

1 **State Bar No.**
2 **State Bar No.**

3 **Telephone** **Facsimile**
4 Attorneys for Respondent,
5

6
7
8 **IN THE MATTER OF THE ARBITRATION BETWEEN**
9

10
11
12 Claimant,
13 vs.
14
15 Respondents.

11 ARBITRATION NO.: 16712
12 ~~[PROPOSED]~~ ORDER AND AWARD
13 DATE: December 11, 2020
14 TIME: 10:00 a.m.
15 Telephonic Appearance
16 Call-In Number:
17 Code:
18 ARBITRATION DATE: None Set
19 ACTION FILED: June 29, 2020

19 The Motion for Judgment on the Pleadings filed by Respondent
20 was heard on December 11, 2020, at 10:00 a.m., the Honorable Mary Fingal
21 Schulte (Ret.) presiding.

22 After consideration of the moving, opposing and reply papers, and after consideration of the oral
23 argument of the parties, the Arbitrator finds as follows:

24 The Claimant, was on actual notice regarding possible medical
25 negligence by November 30, 2018, more than one year and six months prior to submitting her Demand
26 for Arbitration on June 29, 2020. Therefore, the action is barred by the one-year statute of limitations,
27 Code of Civil Procedure section 340.5.

28 WHEREFORE, IT IS HEREBY ORDERED that the Motion for Judgment on the Pleadings is

1 granted, and that an arbitration award be entered in favor of Respondent
2 against Claimant

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

6 DATED: Dec. 11, 2020

7
8 
9 HON. MARY FINGAL SCHULTE (Ret.)
10 Arbitrator

11 **AWARD**

12 The Motion for Judgment on the Pleadings filed by Respondent
13 was heard on December 11, 2020, at 10:00 a.m., the Honorable Mary Fingal
14 Schulte (Ret.) presiding.

15 After consideration of the moving, opposing and reply papers, and after consideration of the oral
16 argument of the parties, the Arbitrator found that The Claimant, was on
17 actual notice regarding possible medical negligence by November 30, 2018, more than one year and six
18 months prior to submitting her Demand for Arbitration on June 29, 2020. Therefore, the action is barred
19 by the one-year statute of limitations, Code of Civil Procedure section 340.5. The Arbitrator, having
20 granted the Motion for Judgment on the Pleadings in favor of Respondent

21 hereby enters this Arbitration Award in favor of Respondent
22 and against Claimant

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

26 DATED: Dec. 11, 2020

27 
28 HON. MARY FINGAL SCHULTE (Ret.)
Arbitrator

1 Hon. Mary Fingal Schulte (Ret.)
ADR SERVICES, INC.
2 19000 MacArthur Boulevard, Suite 550
Irvine, California 92612
3 (949) 863-9800 PH
(949) 863-9888 FAX
4
5
6
7

8 **IN THE MATTER OF THE ARBITRATION BETWEEN**

11 ADRS CASE NO.: 20-4327-MFS

12 Claimant,

**ORDER ON MOTION FOR JUDGMENT ON
THE PLEADINGS**

13 vs.

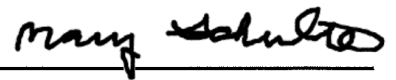
15 Respondent.

17 Respondent filed a motion for judgment on the pleadings that was heard on December 11, 2020.
18 There was no written opposition to the motion. The motion is granted because it has merit, and not
19 simply because it was unopposed. The Request for Judicial Notice is granted. The arbitrator approves
20 and signs the proposed orders submitted by the moving party.
21

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

25 12/15/2020

26 DATED: _____



27 Hon. Mary Fingal Schulte (Ret.)
28 Arbitrator