

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

KATHERINE C. MCBROOM
BROWN WHITE & NEWHOUSE LLP
333 SOUTH HOPE ST., 40TH FL.,
LOS ANGELES, CA 90071
BC 457891

LINDA AND PETER DE ROGATIS

Plaintiff(s) and
APPELLANT

v.

KAREN MICHELLE SHAINSKY, D.O.

Defendant(s) and
RESPONDENT

Case Number: BC 457891

Court of Appeal Case Number: B 2540:

Notice(s) of Appeal Filed: JANUARY 2:

VOLUME 1 OF 1

Pages 1 to 31

CLERK'S TRANSCRIPT
HONORABLE JAN A. PLUIM, JUDGE
Appeal from the Superior Court, County of Los Angeles

APPEARANCES:

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BROWN WHITE & NEWHOUSE LLP
333 SOUTH HOPE ST., 40TH FL.,
LOS ANGELES, CA 90071

Telephone Number: (213) 613-0500

Counsel for APPELLANT, LINDA AND PETER DE ROGATIS

RAYMOND L. BLESSEY
TAYLOR BLESSEY LLP
350 S. GRAND AVE., STE 3850
LOS ANGELES, CA 90071

Telephone Number: (213) 687-1600

Counsel for RESPONDENT, KAREN MICHELLE SHAINSKY, D.O.

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CLERK'S TRANSCRIPT

The Superior Court
County of Los Angeles
CIVIL APPEAL TRANSCRIPT INDEX

Case number: BC463966

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**The Superior Court
County of Los Angeles
CIVIL APPEAL TRANSCRIPT INDEX**

Case number: BC463966

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Case Summary

Case Number: BC457891
LINDA DE ROGATIS VS KAREN MICHELLE SHAINSKY D O

Filing Date: 03/22/2011
Case Type: Med Malpractice (Drs & Surgeons) (General Jurisdiction)
Status: Verdict 12/02/2013

Cases Related: BC463966 on 08/29/2011

Future Hearings

None

Documents Filed | Proceeding Information

Parties

BLESSEY RAYMOND L. ESQ - Attorney for Defendant/Respondent

BROWN THOMAS M. - Attorney for Plaintiff/Petitioner

BROWN WHITE & NEWHOUSE - Attorney for Plaintiff

DE ROGATIS LINDA - Plaintiff/Petitioner

DE ROGATIS PETER - Plaintiff/Petitioner

DOES 1 THROUGH 25 - Defendant/Respondent

SANFORD THOMAS C. ESQ. - Settlement Officer

SHANINSKY KAREN MICHELLE D.O. - Defendant/Respondent

TAYLOR BLESSEY LLP - Attorney for Defendant

Case Information | Party Information | Proceeding Information

Documents Filed (Filing dates listed in descending order)

Click on any of the below link(s) to see documents filed on or before the date indicated:

02/08/2013 06/02/2012 07/07/2011

03/05/2014 Ntc to Reprtr/Mon to Prep Transcript
Filed by Clerk

02/10/2014 Notice (DESIGNATING ADDITIONAL DOCUMENTS TO BE INCLUDED IN THE CLERK'S
TRANSCRIPT ON APPEAL)
Filed by Attorney for Plaintiff

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01/31/2014 NTC. Designation Clerk Transcript (sent to appeals 2-6-14)
Filed by Attorney for Plaintiff

01/31/2014 Opposition
Filed by Attorney for Defendant

01/30/2014 Ntc to Atty re Notice of Appeal
Filed by Clerk

01/22/2014 Notice of Appeal Filed (frwded to appeals w/ \$100 fee paid Other fee not paid.)
Filed by Attorney for Plaintiff

01/06/2014 Motion to Tax Costs
Filed by Attorney for Plaintiff

12/06/2013 Notice of Entry of Judgment
Filed by Attorney for Defendant

12/02/2013 Judgment (on special verdict following jury trial)
Filed by Attorney for Defendant

10/28/2013 Affidavit of Prejudice--Peremptory (AGAINST JUDGE KADDO)
Filed by Attorney for Plaintiff/Petitioner

10/28/2013 Miscellaneous-Other (ELECTION NOT TO FILE AFFIDAVIT CCP 170.6 (AGAIST TRIAL JUDGE -
PLUIM))
Filed by Attorney for Defendant/Respondent

10/28/2013 Order (PI TRANSFER ORDER - CASE TRANSFERRED TO DEPT. P(PASADENA) FOR TRIAL)
Filed by Court

