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ORIGINAL

1 William Campisi Jr. SBN#114690
2 LAW OFFICE OF WILLIAM CAMPISI JR.
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4 Berkeley, CA 94704
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7 Attorney for Petitioners
8 HANEEFAH SHUAIBE
9 JACOB SHUAIBE

FILED
ALAMEDA COUNTY

MAY 30 2014

CLERK OF THE SUPERIOR COURT
By [Signature] Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

UNLIMITED JURISDICTION

10 HANEEFAH SHUAIBE, individually, and as
11 guardian ad litem for JACOB SHUAIBE,

Petitioners,

12 vs.

13 KAISER FOUNDATION HOSPITALS, KAISER
14 FOUNDATION HEALTH PLAN, INC, AND THE
15 PERMANENTE MEDICAL GROUP, INC, and
16 DOES 1 through
17 100, inclusive,

Respondents.

CASE NO. **RG14727350**

PETITION UNDER CALIFORNIA
EVIDENCE CODE §1158 TO REQUIRE
RESPONDENTS TO PRODUCE
MEDICAL RECORDS; FOR AN
INJUNCTION; AND FOR AN AWARD
OF COSTS AND REASONABLE
ATTORNEY FEES

18 Petitioners HANEEFAH SHUAIBE, individually, and as guardian ad litem for JACOB
19 SHUAIBE, allege as follows:

20 1. Petitioners do not know the names and capacities, whether corporate, associate, or
21 individual of defendants sued herein as DOES 1 through 100, inclusive, and therefore he sues these
22 defendants by such fictitious names.

23 2. Petitioners are informed and believe, and thereon allege, that each of the fictitiously
24 named DOE defendants is legally responsible in some manner for the wrongful events and
25 occurrences herein alleged, and each of them was in some manner legally responsible for causing the
26 injuries and damages to Petitioners as described in this complaint. Petitioners will seek leave to
27 amend this complaint to allege the true names and capacities of these Doe defendants when such
28 information has been ascertained.

1 3. Petitioners are informed and believe, and thereon allege, that at all times herein
2 mentioned, each of the defendants, whether specifically named or designated in this Complaint as a
3 DOE defendant, was the agent, representative, joint venturer, co-conspirator, consultant, predecessor,
4 successor, servant or employee of each of the remaining defendants, and in doing the acts alleged
5 herein, was acting in the course and scope of such agency, representation, joint venture, conspiracy,
6 consultancy, predecessor agreement, successor agreement, service and employment with knowledge,
7 acquiescence and ratification of each and every remaining defendant.

8 4. Petitioners HANEFAH SHUAIBE and JACOB SHUAIBE are residents of the
9 county of Alameda and the wrongful acts giving rise to this petition have occurred in Alameda
10 County. Petitioner HANEFAH SHUAIBE is the mother of petitioner JACOB SHUAIBE, who was
11 born on April 20, 2014 at Kaiser Oakland Medical Center hospital in Oakland, California.

12 5. At all times mentioned herein, respondents KAISER FOUNDATION HOSPITAL,
13 INC., a nonprofit corporation, KAISER FOUNDATION HEALTH PLAN, INC., a nonprofit
14 corporation (the foregoing defendants are hereinafter collectively referred to as "KAISER"), and
15 THE PERMANENTE MEDICAL GROUP, INC. (hereinafter "PERMANENTE") were corporations
16 duly formed under the laws of the state of California which were engaged, at all times herein
17 mentioned, in the joint operation of an enterprise whose purpose was to provide health care to
18 members of the health plan offered the public by KAISER FOUNDATION HEALTH PLAN, INC..
19 At all times relevant to this lawsuit, each of these entities has its principal office in the County of
20 Alameda, State of California. Hereinafter, these three corporations are collectively called "KAISER
21 PERMANENTE."

