



20268420

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Thomas J. Doyle, SBN 114485; SARAH C. GOSLING SBN: 287920 SCHUERING ZIMMERMAN & DOYLE LLP 400 University Avenue Sacramento, California 95825 TELEPHONE NO.: (916) 567-0400 FAX NO. (Optional): (916) 568-0400 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Defendant ALICIA HERRERA, M.D.	FOR COURT USE ONLY FILED ALAMEDA COUNTY SEP 27 2017 CLERK OF THE SUPERIOR COURT By <i>Michelle</i> 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:	
PLAINTIFF/PETITIONER: LATASHA NAILAH SPEARS WINKFIELD, et al. DEFENDANT/RESPONDENT: FREDERICK S. ROSEN, M.D., et al.	CASE NUMBER: RG15760730
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)	
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: October 10, 2017 Time: 3:00 P.M. Dept.: 517 Div.: Room: Address of court (if different from the address above): Hayward Hall of Justice, 3rd Flr., 24405 Amador Street, Hayward, CA 94545 <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): SARAH C. GOSLING, ESQ.	

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): Defendant ALICIA HERRERA, M.D.
- 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):
- 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 and wrongful death.

PLAINTIFF/PETITIONER: LATASHA NAILAH SPEARS WINKFIELD, et al.	CASE NUMBER: RG15760730
DEFENDANT/RESPONDENT: FREDERICK S. ROSEN, M.D., et al.	

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.)

Plaintiffs allege medical malpractice against all defendants. Damages unknown. Discovery is continuing.

(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):

6. **Trial date**

- a. The trial has been set for (date):
- 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): Based on the immense complexity of this matter, it is unlikely the case will be ready for trial within 12-24 months.
- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**

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

- a. days (specify number): 25 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:
- 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): Complex medical malpractice action requiring expert witnesses. Exceeds judicial limits.

PLAINTIFF/PETITIONER: LATASHA NAILAH SPEARS WINKFIELD, et al. DEFENDANT/RESPONDENT: FREDERICK S. ROSEN, M.D., et al.	CASE NUMBER: RG15760730
---	----------------------------

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

PLAINTIFF/PETITIONER LATASHA NAILAH SPEARS WINKFIELD, et al.	CASE NUMBER: RG15760730
DEFENDANT/RESPONDENT FREDERICK S. ROSEN, M.D., et al.	

11. Insurance

- a. Insurance carrier, if any, for party filing this statement (name): Sedgwick CMS
- 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:
 - (2) Name of court:
 - (3) Case number:
 - (4) Status:
- 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): The issue of brain death should be determined by the court in advance of a jury being presented with evidence of wrongful death and/or personal injury.

15. Other motions

- The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

Motion to bifurcate, possible motions for determination of brain death.

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):

Party	Description	Date
Defendant Herrera	Written Discovery	8/2018
Defendant Herrera	Depositions of plaintiffs, witnesses and healthcare providers	2/2019
Defendant Herrera	Depositions of expert witnesses	Per Code

- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (specify):

The videos taken of Jahi McMath by her family were produced to Plaintiffs' expert but Plaintiffs' counsel has refused to produce all of the videos.

PLAINTIFF/PETITIONER: LATASHA NAILAH SPEARS WINKFIELD, et al.	CASE NUMBER: RG15760730
DEFENDANT/RESPONDENT: FREDERICK S. ROSEN, M.D., et al.	

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):
Based on the Court's decision to deny defendants' motion for summary adjudication, with mention of possible need for an examination of brain death in accord with the Guidelines, this should be discussed further at the case management conference.

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):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

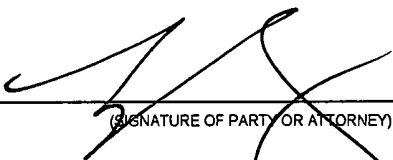
20. Total number of pages attached (if any): _____

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: September 22, 2017

SARAH C. GOSLING, ESQ.

(TYPE OR PRINT NAME)

▶ 

(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

PROOF OF SERVICE BY MAIL
(CCP 1013; CRC 10.503; 2.100-2.119)

I, Beth Mitchell, declare:

I am over the age of eighteen years and not a party to the within cause; am employed in the County of Sacramento, California; and my business address is 400 University Avenue, Sacramento, California 95825-6502.

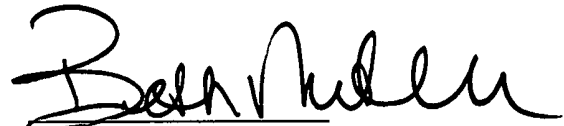
On September 22, 2017, I served the within CASE MANAGEMENT STATEMENT, which was produced on recycled paper, on the parties in said cause by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Sacramento, California, addressed as follows:

Attorney	Representing	Phone/Fax/E-Mail
Bruce M. Brusavich, Esq. AGNEW BRUSAVICH 20355 Hawthorne Blvd., 2 nd Floor Torrance, CA 90503	Plaintiffs	310/793-1400
Andrew N. Chang, Esq. ESNER CHANG & BOYER 234 East Colorado Blvd., Ste. 975 Pasadena, CA 91101	Associate Attorney for Plaintiffs LATASHA NAILAH SPEARS WINKFIELD; SANDRA CHATMAN, etc.	626/535-9860 Fax: 626/535-9859 E: achang@ecbappeal.com
Thomas E. Still, Esq. HINSHAW MARSH STILL 12901 Saratoga Avenue Saratoga, CA 95070-9998	Defendant FREDERICK S. ROSEN, M.D.	408/861-6500 Fax: 408/257-6645
G. Patrick Galloway, Esq. GALLOWAY LUCCHESI EVERSON & PICCHI 2300 Contra Costa Blvd., Ste. 350 Pleasant Hill, CA 94523-2398	Defendant UCSF BENIOFF CHILDREN'S HOSPITAL OAKLAND	925/930-9090 Fax: 925/930-9035
Kenneth R. Pedroza, Esq. COLE PEDROZA, LLP 2670 Mission St., Ste. 200 San Marino, CA 91108	Defendant UCSF BENIOFF CHILDREN'S HOSPITAL OAKLAND	626/431-2787 Fax: 626/431-2788
Scott E. Murray, Esq. Rick Martinez, Esq. DONNELLY NELSON DEPOLO & MURRAY 201 North Civil Center Dr., Ste. 239 Walnut Creek, CA 94596-3879	Defendant JAMES PATRICK HOWARD, M.D., Ph.D.	925/287-8181 Fax: 925/287-8188

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorney	Representing	Phone/Fax/E-Mail
Robert Hodges, Esq. MCNAMARA NEY BEATTY SLATTERY BORGES & AMBACHER 3480 Buskirk Avenue, Ste. 250 Pleasant Hill, CA 94523	Defendant ROBERT M. WESMAN, M.D.	925/939-5330 Fax: 925/939-0203 Email: robert.hodges@mcnamaralaw.com

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on September 22, 2017, at Sacramento, California.


Beth Mitchell
1597-10724