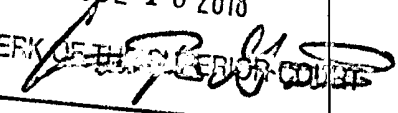




ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Thomas E. Still, Esq. / SBN 127065 Jennifer Still, Esq. / SBN 138347 HINSHAW, MARSH, STILL & HINSHAW, LLP 12901 Saratoga Avenue Saratoga, CA 95070 TELEPHONE NO.: (408) 861-6500 FAX NO. (Optional): (408) 257-6645 E-MAIL ADDRESS (Optional): tstill@hinshaw-law.com ATTORNEY FOR (Name): Defendant FREDERICK S. ROSEN, M.D.	FOR COURT USE ONLY FILED ALAMEDA COUNTY JUL 18 2018 CLERK OF THE SUPERIOR COURT By  Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1221 Oak Street MAILING ADDRESS: 1221 Oak Street CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Administration Building	
PLAINTIFF/PETITIONER: LATASHA NAILAH SPEARS, et al. DEFENDANT/RESPONDENT: FREDERICK S. ROSEN, M.D., et al.	
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)	CASE NUMBER: RG 15760730
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: August 1, 2018 Time: 9:30 a.m. Dept.: 517 Div.: Room: Address of court (if different from the address above): Hayward Hall of Justice, 3rd Floor 24405 Amador Street, Hayward, CA <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): THOMAS E. STILL	

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): Dr. Frederick Rosen
 - 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): March 3, 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):

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

PLAINTIFF/PETITIONER: LATASHA NAILAH SPEARS, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: FREDERICK S. ROSEN, M.D., et al.	RG 15760730

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.)
- Medical Malpractice/Wrongful Death.

(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):

On issue of liability for Medical Malpractice.

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):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):
See attachment 6. c.

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

a. days (specify number): 7-10 days

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: THOMAS E. STILL, ESQ.

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, 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 (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input checked="" type="checkbox"/> Settlement conference scheduled for (date): 1/10/2019 <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER: LATASHA NAILAH SPEARS, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: FREDERICK S. ROSEN, M.D., et al.	RG 15760730

11. Insurance

- a. Insurance carrier, if any, for party filing this statement (*name*): Cooperative of American Physicians
- 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, et al. v. State of California, et al.
 - (2) Name of court: U.S. District Court for Northern District California
 - (3) Case number: 4 : 5 - CV - 06042
 - (4) Status: Status Conference scheduled for 8/28/2018
- 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>
Defendant	Percipient/Expert Witnesses	October 2018
Defendant	Expert Discovery	December 2018
- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

PLAINTIFF/PETITIONER: LATASHA NAILAH SPEARS, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: FREDERICK S. ROSEN, M.D., et al.	RG 15760730

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

- a. The party or parties request that the following additional matters be considered or determined at the case management conference (specify): Whether the wrongful death and NIED claims 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):

Meet & Confer is ongoing.

- 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): 1

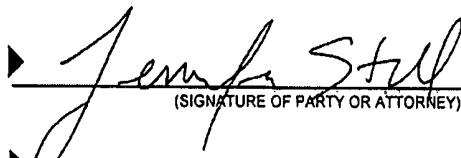
I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference,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

Date: July 17, 2018

THOMAS E. STILL

 (TYPE OR PRINT NAME)

 (TYPE OR PRINT NAME)

▶ 

 (SIGNATURE OF PARTY OR ATTORNEY)

▶ _____
 (SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

ATTACHMENT 6.C.