22 6. During protracted labor and during the delivery of the baby Jacob Shuaibe on April
23 20, 2014, Jacob Shuaibe suffered one or more instances during which he received insufficient
24 oxygen to his brain and as a result he suffered some brain injuries that have, among other things,
25 caused him to suffer seizures that are required to be controlled by medication. Petitioners and
26 petitioner's husband, Karl Peters, who is also the father of Jacob Shuaibe, are considering whether
27 the failure to provide Haneefah Shuaibe with a Caesarian section, which she and her husband
28 requested during labor on several occasions, was conduct that was below the standard of care and

1 caused the injuries which Jacob Shuabie suffered during birth. Because of this issue petitioners have
2 sought their medical records, and in particular they seek to obtain the fetal monitor strips that were
3 printed and labeled during the course of petitioner's labor and delivery.

4 7. On May 6, 2014, petitioners, through their attorney, William Campisi Jr., caused to
5 be sent to Respondents authorizations under California Evidence Code §158 for the medical records
6 of Haneefah Shuiabe and Jacob Shuiabe. A true and correct copy of those authorizations are
7 attached to this petition as Exhibit A. Those authorizations specifically listed the requirement that
8 the paper fetal monitor strips that were generated during the course of labor and delivery be
9 produced. In an accompanying letter, Mr. Campisi specifically identified these fetal monitor strips as
10 documents that were to be produced by Respondents.

11 8. Between May 6 and the date this petition has been filed, attorneys for Respondents
12 have nine documented telephone calls with the Medical Secretaries Unit at Kaiser Oakland related to
13 obtaining copies of these fetal monitor strips. True and correct copies of notes reflecting these
14 telephone contacts are attached hereto as Exhibit B.

15 9. On May 22, 2014, William Campisi Jr. sent, by fax and by United States mail with
16 delivery confirmation, a letter to the manager of the Medical Secretaries Unit at Kaiser Oakland
17 informing him that this petition would be filed if copies of the fetal monitor strips were not provided.
18 A true and correct copy of that letter, the accompanying fax transmittal record and a record from the
19 United States Postal Service showing delivery of the letter to the Medical Secretaries Unit are
20 attached hereto as Exhibit C.

21 10. As of the date of the filing of this petition the copies of the fetal monitor strips have
22 not been produced.

23 11. Pursuant to Evidence Code §1158 petitioners seek an order of this court requiring
24 respondents to permit petitioners attorney to inspect the original fetal monitor strips that were
25 generated during the labor of Haneefah Shuiabe and delivery of Jacob Shuaibe and to require
26 respondents to produce copies of these fetal monitor strips, in color, if petitioner's attorney so
27 requests.

28 12. Petitioners further request that the Court award petitioners attorneys fees and court

1 costs reasonably incurred in bringing this petition.

2 **CAUSE OF ACTION FOR A TEMPORARY RESTRAINING ORDER**

3 13. Petitioners incorporate by this referenced as though fully set forth herein paragraphs
4 1 through 12 of this complaint.

5 14. Petitioners are concerned by the fact that Kaiser-Permanente has, thus far, refused to
6 produce the requested fetal monitor records that such evidence maybe destroyed or altered, and they
7 are informed and they believed that Kaiser-Permanente has a practice of destroying and altering
8 patient medical records that show that a patient has received negligent treatment.

9 15. Petitioners have no adequate remedy at law if respondents destroy the requested
10 fetal monitor records. While respondents may maintain electronic data which they assert could
11 reproduce these records, petitioners are informed and believe that such data can be manipulated by
12 respondents in a manner which conceals the manipulation of such data and make the data falsely
13 report the condition of the fetus during labor and delivery.

14 16. Therefore, petitioners request that the Court immediately issue an order barring
15 respondents from destroying the paper fetal monitor strips that were generated during the labor and
16 delivery of Jacob Shuiabe and that respondents provide all such original fetal monitor strips to an
17 independent third party selected by the Court to hold and maintain those records until such time as
18 the Court rules on this petition.

