MCV Hospitals appear before this Court on May 20, 2016 at 12:00 noon for consideration of any request to extend or enlarge the injunction.

4. On May 20, 2016 at 12:00 noon, the parties appeared before this Court. Mr. Lawson appeared *pro se* and stated his opposition to performance of brain death testing and to removal of life support. VCUHS (MCV Hospitals) appeared by counsel and presented evidence from Douglas Willson, M.D., Chief of the Division of Pediatric Critical Care at VCUHS, regarding the child's clinical course, her current condition, and the indications for brain death testing and how that testing is performed, and medical appropriateness of the testing. Dr. Willson responded to questions from Mr. Lawson and from the Court. At the conclusion of the

¹ VCUHS follows guidelines endorsed by the Society of Critical Care Medicine, the American Academy of Pediatrics (Section on Critical Care and Section on Neurology), and the Child Neurology Society.

² At the request of the child's parents, VCUHS personnel contacted pediatric critical care and neurology specialists at Johns Hopkins University Medical Center (JHUMC) in Baltimore, Maryland, and at Children's Hospital of the King's Daughters (CHKD) in Norfolk, Virginia, to determine if those institutions would manage the child's care differently or whether those institutions would accept a transfer of the child to their care. The specialists at both JHUMC and CHKD agreed that VCUHS's care of this child is and has been appropriate. Neither JHUMC nor CHKD would agree to accept a transfer of this child to their care.

hearing, this Court held that there was no evidence presented from a medical standpoint that any inappropriate procedures or testing had been done or proposed, that there was no evidence that the standard of care had been violated, and that accordingly, there was no reason to continue the injunction. VCUHS, by counsel, represented that its physicians would proceed with the testing, would provide the results of that testing to the parents, and would try to reach a resolution with the parents and move forward based on the results of the testing. At the hearing, Mr. Lawson did not state that he or the child's mother would refuse to prevent the testing to go forward. The parties left the hearing with the understanding that testing would proceed, that the results would be provided to the family, and that VCUHS would work with the family to move forward based on the results of the testing.

5. After the hearing had concluded, on the afternoon of May 20, 2016, Jesse Bain, D.O., a pediatric critical care attending physician caring for Miranda Grace Lawson, went to the child's room to notify the parents that that he was going to perform a clinical examination and apnea testing as part of the brain death assessment to assess the child's brainstem function. The child's parents were in the room at the time; the father was sitting in a chair at the bedside, and the mother was sitting on the side of the patient's bed. The parents were located in positions that prevented Dr. Bain from approaching the patient to be able to perform the test; the parents would have had to move in order for Dr. Bain to access the child to perform the test. At that point, the patient's mother, Alison Lawson, handed Dr. Bain a handwritten paper signed by Patrick and Alison Lawson, the child's parents, stating that the parents refused to allow brain death testing to proceed. A copy of that document is attached as Exhibit A.³

³ Mr. Lawson has contacted local media outlets about his child's situation. WWBT NBC-12 has reported that Mr. Lawson stated that he will not permit brain death testing to be performed on his child without a court order. However, Mr. Lawson has not made any statements to VCUHS personnel about requiring a court order to permit brain death testing of his child.

6. Given the content of the document, Dr. Bain chose not to force the issue by asking the parents to move aside so he could proceed with the testing. VCUHS did not attempt to physically move or remove the child's parents to proceed with the testing. Instead, VCUHS has filed this emergency Petition with the Court for an Order to proceed with the testing and act on the results consistent with Virginia Code Section 54.1-2972.

7. As noted above and in Dr. Willson's testimony at the hearing on May 20, 2016, testing to determine if brain death has occurred in this child is medically indicated and appropriate and should proceed. The Court concurred with this course of action.

WHEREFORE, VCUHS requests that this Court enter an Order permitting its health care providers to proceed with and complete testing to determine if brain death has occurred in Miranda Grace Lawson, a patient currently hospitalized at VCUHS (MCV Hospitals), and to act on the results in compliance with Virginia Code Section 54.1-2972.

VCU HEALTH SYSTEM AUTHORITY

By:

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EXHIBIT A

I Alison Lawson and Patrick Lawson refuse any sort of "Brain Dead" testing including the "Apnea" test on our daughter Miranda Grace Lawson. We do not want the ventilator removed or cut off for any amount of time. We are Christians and it is against our religious beliefs to remove the ventilator. Her heart is still beating. Removing life support will cause death. That is murder and is against the Christian faith.

Signed Alison Lawson
Patrick Lawson

5/20/2016
5/20/2016

Witnessed Kelsey Long

5/20/2016

Witnessed Ann Roache

5/24/2016

VCU

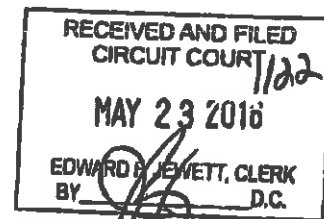
V i r g i n i a C o m m o n w e a l t h U n i v e r s i t y

Medical Center

In the tradition of the Medical College of Virginia

MCV Campus**Department of
Professional Liability**P.O. Box 880521
Richmond, Virginia 23286-0521804 848-8100
Fax: 804 848-1100
TDD: 1-800-828-1120

May 23, 2016

BY HANDHon. Edward F. Jewett, Clerk
Circuit Court of the City of Richmond
John Marshall Courts Building
400 North Ninth Street
Richmond, VA 23219Re: *In Re Miranda Grace Lawson* - Case No. CL16-2358

Dear Mr. Jewett:

Enclosed for filing please find the VCU Health System Authority's Motion for Emergency Hearing on Its Petition, VCU Health System Authority's proposed Order for emergency hearing, and VCU Health System Authority's Petition for filing in the above captioned matter. I have been in contact with Ms. Sandra Ceruti, Judge Melvin R. Hughes, Jr.'s secretary, to determine Judge Hughes's availability for an emergency hearing in this matter.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call me at (804) 648-6300.

Very truly yours,

*Anne G. Scher*Anne G. Scher, Attorney at Law, Director
VCU Health System Department of Professional Liability

Enclosures (3)