UNAVAILABLE DATES FOR COUNSEL

2018

Sept 24 – Oct 4	Knight v. County Santa Clara	Santa Clara County Superior Court
Oct 29 – Nov 2	Wittpenn v. Hosohama, MD	Monterey County Superior Court

2019

January 14 – 24	Enriquez v. Mills Peninsula et al.	San Mateo County Superior Court
February 4 – 14	Dodge v. Ochia, MD	San Francisco Superior Court
February 11 – 21	McMath v. Rosen, MD	Alameda County Superior Court
April 15 – 25	Whiteley v. Dharan, MD	Alameda County Superior Court
June 10 – 20	Farrell v. Hongo, MD	San Francisco Superior Court
November 4 – 14	Sellai v. Feld, MD	San Francisco Superior Court

1 **PROOF OF SERVICE**
2 (C.C.P. §§ 1013a, 2015.5)

3 I, the undersigned, say:

4 I am now and at all times herein mentioned have been over the age of 18 years, a resident of the
5 State of California and employed in Santa Clara County, California, and not a party to the within
6 action or cause; my business address is 12901 Saratoga Avenue, Saratoga, California 95070.

7 I am readily familiar with this firm's business practice for collection and processing of
8 correspondence for mailing with the U.S. Postal Service, mailing via Federal Express, hand delivery
9 via messenger service, and transmission by facsimile machine. I served a copy of each of the
10 documents listed below by placing said copies for processing as indicated herein.

11 **CASE MANAGEMENT CONFERENCE STATEMENT.**

12 XX If MAILED VIA U.S. MAIL, said copies were placed in envelopes which were then sealed
13 and, with postage fully prepaid thereon, on this date placed for collection and mailing at my
14 place of business following ordinary business practices. Said envelopes will be deposited with
15 the U.S. Postal Service at Saratoga, California on this date in the ordinary course of business;
16 and there is delivery service by U.S. Postal Service at the place so addressed.

17 _____ If MAILED VIA FEDERAL EXPRESS, said copies were placed in Federal Express
18 envelopes which were then sealed and, with Federal Express charges to be paid by this firm,
19 on this same date placed for collection and mailing at my place of business following ordinary
20 business practices. Said envelopes will be deposited with the Federal Express Corp. on this
21 date following ordinary business practices; and there is delivery service by Federal Express at
22 the place so addressed.

23 _____ If HAND DELIVERED, said copies were provided to _____,
24 a delivery service, whose employee, following ordinary business practices, did hand deliver
25 the copies provided to the person or firm indicated herein.

26 _____ If FACSIMILE TRANSMISSION, said copies were placed for transmission by this firm's
27 facsimile machine, transmitting from (408) 257-6645 at Saratoga, California, and were trans-
28 mitted following ordinary business practices; and there is a facsimile machine receiving via
the number designated herein, and the transmission was reported as complete and without
error. The record of the transmission was properly issued by the transmitting fax machine.

_____ If E-MAIL OR ELECTRONIC TRANSMISSION. I caused the documents to be sent to each
party at their e-mail addresses of record (listed herein). I did not receive, within a
reasonable time after the transmission, any electronic message or other indication that the
transmission was unsuccessful.

23 Bruce M. Brusavich, Esq.
24 Puneet K. Toor, Esq.
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27 Torrance, CA 90503
28 ab@agnewbrusavich.com

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6 Email: Robert.Hodges@McNamaraLaw.com

7 Kenneth Pedroza, Esq
8 Cole Pedroza
9 2670 Mission Street, Suite 200
10 San Marino, CA 91108
11 Email: kpedroza@colepedroza.com

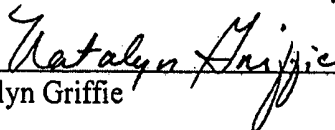
12 Richard Carroll
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17 Email: rdcarroll@cktfmlaw.com

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28 Dennis Ames, Esq.
LAFOLLETTE JOHNSON
2677 North Main Street, 9th Floor
Santa Ana, California 92705-6632
dames@ljdfa.com

I certify (or 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 July 17, 2018.


Natalyn Griffie

Court: Alameda County Superior Court
Action No: RG15760730
Case Name: *Spears/Winkfield, et al. v. Rosen, M.D., et al.*