19 Wherefore, petitioners pray for relief as set forth below.

20 A) For a temporary restraining order barring respondents from destroying the paper
21 fetal monitor strips that were generated during the labor and delivery of Jacob Shuiabe;

22 B) That an order issue requiring that these original paper fetal monitor strips be kept in
23 a safe location in the custody of the Director of the Medical Records Department; that the order
24 require that no one be permitted to examine these original records except in the presence of the
25 Director of the Medical Records Department or his or her designee; that order require that the
26 Director or designee shall remain present at all times during any inspection by any person of these
27 fetal monitor strips; that the order require that a log be kept of each inspection of these records,
28 including the time period and date of the inspection, the name of the inspecting party or parties, and

1 name of the employee of the Medical Records Department who remained present at all times during
2 such inspection;

3 B) Alternatively, that an order issue that a third party selected by Court shall take
4 custody of these original fetal monitor strips and that third party shall safeguard and keep these
5 records until the Court has ruled on this petition;

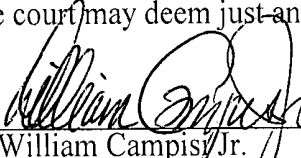
6 C) That an order issue which provides that attorney for petitioners, or his representative
7 shall be permitted to inspect such original as needed to investigate whether petitioners have a
8 colorable claim of negligence against respondents;

9 D) That an order issue which provides that the custodian of these fetal monitor records
10 shall, as soon as possible, make copies of such records available, in color if so requested, to attorney;

11 E) That petitioners be awarded reasonable attorneys fees and courts costs;
12 and,

13 F) For such other and further relief as the court may deem just and proper.

14 Dated: May 30, 2014



William Campisi Jr.
Attorney for Petitioners

A

Courthouse News Service

LAW OFFICE OF WILLIAM CAMPISI JR.
1932 BONITA AVENUE
BERKELEY, CA 94704
TEL: (510) 549-3112 FAX: (510) 549-9260

FAX TRANSMITTAL COVER SHEET

DATE	May 6, 2014	CASE	Haneefah Shuaibe Jacob Shuaibe
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TRANSMIT TO:	FAX #
Medical Secretaries	(877) 886-8438

TOTAL NUMBER OF PAGES (including cover page): 6
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IF YOU DO NOT RECEIVE ALL THE PAGES INDICATED, CALL US AT (510) 549-3112

STATUS OF THE ORIGINAL	
<input checked="checked" type="checkbox"/>	TO FOLLOW BY FIRST CLASS MAIL
<input type="checkbox"/>	TO FOLLOW BY EXPRESS MAIL
<input type="checkbox"/>	TO REMAIN IN THIS OFFICE
<input type="checkbox"/>	OTHER:

SENT BY

TAU

DATE

5/6/14

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LAW OFFICE OF
WILLIAM CAMPISI JR.

1932 Bonita Avenue
BERKELEY, CALIFORNIA 94704
Tel: 510 - 549-3112
Fax: 510 - 549-9260

May 6, 2014

VIA FAX @ 877-886-8438 and UNITED STATES MAIL

TO: Kaiser Foundation Hospitals and The Permanente Medical Group, Inc.,
herein called "Kaiser Permanente"

C/O Medical Secretaries and/or Release of Information Department
Kaiser Oakland Medical Center
280 West MacArthur Blvd.
Oakland, CA 94611

Re: Haneefah Shuaibe MRN #06105925
Jacob Shuaibe aka Shuaibe, (Male) MRN # 19489004

Dear Medical Secretaries and Kaiser Permanente:

Pursuant to California Evidence Code §1158, please find enclosed an authorization signed by Haneefah Shuaibe MRN #06105925, authorizing Kaiser Permanente to release Haneefah Shuaibe's medical records to me. In addition, please find enclosed a second authorization which is also signed by Haneefah Shuaibe as the guardian and representative of her son, Jacob Shuaibe aka Shuaibe, (Male) MRN # 19489004, authorizing Kaiser Permanente to release the medical records of Jacob Shuaibe aka Shuaibe, (Male) MRN # 19489004, to me as well. I am the attorney for each of these patients and under Evidence Code §1158, Kaiser Permanente is required by these authorizations to release to me or attorneys associated with me, or to my agent, representative, independent contractor or employee all the medical records authorized to be released. I or my representative may inspect and copy all of these patients' medical records in your custody and control.

