

1 NO FEE DUE GOV'T CODE §6103
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8 OF CALIFORNIA

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
12

13 JEANNE M. CAREY, an individual, by and
14 through her Guardian ad Litem, David Carey,

15 Plaintiff,

16 vs.

17 REGENTS OF THE UNIVERSITY OF
CALIFORNIA; STEVEN Y. CHANG, M.D;
18 NADA QADIR, M.D.; RAJAN SAGGAR,
M.D.; TAMIN SALEHIRAD, M.D;
19 KATHRYN H. MEDLAMED; TISHA S.
WANG, M.D.; NEAL WENGER, M.D.; and
20 DOES 1-100,

21 Defendant.

Case No. 22STCV36750

**RESPONSE BY THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA TO THE
COURT'S REQUEST FOR
INFORMATION REGARDING EFFORTS
TO ASSIST IN THE TRANSFER OF
JEANNE M. CAREY [DETERMINED BY
HER TREATING MEDICAL TEAM TO
BE APPROPRIATE FOR COMFORT
CARE ONLY]**

Action Filed: November 21, 2022

22
23 At the request of the Court, and specially on behalf of The Regents of the University of
24 California ["The Regents"], the Declaration of Kristen Stubblefield, RN, BSN [Exhibit "A"] and the
25 Declaration of I. Obi Emeruwa, M.D., MBA [Exhibit "B"] are submitted to outline efforts made by
26 UCLA to transfer Jeanne M. Carey, an in-patient at UCLA who has been determined by her treating
27 medical team to be appropriate only for comfort care, to another medical facility. As these
28 Declarations demonstrate, UCLA has made significant efforts to assist in the transfer of Ms. Carey

1 to at least 11 other medical facilities, and none have accepted Ms. Carey as a transfer patient. In
2 addition, Ms. Carey's son made arrangements to transfer Ms. Carey from UCLA against medical
3 advice ["AMA"] on November 25, 2022, however the ambulance company declined to accept Ms.
4 Carey.

5 This matter was filed with the Court on November 21, 2022, a summons has not been issued,
6 the Guardian ad Litem application was rejected, the summons and Complaint has not been served
7 on The Regents of the University of California or any other named defendant, and defendants do
8 not waive service. The Regents specially submits this response at the request of the Court solely to
9 provide information concerning efforts made by UCLA to assist in the transfer of Jeanne M. Carey
10 to another facility.

11 **I. BRIEF BACKGROUND**

12 On November 23, 2022, an ex parte application for temporary restraining order and order to
13 show cause re: preliminary injunction brought by Jeanne M. Carey was heard in Department 86 of
14 the Stanley Mosk courthouse, located at 111 North Hill Street, in downtown Los Angeles, California
15 before the Honorable Judge Michael Beckloff. Attorney Bradley I. Kramer of The Trial Lawyer
16 Offices of Bradley I. Kramer appeared remotely on behalf of Ms. Carey. Attorney Marijana Kral
17 of Fraser Watson & Crutch, LLP specially appeared remotely on behalf of The Regents of the
18 University of California. David Carey, the proposed Guardian ad Litem and son of Jeanne M. Carey,
19 also appeared remotely.

20 After hearing from Mr. Kramer and Ms. Kral and after the Court asked questions of Mr.
21 Carey, the Court made a limited order enjoining UCLA from initiating comfort care for Jeanne M.
22 Carey until further Court order, and allowing UCLA to transfer Ms. Carey to another facility if
23 another facility will accept transfer of Ms. Carey.

24 The Court noted this is a critical matter for UCLA and its treating healthcare providers,
25 whose professional medical opinion is to move Ms. Carey to comfort care. The Court set a follow
26 up hearing for Monday, November 28, 2022, at 1:30 p.m. and ordered the parties to file and serve
27 paperwork on the morning of November 28, 2022, setting forth efforts made to attempt to assist in
28 the transfer of Jeanne M. Carey from UCLA to another facility. In doing so, the Court generously

1 gave Mr. Carey an additional 5 days to attempt to transfer Ms. Carey from UCLA to another facility.

2 There is no dispute that Ms. Carey's medical treatment team at UCLA has reached the
3 medical opinion that the appropriate level of care for Ms. Carey is comfort care. Likewise, there is
4 no dispute that an Ethics Committee was consulted and supports the medical treatment team's
5 clinical opinion that comfort care is the appropriate level of care for Ms. Carey. This is further set
6 forth in the attached Declarations.

