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7 NEUTRAL ARBITRATOR

8 IN THE MATTER OF THE ARBITRATION OF

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	,		)	Arbitration No. 12931
Claimant,			)	
vs.			)	<b>ORDER GRANTING RESPONDENTS'</b>
			)	<b>MOTION FOR SUMMARY JUDGMENT</b>
			)	<b>Date: January 6, 2015</b>
		;	)	<b>Time: 10:00 a.m.</b>
and			)	<b>By Conference Call</b>
Respondents.			)	

19  
20 The Motion for Summary Judgment by RESPONDENTS

21 ; ; and

22 , ("RESPONDENTS") was properly filed and served on October 2, 2014  
23 scheduling a hearing on January 6, 2015.

24 Claimant did not file an opposition or any other response to the Motion for Summary  
25 Judgment.

26 Claimant did not appear at the duly noticed hearing on January 6, 2015.

27 Attorney of , appeared at the  
28 hearing on the Motion for Summary Judgment on behalf of Respondents.

1 At the hearing, the Arbitrator noted that Claimant had failed to appear at a prior noticed and  
2 scheduled Case Management Conference and had failed to file any opposition to Respondents'  
3 Motion for Summary Judgment. The Arbitrator waited several minutes before ruling on  
4 Respondents' Motion for Summary Judgment in an effort to wait for Claimant to appear at the  
5 hearing.

6 However, Claimant never appeared at the hearing.

7 After full consideration of the evidence and the written submissions by Respondents, the  
8 Arbitrator finds that no triable issues of material fact exist as a matter of law with respect to the  
9 entire Complaint, and that the record establishes that Respondents are entitled to summary  
10 judgment because of the statute of limitations ran before Claimant  
11 commenced this action. (Code Civ. Proc. § 340.5).

12 There being no triable issues of material fact as to any claim asserted by Claimant  
13 , the Motion for Summary Judgment shall be and hereby is granted and judgment in  
14 favor of RESPONDENTS and against CLAIMANT

15 Nothing in this arbitration decision prohibits or restricts the enrollee from discussing or  
16 reporting the underlying facts, results, terms and conditions of this decision to the Department of  
17 Managed Health Care.

18 IT IS SO ORDERED.

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20 DATED: January 8, 2015

MELINDA GUZMAN PROFESSIONAL CORPORATION

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22 By:   
23 MELINDA GUZMAN  
NEUTRAL ARBITRATOR

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IN THE MATTER OF THE ARBITRATION OF

Claimant,

v.

, and

Respondents.

**ARBITRATION NO. 14266**

**ORDER GRANTING RESPONDENTS' MOTION FOR SUMMARY JUDGMENT**

Date: May 19, 2017  
Time: 10:00 a.m.  
Arbitrator: Melinda Guzman

Respondents

and

(all hereinafter "Respondents") timely

filed and properly served a Motion for Summary Judgment (hereinafter "Motion") which was scheduled for hearing on May 19, 2017. Claimant filed his opposition to the Motion together with supporting papers and notes. Respondents then filed a Reply to Claimant's opposition. All papers were timely filed, properly served and reviewed by the Independent Arbitrator Melinda Guzman.

The Arbitrator did not issue a tentative ruling on Respondents' Motion, and notified the parties on May 18, 2017 that the hearing on Respondents' Motion would proceed as scheduled and confirmed with the parties the conference call-in instructions.

On May 19, 2017, the Arbitrator held the hearing on Respondents' Motion. All parties or counsel appeared during the hearing, including specifically , Claimant, who

1 appeared in pro per, and attorney of  
2 who appeared on behalf of Respondents.

3 The Arbitrator considered all of the papers and pleadings submitted by the parties in support  
4 and in opposition to the Motion, as well as all comments made at the time of hearing by Claimant  
5 and Respondents. After full consideration of the evidence presented, and the written and oral  
6 submissions by the parties, the Arbitrator finds that there is no triable issue of material fact with  
7 respect to any claim.

8 Respondents' Motion is supported by the Declaration of , M.D., an  
9 expert in interventional cardiology, which establishes to a reasonable degree of medical probability  
10 that the care Mrs. received from Respondents was within the standard of care.

11 Claimant cannot establish the essential element of breach of the  
12 applicable standard of care in this medical malpractice case. Thus, there is no triable issue of  
13 material fact and Respondents' Motion is granted and summary judgment in favor of Respondents  
14 is granted.

15 In entering this judgment, the Arbitrator Sustains Objections 1, 2 and 3 of Respondents as to  
16 the proposed evidence submitted by Claimant in opposition to the Motion, namely the Claimant's  
17 Statements Regarding Alleged Statements of Dr. , Dr. and Dr. ,  
18 Claimant's Declaration, and Claimant's Statements regarding Alleged Statements of ,  
19 , and . The Arbitrator finds:

20 As to Objection No. 1, the proposed evidence is not made under penalty of perjury, is  
21 irrelevant, constitutes an improper expert opinion, lacks foundation, and is impermissible hearsay.

22 As to Objection No. 2, the proposed evidence is irrelevant and constitutes an improper  
23 expert opinion.

24 As to Objection No. 3, the proposed evidence is not made under penalty of perjury, is  
25 irrelevant and constitutes an improper expert opinion.

26 The Objections are each Sustained.

27 Notwithstanding the ruling on these objections, the Arbitrator did read each and every piece  
28 of paper submitted by Claimant in opposition to the Motion. As stated at the time of hearing, the

1 Arbitrator commented that the statements referenced in the papers, even if properly sworn by the  
2 doctors referenced, do not constitute opinions to create triable issues of material fact in opposition  
3 to the Motion. Respondents' expert establishes to a reasonable degree of medical probability that  
4 the care Mrs. \_\_\_\_\_ received from Respondents was within the standard of care.

5 There being no triable issue of material fact as to any claim asserted by Claimant, the  
6 Motion for Summary Judgment shall be and hereby is granted and judgment entered in favor of  
7 Respondents and against Claimant.

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

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12 Dated: May 31, 2017

MELINDA GUZMAN PROFESSIONAL CORPORATION  
By: Melinda Guzman  
MELINDA GUZMAN  
Independent Arbitrator

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