Per California Evidence Code §1158, failure to make these records available during business hours within five days after the presentation to you of these written authorizations, may subject Kaiser Permanente to liability for all reasonable expenses, including attorney's fees, which may be incurred in connection with filing a petition in the Alameda County Superior Court to require timely production of these records.

Please advise me immediately whether you wish to have me send a copy service to copy these records or whether you intend to produce these records yourselves. If you produce them yourselves, please uniquely number each page of each record that you produce.

DATED: May 6, 2014

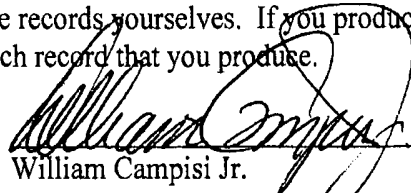

William Campisi Jr.
Attorney for Haneefah Shuaibe and Jacob
Shuaibe

EXHIBIT A

**HIPAA COMPLIANT AUTHORIZATION FOR THE RELEASE OF PATIENT
INFORMATION PURSUANT TO 45 CFR 164.508**

TO: Kaiser Foundation Hospitals and The Permanente Medical Group, INC.
Name of Healthcare Provider/Physician/Facility/Medicare Contractor

280 West MacArthur Blvd.

Street Address

Oakland, CA 94611

City, State and Zip Code

RE: Patient Name: Haneefah Shuaibe

MRN No. 06105925

Date of Birth: 02/22/1984

Social Security Number: 609-26-9116

I authorize and request the disclosure of all protected information for the purpose of review and evaluation in connection with a legal claim. I expressly request that the designated record custodian of all covered entities under HIPAA identified above disclose full and complete protected medical information including the following:

- ☒ All medical records, meaning every page in my record, including but not limited to: office notes, face sheets, history and physical, consultation notes, inpatient, outpatient and emergency room treatment, all clinical charts, reports, order sheets, progress notes, nurse's notes, social worker records, clinic records, treatment plans, admission records, discharge summaries, requests for and reports of consultations, documents, correspondence, test results, statements, questionnaires/histories, correspondence, photographs, videotapes, telephone messages, and records received by other medical providers. **All fetal monitor strips from the labor & delivery of Jacob Shuaibe aka baby Shuaibe, (Male)**
- ☒ All physical, occupational and rehab requests, consultations and progress notes.
- ☐ All disability, Medicaid or Medicare records including claim forms and record of denial of benefits.
- ☐ All employment, personnel or wage records.
- ☒ All autopsy, laboratory, histology, cytology, pathology, immunohistochemistry records and specimens; radiology records and films including CT scan, MRI, MRA, EMG, bone scan, myelogram; nerve conduction study, echocardiogram and cardiac catheterization results, videos/CDs/films/reels and reports.
- ☒ All pharmacy/prescription records including NDC numbers and drug information handouts/monographs.
- ☒ All billing records including all statements, insurance claim forms, itemized bills, and records of billing to third party payers and payment or denial of benefits for the period April 1, 2014 to May 2, 2014.

I understand the information to be released or disclosed may include information relating to sexually transmitted diseases, acquired immunodeficiency syndrome (AIDS), or human

immunodeficiency virus (HIV), and alcohol and drug abuse. I authorize the release or disclosure of this type of information.

This protected health information is disclosed for the following purposes: In connection with a potential legal proceeding.

This authorization is given in compliance with the federal consent requirements for release of alcohol or substance abuse records of 42 CFR 2.31, the restrictions of which have been specifically considered and expressly waived.

You are authorized to release the above records to the following representatives of defendants in the above-entitled matter who have agreed to pay reasonable charges made by you to supply copies of such records:

William Campisi Jr. SBN NO.114690

Name of Representative

Attorney

Representative Capacity (e.g. attorney, records requestor, agent, etc.)

1932 Bonita Avenue

Street Address

Berkeley, CA 94704

City, State and Zip Code

I understand the following: See CFR §164.508(c)(2)(i-iii)

- a. I have a right to revoke this authorization in writing at any time, except to the extent information has been released in reliance upon this authorization.
- b. The information released in response to this authorization may be re-disclosed to other parties.
- c. My treatment or payment for my treatment cannot be conditioned on the signing of this authorization.