10/28/2013 Stip & Order-use CSR (KAREN KAY 3862)
Filed by Attorney for Defendant

10/25/2013 Reply/Response (TO DEFT KAREN SHAINSKY, D.O.'S TRIAL BRIEF)
Filed by Attorney for Plaintiff/Petitioner

10/15/2013 List of Witnesses ([PROPOSED] JOINT LOST OF;)
Filed by Attorney for Plaintiff/Petitioner

10/15/2013 List of Exhibits ([PROPOSED] JOINT EXHIBIT LIST;)
Filed by Attorney for Plaintiff/Petitioner

10/15/2013 Jury Instructions ([PROPOSED] JOINT LIST OF REQUESTED JURY INSTRUCTIONS;)
Filed by Attorney for Plaintiff/Petitioner

10/15/2013 Statement of Case ([PROPOSED];)
Filed by Attorney for Defendant/Respondent

10/15/2013 Brief (TRIAL BRIEF OF DENT. SHAINSKY,D.O.)
Filed by Attorney for Plaintiff/Petitioner

10/11/2013 Reply to Motion (MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION OF
DENT., KAREN M. SHAINSKY,O.D. IN SUPPORT OF MOTION IN LIM.NO.5;)

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Filed by Attorney for Defendant/Respondent

10/11/2013 Reply to Opposition (TO DENTS' MOTION IN LIM. NO.4 TO EXCLUDE WITNESSES NOT;)
 Filed by Attorney for Defendant/Respondent

07/05/2013 Ex-Parte Application (DEFENDANT'S EX PARTE APPLICATION TO CONTINUE TRIAL)
 Filed by Attorney for Defendant/Respondent

06/19/2013 Amended List of Witnesses (as to plaintiffs.)
 Filed by Attorney for Plaintiff/Petitioner

03/13/2013 Notice (CASE REASSIGNMENT)
 Filed by Attorney for Plaintiff/Petitioner

02/28/2013 Notice of Reassignment and Order
 Filed by Clerk

02/21/2013 Notice (OF COURT ORDER VACATING FINAL STATUS CONFERENCE AND TRIAL DATE)
 Filed by Attorney for Plaintiff/Petitioner

02/20/2013 Ex-Parte Application (FOR AN ORDER CONTINUING TRIAL AND FINAL STATUS)
 Filed by Attorney for Plaintiff/Petitioner

02/14/2013 Notice of Continuance
 Filed by Attorney for Plaintiff/Petitioner

02/11/2013 Stipulation and Order (TO CONTINUE FINAL STATUS CONFERENCE)
 Filed by Attorney for Plaintiff/Petitioner

Click on any of the below link(s) to see documents filed on or before the date indicated:
 TOP 02/08/2013 06/02/2012 07/07/2011

02/08/2013 List of Exhibits ([PROPOSED] JOINT EXHIBIT LIST)
 Filed by Attorney for Defendant/Respondent

10/26/2012 Reply/Response (reply in support of in limine #10)
 Filed by Attorney for Plaintiff/Petitioner

10/22/2012 Opposition Document (to im limine #10)
 Filed by Attorney for Defendant/Respondent

10/11/2012 Motion in Limine (#10, 11)
 Filed by Attorney for Plaintiff/Petitioner

09/28/2012 List of Exhibits
 Filed by Attorney for Plaintiff/Petitioner

09/28/2012 Miscellaneous-Other (stmt of the case)
 Filed by Attorney for Plaintiff/Petitioner

09/28/2012 Objection Document (to proposed jury instructions)
 Filed by Attorney for Plaintiff/Petitioner

09/28/2012 Miscellaneous-Other (proposed jury instructions)

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Filed by Attorney for Plaintiff/Petitioner

09/27/2012 List of Witnesses

Filed by Attorney for Plaintiff/Petitioner

09/21/2012 Miscellaneous-Other (stmt of the case)

Filed by Attorney for Defendant/Respondent

09/21/2012 Miscellaneous-Other (requested jury instructions)

Filed by Attorney for Defendant/Respondent

09/21/2012 Miscellaneous-Other (trial brief)

Filed by Attorney for Defendant/Respondent

09/21/2012 List of Witnesses

Filed by Attorney for Defendant/Respondent

09/21/2012 List of Exhibits

Filed by Attorney for Defendant/Respondent

09/21/2012 Reply/Response (reply to oppo to in limine #1, 2)

Filed by Attorney for Defendant/Respondent

08/27/2012 Ex-Parte Application (TO CONTINUE TRIAL AND FINAL STATUS CONFERENCE)

