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RECEIVED JUN 27 2014

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8 ARBITRATOR: THOMAS I. FRIEDMAN

9
10 IN THE MATTER OF THE ARBITRATION BETWEEN

11	Claimant,)	ORDER RE
12	vs.)	MOTION FOR SUMMARY JUDGEMENT
13	KAISER FOUNDATION HEALTH PLAN,)	AND JUDGMENT
14	INC., KAISER FOUNDATION HOSPITALS)	Date: June 23, 2014
15	AND SOUTHERN CALIFORNIA)	Time: 10:00am
16	PERMANENTE MEDICAL GROUP)	Place: Telephonic
	Respondents)	Kaiser Case No: 12611
	_____)	ARBITRATOR: THOMAS I. FRIEDMAN, ESQ.

17
18 On June 23, 2014, the Motion for Summary Judgment of Respondents, came on regularly for hearing,
19 with Claimant, appearing in pro-per and Respondent appearing by . After
20 considering all papers filed, as well as all argument offered at the time of this hearing, it is the finding of this Arbitrator that:
21 1) After considering all papers filed, as well as all arguments offered by both sides, the arbitrator noted that there was
22 no competent expert medical testimony and in fact no medical testimony by claimant or in claimants behalf to refute the
23 Declaration of Respondent' as required by law. Without such a Declaration, Claimant was unable to create any triable issue.
24 of material fact*. Based on that determination; the arbitrator granted Respondents' motion.

25 ////

26 * See Bromme v. Pavitt(1992) 5 Cal App 4th 1487,1491, upheld in Jennings v. Pomerato Healthsystems
(2003) 114CalApp4th 1108,1118.

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ORDER

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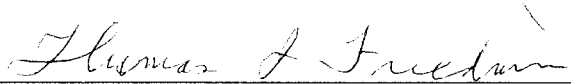
On June 23, 2014, Respondents' motion for Summary Judgment came on for hearing. The arbitrator determined that there was no triable issues of material fact and that the Respondents met the Community Standard of Care in regard to all care and treatment rendered to the Claimant in the within action. Therefore, Judgment is to be entered in favor of Respondents, and the Arbitration of this matter is hereby Dismissed.

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Nothing in this arbitration (or settlement agreement) prohibits or restricts the enrollee from discussing or reporting the underlying facts, results, terms and conditions of this decision (or settlement agreement) to the Department of Managed Health Care.

IT IS SO ORDERED:

Dated: June ²⁵, 2014



Thomas I. Friedman, Esq.
Arbitrator

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(SBN)

Telephone No. / Facsimile No.

Attorneys for Respondents,
and

IN RE ARBITRATION

Claimant,

vs,

and

Respondents.

**[PROPOSED] RULING ON MOTION TO
DISMISS AND FOR A PROTECTIVE
ORDER BY RESPONDENTS, AND
ARBITRATION AWARD**

The respondents' telephonic motion to dismiss and for a protective order was held on March 27, 2018. Respondents appeared through their counsel of record Claimant did not appear. After waiting approximately fifteen minutes for claimant's appearance, the motions proceeded. After full consideration of the moving papers, the supporting evidence, and all documents submitted by respondents, and the authorities submitted by respondents, the arbitrator rules as follows:

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1 MOTION TO DISMISS

2 The substance of claimant's present demand for arbitration is based on the same nucleus
3 of operative facts as those asserted in his seven prior arbitration proceedings, specifically the
4 claimed negligent wrongful death of his mother. Therefore, this action is barred by the statute of
5 limitations as set forth in Code of Civil Procedure, section 340.5. In addition, claimant is
6 estopped from advancing this action, pursuant to the doctrines of res judicata and collateral
7 estoppel.
8

9 IT IS THEREFORE ORDERED that the motion to dismiss is **GRANTED**.

10 PROTECTIVE ORDER

11 Claimant has stated on multiple occasions that intends to continue to file demands for
12 arbitration against [redacted] regarding the death of his mother. This is the eight such proceeding. It
13 would be wrong and unjust to permit claimant to continue to force respondents to expend money
14 on litigating issues which have been decided on their merits previously.
15

16 IT IS THEREFORE ORDERED that the motion for a protective order is **GRANTED**.

17 Before claimant [redacted] or any other member of his family can file any more
18 demands for arbitration arising from the death of [redacted] or [redacted] care of

19 [redacted]
20 he or she must submit the basis for his claim to the [redacted]

21 [redacted] who will notify this arbitrator that a claim has been filed. The

22 [redacted] shall not allow the claim to proceed, until claimant has complied with
23 the requirements placed on him by the Los Angeles Superior Court, which has deemed him a
24 vexatious litigant. Such a showing must be presented to this arbitrator, who will then rule on the
25 vexatious litigant application.

26 ///

27 ///

1 This protective order is intend to apply to any future demand for arbitration filed by
2 or any other member of his family arising from the death of or
3 care of regardless of legal theory.
4

5 **RETENTION OF JURISDICTION**

6 As this is the eighth claim or proceeding initiated by claimant or his immediate family
7 over the same factual situation, with the same legal allegations by the claimant, any further or
8 newly amended claims over these same issues may result in sanctions levied directly against
9 claimant as he has had more than his fair share of hearings and attempts to
10 prove all of his allegations relating to the death of and care of
11

12 In this arbitrator's view, there is nothing left to litigate.

13 This neutral arbitrator shall continue to retain jurisdiction over this claim and any related
14 claims arising from care and treatment of including but not limited to the
15 death of in order to ensure the complete and final resolution of all matters arising
16 from claimant's allegations. This retention of jurisdiction shall also include any matters arising
17 from any prior arbitration initiated by claimant.