Any facsimile, copy or photocopy of the authorization shall authorize you to release the records requested herein. This authorization shall be in force and effect until two years from date of execution at which time this authorization expires.

[Signature]
Signature of Patient or Legally Authorized Representative
(See 45CFR § 164.508(c)(1)(vi))

May 6, 2014
Date

Haneefah Shvaibe Self
Name and Relationship of Legally Authorized Representative to Patient
(See 45CFR § 164.508(c)(1)(iv))

[Signature]
Witness Signature

5/6/14
Date

**HIPAA COMPLIANT AUTHORIZATION FOR THE RELEASE OF PATIENT
INFORMATION PURSUANT TO 45 CFR 164.508**

TO: Kaiser Foundation Hospitals and The Permanente Medical Group, INC.
Name of Healthcare Provider/Physician/Facility/Medicare Contractor

280 West MacArthur Blvd.
Street Address

Oakland, CA 94611
City, State and Zip Code

RE: Patient Name: Jacob Shuaibe aka Shuaibe, (Male) MRN No. 19489004

Date of Birth: 04/20/2014 Social Security Number: N/A Newborn

I authorize and request the disclosure of all protected information for the purpose of review and evaluation in connection with a legal claim. I expressly request that the designated record custodian of all covered entities under HIPAA identified above disclose full and complete protected medical information including the following:

- ☒ All medical records, meaning every page in my record, including but not limited to: office notes, face sheets, history and physical, consultation notes, inpatient, outpatient and emergency room treatment, all clinical charts, reports, order sheets, progress notes, nurse's notes, social worker records, clinic records, treatment plans, admission records, discharge summaries, requests for and reports of consultations, documents, correspondence, test results, statements, questionnaires/histories, correspondence, photographs, videotapes, telephone messages, and records received by other medical providers. **All fetal monitor strips from the labor & delivery of Jacob Shuaibe aka baby Shuaibe, (Male)**
- ☒ All physical, occupational and rehab requests, consultations and progress notes.
- ☐ All disability, Medicaid or Medicare records including claim forms and record of denial of benefits.
- ☐ All employment, personnel or wage records.
- ☒ All autopsy, laboratory, histology, cytology, pathology, immunohistochemistry records and specimens; radiology records and films including CT scan, MRI, MRA, EMG, bone scan, myelogram; nerve conduction study, echocardiogram and cardiac catheterization results, videos/CDs/films/reels and reports.
- ☒ All pharmacy/prescription records including NDC numbers and drug information handouts/monographs.
- ☒ All billing records including all statements, insurance claim forms, itemized bills, and records of billing to third party payers and payment or denial of benefits for the period April 1, 2014 to May 2, 2014.

I understand the information to be released or disclosed may include information relating to sexually transmitted diseases, acquired immunodeficiency syndrome (AIDS), or human

immunodeficiency virus (HIV), and alcohol and drug abuse. I authorize the release or disclosure of this type of information.

This protected health information is disclosed for the following purposes: In connection with a potential legal proceeding.

This authorization is given in compliance with the federal consent requirements for release of alcohol or substance abuse records of 42 CFR 2.31, the restrictions of which have been specifically considered and expressly waived.

You are authorized to release the above records to the following representatives of defendants in the above-entitled matter who have agreed to pay reasonable charges made by you to supply copies of such records:

William Campisi Jr. SBN NO.114690

Name of Representative

Attorney

Representative Capacity (e.g. attorney, records requestor, agent, etc.)

1932 Bonita Avenue

Street Address

Berkeley, CA 94704

City, State and Zip Code

I understand the following: See CFR §164.508(c)(2)(i-iii)

- a. I have a right to revoke this authorization in writing at any time, except to the extent information has been released in reliance upon this authorization.
- b. The information released in response to this authorization may be re-disclosed to other parties.
- c. My treatment or payment for my treatment cannot be conditioned on the signing of this authorization.

