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IN THE MATTER OF THE ARBITRATION BETWEEN

and
Claimants,
vs.
Respondents.

Case No. 13567
ADRS Case No. 15-7131-DSC
DISMISSAL ORDER

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

On Wednesday, April 13, 2016 at 10:00 am, the third Telephonic Arbitration Management Conference came on regular for hearing. Appearing on behalf of Respondents was and no appearance was made on behalf of Claimants. Claimants also did not appear at the two (2) other Telephonic Arbitration Management Conferences previously held on November 25, 2015 and again on December 18, 2015.

Based upon the Declaration of _____ and the Declaration of _____ and the supporting papers and supplemental papers filed herewith, Respondents have communicated with Claimant _____ who has expressed that she no longer wishes to pursue her lawsuit against Respondents.

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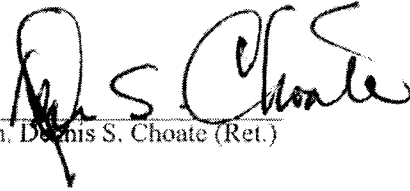
As a result, on or about February 24, 2016, Claimant executed a Request for Dismissal with Prejudice. Attached hereto as Exhibit "A" is a true and correct copy. Since Claimants have not appeared for any of the Telephonic Arbitration Management Conferences and based upon the executed Request for Dismissal, the Neutral Arbitrator rules as follows:

FOR GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the Claimants Demand for Arbitration is hereby dismissed as Claimant executed a Request for Dismissal with Prejudice. Since Claimant never appeared and his claims are derivative of Claimant claims, his claims are also dismissed. Therefore, Claimants shall take nothing by way of their Demand for Arbitration against Respondent and the entire action will be dismissed.

Nothing in this Dismissal Order prohibits or restricts the Claimants from discussing or reporting the underlying facts, results, terms and conditions of this Dismissal Order to the Department of Managed Health Care.

IT IS HEREBY ORDERED.

DATED: June 7th, 2016

By: 
Hon. Dennis S. Choate (Ret.)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) IN PROPRIA PERSONA		FOR COURT USE ONLY
TELEPHONE NO: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FAX NO (Optional): <i>In Propria Persona</i>	
STREET ADDRESS: IN THE MATTER OF ARBITRATION MAILING ADDRESS: COUNTY OF SAN DIEGO CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: _____ and DEFENDANT/RESPONDENT: _____ et al		
REQUEST FOR DISMISSAL		CASE NUMBER Case No. 13567
A conformed copy will not be returned by the clerk unless a method of return is provided with the document.		
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)		

1. TO THE CLERK: Please dismiss this action as follows:
- a. (1) With prejudice (2) Without prejudice
 - b. (1) Complaint (2) Petition
 - (3) Cross-complaint filed by (name):
 - (4) Cross-complaint filed by (name):
 - (5) Entire action of all parties and all causes of action
 - (6) Other (specify):*

on (date):
on (date):

2. (Complete in all cases except family law cases.)
 The court did did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed.)

Date: February __, 2016

IN PROPRIA PERSONA
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

(SIGNATURE)
 Attorney or party without attorney for:

*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

IN PROPRIA PERSONA
 Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant Claimant

3. TO THE CLERK: Consent to the above dismissal is hereby given **
 Date:

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

(SIGNATURE)
 Attorney or party without attorney for:

** If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 501 (i) or (j).

Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

(To be completed by clerk)

- 4. Dismissal entered as requested on (date).
- 5. Dismissal entered on (date): _____ as to only (name): _____
- 6. Dismissal not entered as requested for the following reasons (specify):
- 7. a. Attorney or party without attorney notified on (date):
- b. Attorney or party without attorney not notified. Filing party failed to provide a copy to be conformed means to return conformed copy

Date _____ Clerk, by _____ Deputy


1 Claimants failed to timely produce sufficient evidence which would substantiate their
2 claim that the standard of care was breached by Respondents. The finding on the Respondents'
3 prima facie claim stands, and the motion is granted.

4 Claimants have failed to produce evidence that Respondents negligently caused or
5 contributed to Claimants' injuries. In addition, Claimants failed to obey a previous order from the
6 Arbitrator. That order required Claimant to sign a release authorization for her psychiatric
7 medical records within ten days of the date of the order. She failed to do so. The release was not
8 conveyed to Respondent until December 8, 2016 making Respondents' pre-arbitration preparation
9 of the psychiatric damages issue impossible from a practical point of view.

10 IT IS THEREFORE ORDERED that the Motion for Summary Judgment of Respondents
11 be granted and that judgment shall be entered forthwith in favor of Respondents and against
12 Claimants.

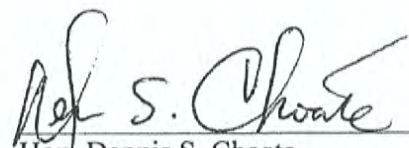
13 **Nothing in this arbitration decision prohibits or restricts the enrollee from discussing**
14 **or reporting the underlying facts, results, terms and conditions of this decision to the**
15 **Department of Managed Healthcare.**

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18 Dated: 1-3-17

19 
20 Hon. Dennis S. Choate
21 Judge of the Superior Court (Ret.)
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1 **Nothing in this arbitration decision prohibits or restricts the enrollee from discussing**
2 **or reporting the underlying facts, results, terms and conditions of this decision to the**
3 **Department of Managed Healthcare.**

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6 Dated: 1/3/17



Hon. Dennis S. Choate
Judge of the Superior Court (Ret.)

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