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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:

///  
///

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

21 [redacted] who will notify this arbitrator that a claim has been filed. The  
22

23 [redacted] shall not allow the claim to proceed, until claimant has complied with  
24 the requirements placed on him by the Los Angeles Superior Court, which has deemed him a  
25 vexatious litigant. Such a showing must be presented to this arbitrator, who will then rule on the  
26 vexatious litigant application.  
27

28 ///

///

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

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.,  
[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.

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DATED: 5-21-18

Thomas I. Friedman  
Thomas I. Friedman, Arbitrator

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(SBN )  
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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

1 THOMAS I. FRIEDMAN, ESQ.  
2 ARBITRATION OFFICE  
3 10867 E. Acacia Dr.  
4 Scottsdale, Az. 85255  
5 TELEPHONE NUMBER: (818) 340-2324  
6 STATE BAR NO.: 053560

7  
8 ARBITRATOR: THOMAS I. FRIEDMAN

9  
10 IN THE MATTER OF THE ARBITRATION BETWEEN

11 ) **ORDER RE: Respondent's Motion to Dismiss**  
12 ) **AMENDED**

13 Claimant,

14 vs.

15 ) **Date: August 6, 2019**

16 ) **Time: 10:00am**

17 ) **Place: Telephonic Hearing**

18 ) **ET AL**

19 )  
20 )  
21 )  
22 )  
23 )  
24 ) Respondents

25 ) **ARBITRATOR: THOMAS I. FRIEDMAN, ESQ.**

26 On August 6, 2019 the Respondents Motion to Dismiss came on regularly for hearing.

27 Respondent appearing by \_\_\_\_\_, Esq. of \_\_\_\_\_ Claimant after valid  
28 notice given both in writing and orally failed to appear. After considering all papers filed, as well as all argument offered  
29 at the time of this hearing, it is the finding of this Arbitrator that:

30 Claimant has failed to comply with the California Code of Civil Procedure by not properly and fully  
31 responding to any discovery served upon Claimant. Further, Claimant failed and refused to comply with this  
32 Arbitrators order re discovery dated May 29, 2019.

33 Claimant may have abandoned his complaint herein as he has not responded either in writing or orally  
34 to all motions filed in this case and to all discovery served upon him.

35 NOW THEREFORE:

36 Pursuant to California Code of Civil Procedure, Sections 2030.290 ( c ) and 2031.300 ( c ), as to all named  
37 Respondents and any and all Does, this case is DISMISSED.

1     **NOTHING IN THIS ARBITRATION DECISION PROHIBITS OR RESTRICTS THE ENROLLEE FROM**  
2     **DISCUSSING OR REPORTING THE UNDERLYING FACTS, RESULTS, TERMS AND CONDITIONS**  
3     **OF THIS DECISION TO THE DEPARTMENT OF MANAGED HEALTH CARE.**

4     ////

5     DATED: September 6, 2019

6  
7     By: Thomas I. Friedman  
8     Thomas I. Friedman, Arbitrator

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