Any facsimile, copy or photocopy of the authorization shall authorize you to release the records requested herein. This authorization shall be in force and effect until two years from date of execution at which time this authorization expires.

[Signature]
Signature of Patient or Legally Authorized Representative
(See 45CFR § 164.508(c)(1)(vi))

May 6, 2014
Date

Haneefah Shuaibe Mother
Name and Relationship of Legally Authorized Representative to Patient
(See 45CFR §164.508(c)(1)(iv))

[Signature]
Witness Signature

5/6/14
Date

B

Courthouse News Service

Filters Used:
8 Tagged Records

Note Report

Form Format

Date Printed: 5/30/2014
Time Printed: 8:39AM
Printed By: WCJ

Date 5/13/2014 Time 2:50PM 3:15PM Duration 0.42 (hours) Code Contact
Desc Call to Kaiser Oak Med Sec re Medical Recs Staff Tina F Acampora Vaughns
Client Haneefah Shuaibe Mat Ref Shuaibe v. Kaiser Mat No
Alerts (days before)Follow N Done N Notify N Hide N Trigger N Private N Status
User1 User3
User2 User4

Path/Name

Called Oakland Med Sec at : Oakland Medical Center; 3701 Broadway, 5th floor ; Oakland, CA 94611;
Telephone: 510-752-6026
Office Hours: 8:30am - 4:45pm.

Was told I needed to speak with Lisa In Legal Correspondence was transferred to her. Lisa's at 752-6826. I gave her Haneefah's Kaiser MRN and she saw that the records had been copied and were ready on 5/8/14 but she does NOT see that they have been mailed unclear why not given to "mail girl" she then checked Jacob's MRN 19489004 which was the one we requested records under. She said all of his records are still under this number not the new one and his name reads Shuaibe, (Male). She told me that I should talk to the analyst Eddie Flowers at 752-5970 and he can better tell me what is going on. I left Mr. FLOWERS the analyst a message to call us back.-TAV

Fax Number (510) 752-7135 - Attention Eddie

Date 5/13/2014 Time 3:15PM 4:16PM Duration 1.02 (hours) Code Contact
Desc Call from Eddie Flowers - Analyst at Kaiser Oak Med Rec Staff Tina F Acampora Vaughns
Client Haneefah Shuaibe Mat Ref Shuaibe v. Kaiser Mat No
Alerts (days before)Follow N Done N Notify N Hide N Trigger N Private N Status
User1 User3
User2 User4

Path/Name

Medical Records are ready except he is waiting on the fetal monitor strips from labor & delivery. He last spoke with them on Friday 5/9 and they said the manager who is responsible for printing the fetal monitor strips is on vacation and she should be back in the next day or two. Once he gets that he will overnight the records to us.-TAV

Filters Used:

8 Tagged Records

Note Report

Form Format

Date Printed: 5/30/2014

Time Printed: 8:39AM

Printed By: WCJ

Date 5/16/2014 Time 1:18PM 1:19PM Duration 0.02 (hours) Code Contact
Desc Call to Ed Flowers - Kaiser Analyst re: no records yet Staff Tina F Acampora Vaughns
Client Haneefah Shuaibe Mat Ref Shuaibe v. Kaiser Mat No
Alerts (days before)Follow N Done N Notify N Hide N Trigger N Private N Status
User1 User3
User2 User4

Path/Name

Left a message informing Mr. Flowers I was following up on the Shuaibe records we have not received them yet. I requested he call back with status.-TAV

Date 5/16/2014 Time 1:35PM 1:36PM Duration 0.02 (hours) Code Contact
Desc Call to Lisa in Legal Correspondence Dept re: fax number Staff Tina F Acampora Vaughns
Client Haneefah Shuaibe Mat Ref Shuaibe v. Kaiser Mat No
Alerts (days before)Follow N Done N Notify N Hide N Trigger N Private N Status
User1 User3
User2 User4

Path/Name

Lisa indicated that Mr. Flowers is off today but we can fax letter to him at Fax Number (510) 752-7135 - Attention Eddie and she will put on his desk.-TAV

Date 5/19/2014 Time 9:10AM 9:20AM Duration 0.17 (hours) Code Contact
Desc Contact with Eddie Flowers - Medical Secretary ? at Kais Staff William V Campisi
Client Haneefah Shuaibe Mat Ref Shuaibe v. Kaiser Mat No
Alerts (days before)Follow N Done N Notify N Hide N Trigger N Private N Status
User1 User3
User2 User4

Path/Name

Eddie Flowers from Kaiser called this am. He stated that he had put in a call to Labor & Delivery about the fetal monitor strips.