7 **II. EFFORTS BY UCLA TO ATTEMPT TO ASSIST IN THE TRANSFER OF JEANNE**
8 **M. CAREY TO ANOTHER FACILITY**

9 As demonstrated by the Declaration of Kristen Stubblefield, RN, BSN, a Medical Case
10 Manager in the Medical ICU at UCLA, over a 9 day time period RN Stubblefield and other Medical
11 Case Managers attempted multiple times to assist in Ms. Carey's transfer to at least 11 other medical
12 facilities, none of which agreed to accept Ms. Carey as a patient and some of which specifically
13 declined to accept Ms. Carey as a transfer patient. Specifically, UCLA Medical Case Managers
14 contacted, often multiple times, USC Verdugo Hills, USC Keck, Providence St. John's, Huntington
15 Hospital, Cedars Sinai, Valley Presbyterian Hospital, the VA, Cottage Hospital of Santa Barbara,
16 UCI, West Hills Hospital, and Loma Linda, none of which agreed to accept Ms. Carey as a transfer
17 patient. Further, As set forth in the Declaration of I. Obi Emeruwa, M.D., MBA, on November 25,
18 2022, Mr. Carey arranged to have Ms. Carey transferred from UCLA against medical advice
19 ["AMA"]; however, the ambulance company declined to accept transfer of Ms. Carey.

20 There is no indication that reasonable additional time will result in a transfer of Ms. Carey
21 to another facility.

22 **III. COMPLIANCE WITH APPLICABLE LAW**

23 The Regents has complied with applicable case law. Probate Code section 4735, states:

24 "A health care provider or health care institution may decline to comply with an individual
25 health care instruction or health care decision that requires medically ineffective health care or
26 health care contrary to generally accepted health care standards applicable to the health care provider
27 or institution."

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1 On November 15, 2022, the medical treatment team at UCLA determined that comfort care
2 is appropriate for Jeanne M. Carey given her deteriorating medical condition. In accordance with
3 Probate Code section 4735, UCLA healthcare providers are not required to offer or continue to
4 provide any medical treatment that is ineffective or contrary to generally accepted health care
5 standards.

6 Probate Code section 4736 reads:

7 "A health care provider or health care institution that declines to comply with an individual
8 health care instruction or health care decision shall do all of the following:

9 (a) Promptly so inform the patient, if possible, and any person then authorized to make
10 health care decisions for the patient.

11 (b) Unless the patient or person then authorized to make health care decisions for the patient
12 refuses assistance, immediately make **all reasonable efforts to assist in the transfer** of the patient
13 to another health care provider or institution that is willing to comply with the instruction or
14 decision.

15 (c) Provide continuing care to the patient until a transfer can be accomplished or until it
16 appears that a transfer cannot be accomplished. In all cases, appropriate pain relief and other
17 palliative care shall be continued."

18 [Emphasis added.]

19 There has been no dispute that UCLA complied with parts (a) and (c), and UCLA submits
20 there is no dispute it complied with part (b) as well. As set forth with great specificity in the
21 Declaration of Kristen Stubblefield, RN, BSN, extensive (more than reasonable) efforts have been
22 made by UCLA to assist in the transfer of Jeanne M. Carey to another medical institution. This
23 includes multiple attempts to assist in transferring Ms. Carey to at least 11 other facilities. Despite
24 these extensive efforts, no other facility agreed to accept Ms. Carey as a transfer patient and some
25 facilities specifically declined to accept her as a transfer patient. In addition, the Declaration of I.
26 Obi Emeruwa, M.D., MBA confirms that Mr. Carey arranged to have Ms. Carey removed from
27 UCLA against medical advice ["AMA"] on November 25, 2022, but the ambulance company
28 refused to transport Ms. Carey.

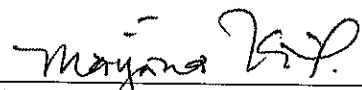
1 The Declarations of RN Stubblefield and Dr. Emeruwa confirm that UCLA has made far
2 more than reasonable efforts to assist in the transfer of Ms. Carey to another facility. There is no
3 indication that further reasonable time or further reasonable efforts will result in Ms. Carey being
4 accepted for transfer to another facility. To the contrary, it appears transfer cannot be accomplished.

5 **IV. CONCLUSION**

6 For the reasons set forth hereinabove and as explained in greater detail in the Declaration of
7 I. Obi Emeruwa, M.D., MBA and in the Declaration of Kristen Stubblefield, RN, BSN, The Regents
8 of the University of California respectfully requests this Court enter an Order lifting the temporary
9 restraining order, and allowing The Regents to move Jeanne M. Carey to comfort care only as
10 recommended by her medical treatment team.