Filed by Attorney for Plaintiff/Petitioner

08/24/2012 Reply/Response (reply in support of in limine #1 to 5, 7 to 9)

Filed by Attorney for Plaintiff/Petitioner

08/20/2012 Opposition Document (to in limine #1 to 3)

Filed by Attorney for Plaintiff/Petitioner

08/17/2012 Opposition Document (to in limine #1 to 5, 7 to 9)

Filed by Attorney for Defendant/Respondent

08/09/2012 Motion in Limine (#9)

Filed by Attorney for Plaintiff/Petitioner

08/06/2012 Motion in Limine (#1 to 3)

Filed by Attorney for Defendant/Respondent

07/31/2012 Ex-Parte Application (FOR AN ORDER SHORTENING TIME TO HEAR DEFENDANT'S MOTION FOR PROTECTIVE ORDER AND FOR SANCTIOS)

Filed by Attorney for Defendant/Respondent

07/31/2012 Opposition Document (TO DEFENDANT'S EX PARTE APPLICATION)

Filed by Attorney for Plaintiff/Petitioner

07/10/2012 Notice (of errata re in limine #7)

Filed by Attorney for Plaintiff/Petitioner

06/25/2012 Notice of Ruling (RE PLTF'S MTN TO COMPEL DEPOSITION ANSWERS OF DEFT)

Filed by Attorney for Defendant/Respondent

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06/15/2012 Reply to Motion (REPLY IN SUPPORT OF MOTION TO COMPEL DEPOSITION ANSWER OF DEFT KAREN SHAINSKY; FOR A PROTECTIVE ORDER AND FOR MONETARY SANCTIONS SET 6/19/12)
 Filed by Attorney for Plaintiff/Petitioner

06/15/2012 Reply to Motion (PLFT'S REPLY IN SUPPORT OF SEPARATE STATEMENT OF DEPO QUESTIONS AND ANSWERS IN DISUTE; 6/19/12)
 Filed by Attorney for Plaintiff/Petitioner

06/12/2012 Notice (OF POSTING JURY FEES)
 Filed by Attorney for Plaintiff/Petitioner

06/12/2012 Response (TO PLAINTIFFS SEPARATE STATEMENT OF DEPOSITION QUESTIONS AND ANSWERS INDISPUTE)
 Filed by Attorney for Defendant/Respondent

06/12/2012 Receipt (JURY FEES - \$150.00)
 Filed by Attorney for Defendant/Respondent

06/12/2012 Receipt (JURY FEES - \$150.00)
 Filed by Attorney for Plaintiff/Petitioner

06/12/2012 Notice (TO DEPOSIT JURY FEES)
 Filed by Attorney for Defendant/Respondent

06/12/2012 Opposition Document (TO PLAINTIFFS MOTION TO COMPEL DEPOSITION ANSWERS, FOR PROTECTIVE ORDER, AND MONETARY SANCTIONS)
 Filed by Attorney for Defendant/Respondent

06/08/2012 Motion in Limine (NO. 7 FOR AN ORDER EXCLUDING DEFENSE EXPERT WITNESS TESTIMONY)
 Filed by Attorney for Plaintiff/Petitioner

06/08/2012 Motion in Limine (NO. 1 FOR AN ORDER EXCLUDING EVIDENCE OF DECEDENT TARA DE ROGATIS DUI ARREST AND DECLARATION OF KATHERINE C MCBROOM IN SUPPORT THEREOF)
 Filed by Attorney for Plaintiff/Petitioner

06/08/2012 Motion in Limine (NO. 2 FOR AN ORDER EXCLUDING EVIDENCE OF ALLEGED ASSAULT ON DECEDENT TARA DE ROGATIS IN MAY 2004)
 Filed by Attorney for Plaintiff/Petitioner

06/08/2012 Motion in Limine (NO. 3 FOR AN ORDER EXCLUDING IMPROPER CHARACTER EVIDENCE)
 Filed by Attorney for Plaintiff/Petitioner

06/08/2012 Motion in Limine (NO. 4 FOR AN ORDER EXCLUDING IMPROPER CHARACTER CONCERNING WITNESS DAVID MACEACHERN)
 Filed by Attorney for Plaintiff/Petitioner

06/08/2012 Motion in Limine (NO. 5 FOR AN ORDER EXCLUDING TEXT MESSAGES ALLEGEDLY EXCHANGED BETWEEN TARA DE ROGATIS AND NIELS KANTOR)
 Filed by Attorney for Plaintiff/Petitioner