Told him that I wanted copies of the strips that were printed during the labor, not just reprints from electronic data.

Flowers stated that he did not know what L&D's process is, nor how they produce the fetal monitor strips. He said he would ask the manager of Labor & Delivery about that and tell her that we want the actual strips that were printed during labor and were labeled that day.

I asked for the name of the manager of L&D and said that perhaps I could give her a call.

Filters Used:
8 Tagged Records

Note Report

Form Format

Date Printed: 5/30/2014

Time Printed: 8:39AM

Printed By: WCJ

He didn't want to do that but he said that he would give my name and number to the Labor & Delivery manager.

He said that he otherwise had all the other records and that he would have them sent overnight by tomorrow and we could expect them on Wednesday. He said that his tel number is 510-752-5970 and that he works Monday through Thursday 6 a.m. to 4 p.m.

Date	5/20/2014	Time	9:10AM	9:22AM	Duration	0.20 (hours)	Code	Contact
Desc	Contact with Eddie Flowers - Medical Secretary ? at Kais						Staff	William V Campisi
Client	Haneefah Shuaibe	Mat Ref	Shualbe v. Kaiser				Mat No	
Alerts	(days before)Follow N Done N Notify N Hide N Trigger N Private N Status							
User1					User3			
User2					User4			

Path/Name

Eddie Flowers never called me back yesterday about any contact that he had with the manager of Labor & Delivery. He said yesterday that he would talk to her about the original fetal monitor strips. I don't know if he did.

CALL HIM AND ASK HIM IF HE TALKED TO THE MANAGER ABOUT GETTING COPIES OF THE ORIGINAL MONITOR STRIPS!

Date	5/20/2014	Time	3:39PM	4:03PM	Duration	0.40 (hours)	Code	Contact
Desc	Call to Eddie Flowers at 752-5970						Staff	Tina F Acampora Vaughns
Client	Haneefah Shuaibe	Mat Ref					Mat No	
Alerts	(days before)Follow N Done N Notify N Hide N Trigger N Private N Status							
User1					User3			
User2					User4			

Path/Name

Left a message for Eddie Flowers. I had called twice earlier today and he didn't answer. So I decided to leave a message I was hoping he would pick up if I tried him repeatedly, which was previously successful. I indicated I was following up on his discussion with WCJ yesterday.-TAV

Filters Used:
8 Tagged Records

Note Report

Form Format

Date Printed: 5/30/2014
Time Printed: 8:39AM
Printed By: WCJ

Date	5/22/2014	Time	2:24PM	2:28PM	Duration	0.07 (hours)	Code	Contact						
Desc	Called Ed Flowers						Staff	William V Campisi						
Client	Haneefah Shuaibe	Mat Ref	Shuaibe v. Kaiser				Mat No							
Alerts	(days before)	Follow	N	Done	N	Notify	Y	Hide	N	Trigger	N	Private	N	Status
User1							User3							
User2							User4							

Path/Name

Called Eddle Flowers to ask about what happened with copies of the original fetal monitor strips. Mr. Flowers answered his phone and told me that he had left a message with the Labor & Delivery manager regarding obtaining copies of the original fetal monitor strips. He stated that he had not heard back anything yet.