11
12 DATED: November 28, 2022

FRASER WATSON & CROUTCH, LLP

13
14 By: 
15 _____
STEPHEN C. FRASER
MARIJANA KRAL
16 Specially Appearing as Attorneys for THE
REGENTS OF UNIVERSITY OF
17 CALIFORNIA

1 6. In my capacity as a Medicine Care Manager in the MICU, I am aware that my Care
2 Manager colleagues at UCLA have also communicated with other medical facilities and with David
3 Carey in an effort to assist him attempt to transfer his mother, Jeanne M. Carey, to another facility.
4

5 7. On November 15, 2022, David Carey attempted to take Ms. Carey out of UCLA
6 against medical advice ("AMA") to USC Verdugo Hills emergency room. I confirmed with the
7 USC Transfer Center that there were no available beds, the emergency room was at capacity, and
8 USC was not accepting transfer patients at that time. This information was relayed to David Carey.
9 I spoke with Mr. Carey at the patient's bedside along with a house supervisor and the care team
10 including the clinical nurse specialist and the attending physician.
11

12 8. On November 16, 2022, multiple efforts were made to assist in the transfer of Ms.
13 Carey by my colleague, MICU Medicine Case Manager Ruby Ann Endoso, BSN, RN. In my
14 capacity as a MICU Medicine Case Manager, I am aware that RN Endoso contacted the Keck
15 Medicine of USC Transfer Center. RN Endoso called Keck Verdugo Hills and was advised they do
16 not have their own transfer center and to contact the Keck Medicine of USC Transfer Center. RN
17 Endoso again called Keck Medicine of USC Transfer Center, and left a voicemail message
18 requesting a call back.
19

20 9. I am also aware that on November 16, 2022, RN Endoso received a call from David
21 Carey asking for an update on possible transfer to Keck USC. RN Endoso advised Mr. Carey of her
22 efforts, she awaited a callback from Keck USC, and she would try again. RN Endoso contacted
23 Keck Medicine of USC Transfer Center for a third time, and again left another voicemail message
24 requesting a return call. RN Endoso received a call from Stephanie at the USC Transfer Center and,
25 at the request of USC, she faxed clinical notes to USC. Stephanie advised that she would review
26 the clinical notes then contact RN Endoso the next day.
27

28 10. On November 17, 2022, I called the USC Transfer Center and spoke with Annie,

1 who advised there were no physicians at USC accepting Ms. Carey and no beds available at that
2 time. I called the USC Transfer Center again that evening to see if anything had changed, and I left
3 a voicemail message.

4
5 11. On November 18, 2022, I again made multiple efforts to assist in the attempted
6 transfer of Ms. Carey to another facility. I called the USC Transfer Center twice, and left a voicemail
7 message that the patient's son reported Dr. Lubman was willing to accept the patient. I was later
8 notified that Dr. Lubman was not accepting Ms. Carey as a patient at USC. I called Cedars Sinai
9 Transfer Center and spoke to Camilla, who advised there were no available beds at that time for
10 inpatient to inpatient transfers. I spoke with David Carey and updated him about USC Keck. Mr.
11 Carey said he only wanted to send his mother to a union hospital and he asked about Huntington
12 Hospital.

13
14 12. On November 18, 2022, I again called and sent an email to USC Keck Transfer
15 Center to ask if anything had changed and if they could accept Ms. Carey. That afternoon, I called
16 Huntington Hospital, and spoke with Chase who reported there were no beds available. Likewise,
17 I called Providence St. John's, and spoke with Kit, who reported Providence St. John's was not
18 accepting transfers at that time including Ms. Carey.

19
20 13. On November 19, 2022, I am aware that my colleague MICU Medicine Care
21 Manager, Reina Martinez Rojo, RN called the USC Keck Transfer Center and spoke with Hansa,
22 who reported the request to transfer Ms. Carey was closed because the USC physicians declined
23 transfer due to the patient not meeting criteria for a higher level of care. Reina Martinez Rojo called
24 David Carey and left a voicemail message requesting a call back.

25
26 14. On November 21, 2022, I made additional efforts to assist with transfer of Jeanne
27 Carey. I called Huntington Hospital, and spoke with Chase who reported there were no beds
28 available. I called Providence St. John's, and spoke with Kit, who advised Providence St. John's was

1 not accepting transfers at that time, including Ms. Carey, due to capacity. I called Cedars Sinai
2 Transfer Center and spoke with Topher, who reported Cedars Sinai could not accept lateral transfers.
3 I also called Valley Presbyterian Hospital and left a voicemail message asking for a return call.
4

5 15. On November 22, 2022, further efforts to assist in transferring Ms. Carey were made
6 by RN Endoso. RN Endoso contacted the VA Transfer Center and was told Ms. Carey did not
7 qualify for transfer since she was not a veteran herself. RN Endoso contacted the Cedars Sinai
8 Transfer Center and spoke with Carol, who reported they were at capacity and could not accept any
9 transfers including Ms. Carey. RN Endoso called Huntington Hospital, and spoke with Ken who
10 reported there was a wait list for transfers. RN Endoso also called Valley Presbyterian Hospital and
11 spoke with a case manager who advised that Valley Presbyterian Hospital declined to accept Ms.
12 Carey as a transfer patient, noting Ms. Carey was not stable for transfer.
13