18 **AWARD OF ARBITRATOR**

19 Based on the arbitrator's ruling granting respondents' motion to dismiss, the arbitrator
20 hereby enters an award in favor of respondents.
21

22 **Nothing in this arbitration decision prohibits or restricts the enrollee from**
23 **discussing or reporting the underlying facts, results, terms and conditions of this decision**
24 **to the Department of Managed Health Care.**

25 IT IS SO ORDERED.

26
27 DATED: 4-16-18


28 Thomas I. Friedman, Arbitrator

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(SBN)
(SBN)

Telephone No. / Facsimile No.

Attorneys for Respondents M.D., and M.D.,
[erroneously named and served as

IN RE ARBITRATION

Claimant,

vs.

M.D., and
M.D.,
Respondents.

RULING ON MOTION FOR SUMMARY
JUDGMENT BY RESPONDENTS

M.D. AND
M.D., AND
ARBITRATION AWARD

Claimant,

vs.

Respondents.

Respondents M.D. and

M.D.'s telephonic motion for summary judgment came on for hearing on May 14, 2018.

Respondents appeared through their counsel of record Claimant did not file an
opposition to the motion, and did not appear for the hearing.

1 After full consideration of the moving papers, the supporting evidence, and all documents
2 submitted by respondents, including the Separate Statement, the declarations of
3 M.D., M.D., and and
4 the authorities submitted by respondents, the arbitrator grants the motion for summary judgment.
5 The arbitrator found that the moving parties are entitled to summary judgment as a matter of law
6 for the following reasons:
7

8 1. That based on the declarations and evidence submitted; there are no triable issues
9 of material fact that respondents did not breach the standard of care in their care and treatment of
10 claimant;

11 2. That based on the declarations and evidence submitted, there are no triable issues
12 of material fact that respondents did not cause or contribute to any of claimant's injuries;

13 3. That claimant's lack of opposition to the motion acceded to the merits of
14 respondents' position regarding those claims.
15

16 IT IS THEREFORE ORDERED that the motion for summary judgment is granted.

17 **AWARD OF ARBITRATOR**

18 Based on the arbitrator's ruling granting respondents
19 M.D. and M.D.'s motion for summary judgment, the
20 arbitrator hereby enters an award in favor of respondents
21

22 M.D. and M.D.

23 **Nothing in this arbitration decision prohibits or restricts the enrollee**
24 **from discussing or reporting the underlying facts, results, terms and**
25 **conditions of this decision to the Department of Managed Health Care.**
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IT IS SO ORDERED.

DATED: 5-21-18

Thomas I. Friedman
Thomas I. Friedman, Arbitrator

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(SBN)
(SBN)

Telephone No. / Facsimile No.
Attorneys for Respondents M.D., and M.D.,
M.D., and [erroneously named and served as

IN RE ARBITRATION

Claimant,

vs.

M.D., M.D., and
Respondents.

**RULING ON MOTION FOR SUMMARY
JUDGMENT BY RESPONDENT
AND ARBITRATION AWARD**

Claimant,

vs.

Respondents.

Respondent telephonic motion for summary
judgment came on for hearing on May 14, 2018. Respondent appeared through its counsel of
record Claimant did not file an opposition to the motion, and did not appear
for the hearing.

1 After full consideration of the moving papers, the supporting evidence, and all documents
2 submitted by respondent, including the Separate Statement, the declarations of
3 M.D., M.D., and and
4 the authorities submitted by respondent, the arbitrator grants the motion for summary judgment.
5 The arbitrator found that the moving party is entitled to summary judgment as a matter of law for
6 the following reasons:

8 1. That based on the declarations and evidence submitted, there are no triable issues
9 of material fact that respondent did not breach its contract with claimant, because claimant was
10 provided with appropriate care at

12 2. That based on the declarations and evidence submitted, there are no triable issues
13 of material fact that it was not medically necessary for claimant to seek medical care outside of
14 the system;

16 3. That based on the declarations and evidence submitted, there are no triable issues
17 of material fact that respondent did not cause or contribute to any of claimant's injuries;

18 4. That claimant's lack of opposition to the motion acceded to the merits of
19 respondent's position regarding those claims.

20 IT IS THEREFORE ORDERED that the motion for summary judgment is granted.

21 **AWARD OF ARBITRATOR**

22 Based on the arbitrator's ruling granting respondent
23 motion for summary judgment, the arbitrator hereby enters an award in favor of
24 respondent

25 **Nothing in this arbitration decision prohibits or restricts the enrollee**
26 **from discussing or reporting the underlying facts, results, terms and**
27 **conditions of this decision to the Department of Managed Health Care.**
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IT IS SO ORDERED.

DATED: 5/21/18

Thomas I. Friedman

Thomas I. Friedman, Arbitrator