I asked for the name of his manager and stated that I would send a letter re intention to file a petition to compel production of the records. He told me that his manager is Maximillian Bacon, Manager of the Medical Secretaries Unit, 3701 Broadway, Suite 500, Oakland, CA 94611

C

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LAW OFFICE OF WILLIAM CAMPISI JR.
1932 BONITA AVENUE
BERKELEY, CA 94704
TEL: (510) 549-3112 FAX: (510) 549-9260

FAX TRANSMITTAL COVER SHEET

DATE	May 22, 2014	CASE	Jacob Shuaibe
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TRANSMIT TO:	FAX #
Maximilian Bacon	510-752-7135

NAME OF DOCUMENT: Letter Regarding Fetal Monitor Strips of Jacob Shuaibe

TOTAL NUMBER OF PAGES (including cover page): 3
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STATUS OF THE ORIGINAL

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<input type="checkbox"/>	TO FOLLOW BY EXPRESS MAIL
<input type="checkbox"/>	TO REMAIN IN THIS OFFICE
<input type="checkbox"/>	OTHER:

SENT BY Philip Huang

DATE 5/22/14

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FORMSFAX

EXHIBIT C

LAW OFFICE OF
WILLIAM CAMPISI JR.

1932 Bonita Avenue
BERKELEY, CALIFORNIA 94704
Tel: 510 - 549-3112
Fax: 510 - 549-9260

May 22, 2014

VIA FAX @ 510-752-7135 and UNITED STATES MAIL

Maximilian Bacon
Manager - Medical Secretaries Unit
Kaiser Oakland Medical Center
3701 Broadway, Suite 500
Oakland, CA 94611

Re: Haneefah Shuaibe MRN #06105925
Jacob Shuaibe aka Shuaibe, (Male) MRN # 19489004

Dear Mr. Bacon:

On May 6, 2014, I sent authorizations pursuant to California Evidence Code §1158 to obtain the medical records of the above referenced patients. As part of the production of such records I specifically requested copies of the original fetal monitor strips that were printed and labeled during the labor and birth of Jacob Shuaibe. Both the father and mother of Jacob saw these fetal monitor strips as they were being printed during the labor and birth of Jacob and they saw a nurse label them in her handwriting.

Either I or my assistant have spoken with Mr. Eddie Flowers 4 or 5 times regarding production of requested medical records and fetal monitor strips. Today, my office received production of the electronic medical records and some scanned documents which contain some handwriting, but no copies of the original fetal monitor strips. When I spoke with Mr. Flowers today, he told me that he had called the Manager of Labor and Delivery several days ago and asked for copies of these original fetal monitor strips, but as of today, he stated that he had not received any such records and he did not know whether they would be produced or not.

As I advised Kaiser-Permanente in my letter of May 6, 2013, California Evidence Code §1158 provides that failure to make requested records available during business hours within five business days after the presentation of the written authorizations may subject Kaiser Permanente to liability for all reasonable expenses, including attorney's fees, which may be incurred in connection with filing a petition in the Alameda County Superior Court to require timely production of these records.

Unless copies of the originally printed and labeled fetal monitor strips are produced forthwith, in the next week I will file a petition under §1158 in the Alameda County Superior Court in which I will seek an order requiring the immediate production of such records. While that petition is pending, I will seek an order from the Court requiring Kaiser-Permanente to

EXHIBIT C

LAW OFFICE OF
WILLIAM CAMPISI JR.

Letter to Mr. Bacon
May 22, 2014
Page 2

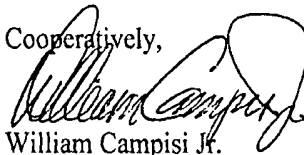
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maintain custody of all such monitor strips and barring Kaiser from destroying or altering all such monitor strips. I will also seek an award of attorneys fees and costs in connection with the filing and prosecuting of such an action.

I would hope that Kaiser-Permanente would voluntarily produce the requested records without my having to resort to filing such an action. But I am very concerned that these records be preserved and that they be produced promptly. Unless they are, I will have no alternative but to proceed with court action.

Please advise me as soon as it is possible for you to do so whether such records will be produced.

Cooperatively,



William Campisi Jr.
Attorney for Haneefah Shuaibe and Jacob
Shuaibe

EXHIBIT C

TRANSMISSION VERIFICATION REPORT

TIME : 05/22/2014 15:47
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