14 16. On November 23, 2022, I spoke with David Carey who said he had spoken with the
15 Transfer Center at Cottage Hospital, Santa Barbara. He asked me to call Eric at Cottage Hospital to
16 see if they would agree to accept transfer of Ms. Carey. I spoke with Eric on November 23, and he
17 advised that Cottage Hospital will not accept Ms Carey as a lateral transfer patient. I called David
18 Carey and told him that Cottage Hospital would not accept his mother as a transfer patient. Later on
19 November 23, 2022, Mr. Carey asked me to call other hospitals including Loma Linda, UCI, and
20 West Hills Hospital. I called Loma Linda Transfer Center and spoke with Stan who reported they
21 are not accepting any lateral transfers due to capacity. I called West Hills Hospital Transfer Center
22 and spoke with Bradley who reported there are no ICU beds available. I called UCI Transfer Center
23 and spoke with Jaclyn who asked me to fax over clinical documentation which I did. Jaclyn reported
24 if an ICU physician accepts the transfer there would be quite a long wait for an ICU bed. On
25 November 23, Mr. Carey also told me that he would like to take his mother home with a home vent.
26

27 17. Over the course of approximately 9 days, I and other Medical Case Managers in the
28 MICU at UCLA have attempted to assist with the transfer of Jeanne M. Carey to another facility on

1 multiple occasions to at least 11 other facilities, including USC Verdugo Hills, USC Keck,
2 Providence St. John's, Huntington Hospital, Cedars Sinai, Valley Presbyterian Hospital, the VA,
3 Cottage Hospital of Santa Barbara, UCI, West Hills Hospital, and Loma Linda. I also attempted to
4 contact Kaiser, but was not able to connect with anyone. Despite these efforts, no other facility
5 agreed to accept her as a transfer patient and some specifically declined her transfer.

6
7 I declare, under penalty of perjury under the laws of the State of California, that the above
8 is true and correct. Executed on November 23, 2022, at Los Angeles, California.

9
10 Kristen Stubblefield
11 KRISTEN S. STUBBLEFIELD, BSN, RN

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1 evaluation of Ms. Carey, it is my professional medical opinion that comfort care is the appropriate
2 level of care for Ms. Carey, and that other ongoing medical care is medically inappropriate and
3 contrary to generally accepted health care standards.

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5 5. As one of Ms. Carey's attending physicians and as part of her current medical
6 treatment team, I am aware that an Ethics Committee was consulted on November 15, 2022, and the
7 Ethics Committee supports the medical treatment team's clinical opinion that comfort care is the
8 appropriate level of care for Ms. Carey.

9
10 6. On Friday, November 25, 2022, Ms. Carey's son made arrangements to transfer Ms.
11 Carey out of UCLA via ambulance against medical advice ["AMA"]. The ambulance team came to
12 UCLA but declined to transport Ms. Carey.

13
14 I declare, under penalty of perjury under the laws of the State of California, that the above
15 is true and correct. Executed on November 28, 2022, at Los Angeles, California.

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18 I. OBI EMERUWA, M.D., MBA

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PROOF OF SERVICE

**Jeanne M. Carey vs Regents of the University of California, et al.
Case No. 22STCV3750**

STATE OF CALIFORNIA, COUNTY OF ORANGE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 1100 West Town and Country Road, Suite 1030, Orange, CA 92868-4687.

On November 28, 2022, I served true copies of the following document(s) described as **RESPONSE BY THE REGENTS OF THE UNIVERSITY OF CALIFORNIA TO THE COURT'S REQUEST FOR INFORMATION REGARDING EFFORTS TO ASSIST IN THE TRANSFER OF JEANNE M. CAREY [DETERMINED BY HER TREATING MEDICAL TEAM TO BE APPROPRIATE FOR COMFORT CARE ONLY]** on the interested parties in this action as follows:

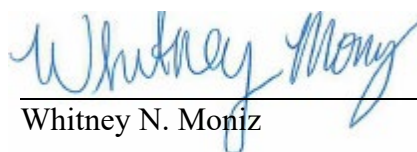
THE TRIAL LAW OFFICES OF
BRADLEY I. KRAMER, M.D., ESQ.
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Beverly Hills, CA 90211
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Attorneys for Plaintiff, Jeanne Carey

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address wmoniz@fwcllp.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on November 28, 2022, at Orange, California.


Whitney N. Moniz