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FILED
Superior Court of California
County of Los Angeles

M AUG 25 2016

Sherri R. Carter, Executive Officer/Clerk
By *Henry N. DiGiambattista* Deputy
N. DiGiambattista

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 In the Matter of the) CASE NO.: BS164387
11)
12 ISRAEL STINSON, A MINOR, BY JONEE) RESPONSE TO EX PARTE PETITION OF
13 FONSECA, HIS MOTHER,) CHILDREN'S HOSPITAL TO DISSOLVE
14) TEMPORARY RESTRAINING ORDER WHICH
15 PETITIONER,) REQUIRES CHILDREN'S HOSPITAL TO
16) PRESERVE ISRAEL STINSON'S LIFE FOR
17 V.) THREE WEEKS
18)
19 CHILDREN'S HOSPITAL LOS ANGELES,) Date: AUGUST 25, 2016
20) Time: 8:30
21) Department: 86
22 RESPONDENT.)
23)
24)

25 One week ago, this Court issued a temporary restraining order on August 18, 2016 and to require
26 Children's Hospital Los Angeles to take all actions necessary to maintain mechanical life support of the
27 of Israel Stinson until September 9, 2016. The court also ordered Children's Hospital to cooperate with
28 petitioner, FONSECA, to facilitate an independent medical evaluation of ISRAEL by Dr. Daniel Alan
Shewmon.

No new legal authorities are necessary to inform this court of the laws controlling this case. The
previous memorandum has sufficiently provided the legal authorities for this court to continue to enforce
its TRO.

REPLY TO EX PARTE APPLICATION TO DISSOLVE TEMPORARY RESTRAINING ORDER WHICH REQUIRES
CHILDREN'S HOSPITAL TO PRESERVE ISRAEL STINSON'S LIFE FOR THREE WEEKS

1 For seven days, the administration of CHILDREN'S HOSPITAL has failed to cooperate with
2 Ms. FONSECA, or to facilitate an independent medical examination of ISRAEL STINSON. Today
3 CHILDREN'S HOSPITAL asserts that the independent medical examination is unnecessary based upon
4 their unsupported allegation that Israel Stinson is medically and legally dead. This court ordered the
5 HOSPITAL administration to cooperate with the patient's mother until September 9, 2016. The Hospital
6 didn't even try to cooperate for a full week. No new evidence about ISRAEL has been provided to Ms.
7 FONSECA. The independent examination has not been conducted.

8
9 This court should enforce its TRO, and issue an additional order that CHILDREN'S HOSPITAL
10 cooperate with Dr. Shewmon immediately in order to permit an examination of ISRAEL STINSON –at
11 Children's Hospital- to be completed no later than Tuesday August 30th; and that the Court allow a
12 medical record review by Dr. Shewmon –to be conducted where the records are housed at Children's
13 Hospital- to conclude no later than September 2, 2016.

14
15 The court issued its temporary restraining order based upon a sufficient showing of emergency,
16 and the possibility of irreparable harm. The TRO requires CHILDREN'S HOSPITAL to (1) refrain from
17 removing ISRAEL STINSON (hereafter "STINSON") from the ventilator, (2) take reasonable measures
18 necessary to maintain STINSON in a stable condition pending a hearing before the court, and (3) to
19 cooperate with JONEE FONSECA (hereafter "FONSECA") to facilitate an independent evaluation of
20 STINSON by Dr. Daniel Alan Shewmon.

21
22 While orders (1) and (2) are being met at present, there has been no attempt by the Hospital to
23 comply with requirement (3) Cooperation with a mother to secure an independent examination of her
24 son.

1 The Hospital has not cooperated with FONSECA to allow Dr. Shewmon into the Hospital nor
2 have they facilitate the independent evaluation. We are asking the court to order the Hospital to
3 cooperate with to facilitate this evaluation.

4 The law states that "(a) An individual who has sustained (1) irreversible cessation of circulatory
5 and respiratory functions, or (2) irreversible cessation of all functions of the entire brain, including the
6 brain stem, is dead. A determination of death must be made in accordance with accepted medical
7 standards" *Health and Safety Code Section 7180*. "When an individual is pronounced dead by
8 determining that individual has sustained an irreversible cessation of all functions of the entire brain,
9 including the brain stem, there shall be independent confirmation by another physician." *Health and*
10 *Safety Code Section 7181*.

11
12 According to the Health and Safety Code there must be an independent confirmation. The Court
13 was aware that an evaluation by the staff at Children's was not adequate or independent and thus
14 ordered the hospital to cooperate with Dr. Shewmon. The Temporary Restraining Order was issued in
15 the last seven days and there has been no effort from the Hospital to allow Dr. Shewmon to review the
16 case.
17

18 There are no new facts to apply. There are no new legal authorities to cite to maintain this TRO.
19 WHEREFORE, petitioner prays that the Court continue the Existing Orders:
20


- 21 1) That a Temporary Restraining Order be issued precluding Respondents from performing any
22 apnea tests on Israel Stinson be issued until September 9, 2016;
23 2) That an Order be issued precluding Respondents from removing STINSON form respiratory
24 support, or removing or withholding medical treatment until September 9, 2016;
25 3) That an Order be issued that Respondents are to provide STINSON treatment to maintain his
26 optimum physical health, including nutrition and thyroid hormone as needed, in such a manner
27
28

1 so as to not interfere with the neurological testing (such as the use of sedatives or paralytics in
2 such a manner and/or at such time that they may interfere with the accuracy of the results) until
3 September 9, 2016;

4 And that an additional order be issued:

- 5 4) That the court order Children's Hospital to issue temporary limited privileges of examination by
6 Dr. D. Alan Shewmon, and immediately permit an examination of STINSON -at Children's
7 Hospital- to be completed no later than Tuesday August 30th.
8
9 5) That the Court order Children's Hospital to issue temporary limited privileges of examination for
10 a medical record review by Dr. Shewmon -at Children's Hospital- to conclude no later than
11 September 2, 2016.
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14 DATED: August 24, 2016

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16 DANIEL J. WOODARD
17 Attorney for Petitioner
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