06/08/2012 Motion in Limine (NO. 8 FOR AN ORDER LIMITING REFERENCE TO DECEDENT'S PAST COSMETIC SURGERIES AND INTENDED BREAST SURGERY AS ELECTIVE SURGERIES)
 Filed by Attorney for Plaintiff/Petitioner

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06/08/2012 Motion in Limine (NO. 6 FOR AN ORDER EXCLUDING LAY OPINION TESTIMONY OF DAVID MACEACHERN AND LINDA DE ROGATIS)
 Filed by Attorney for Plaintiff/Petitioner

06/04/2012 Notice of Lodging (depo transcript)
 Filed by Attorney for Plaintiff/Petitioner

06/04/2012 Motion to Compel (depo answers, separate stmt in dispute)
 Filed by Attorney for Plaintiff/Petitioner

06/04/2012 Ex-Parte Application (FOR AN ORDER SHORTENING TIME TO HEAR PLAINTIFFS' MOTION TO COMPEL DEPOSITION ANSWERS OF DEFENDANT KAREN SHAINSKY)
 Filed by Attorney for Plaintiff/Petitioner

Click on any of the below link(s) to see documents filed on or before the date indicated:
 TOP 02/08/2013 06/02/2012 07/07/2011

06/02/2012 Objection Document (to ntc of ruling)
 Filed by Attorney for Plaintiff/Petitioner

05/08/2012 Ex-Parte Application (CONTINUING TRIAL, OR IN THE ALT. FOR AN ORDER COMPELLING DEFENDANT KAREN SHAINSKY TO APPEAR FOR DEPOSITION NOTICED ON MAY 14, 2012)
 Filed by Attorney for Plaintiff/Petitioner

05/08/2012 Declaration (OF RAYMOND L. BLESSEY)
 Filed by Attorney for Defendant/Respondent

04/09/2012 Report-ADR Outcome (VSC - IN PARTIAL AGREEMENT)
 Filed by Settlement Officer

03/13/2012 Miscellaneous-Other (s/c stmt)
 Filed by Attorney for Defendant/Respondent

01/04/2012 Reply/Response (reply to oppo to motion to require undertaking)
 Filed by Attorney for Defendant/Respondent

12/28/2011 Opposition Document (to motion for undertaking)
 Filed by Attorney for Plaintiff/Petitioner

12/21/2011 Notice of Ruling
 Filed by Attorney for Defendant/Respondent

12/15/2011 Motion (for undertaking)
 Filed by Attorney for Defendant/Respondent

12/07/2011 Notice of Ruling
 Filed by Attorney for Defendant/Respondent

11/23/2011 Ex-Parte Application (TO TRANSFER VOLUNTARY SETTLEMENT CONFERENCE TO MEDIATION AND CONTINUE POST-MEDIATION STATUS CONFERENCE)
 Filed by Attorney for Defendant/Respondent

11/17/2011 Notice of Continuance (of motion re undertaking)
 Filed by Attorney for Defendant/Respondent

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10/24/2011 Stipulation-Participate-ADR (VSC - RECEIVED)
Filed by Attorney for Defendant/Respondent

10/13/2011 Notice of Ruling
Filed by Attorney for Plaintiff/Petitioner

09/16/2011 Answer to First Amended Complaint
Filed by Attorney for Defendant/Respondent

09/12/2011 Statement-Case Management
Filed by Attorney for Defendant/Respondent

08/31/2011 Notice of Ruling
Filed by Attorney for Plaintiff/Petitioner

08/30/2011 Stipulation and Order (TO AMEND FIRST AMENDED COMPLAINT)
Filed by Attorney for Plaintiff/Petitioner

07/28/2011 Notice of Ruling
Filed by Attorney for Plaintiff/Petitioner

07/13/2011 Notice-Related Cases
Filed by Attorney for Plaintiff/Petitioner

07/08/2011 Statement-Case Management
Filed by Attorney for Plaintiff/Petitioner

Click on any of the below link(s) to see documents filed on or before the date indicated:
TOP 02/08/2013 06/02/2012 07/07/2011

07/07/2011 Statement-Case Management
Filed by Attorney for Defendant/Respondent

06/14/2011 First Amended Complaint
Filed by Attorney for Plaintiff/Petitioner

05/28/2011 Proof of Service (sumons & complt, etc.)
Filed by Attorney for Plaintiff/Petitioner

05/27/2011 Notice-Case Management Conference
Filed by Attorney for Plaintiff/Petitioner

04/26/2011 Motion to Strike (portions of complt)
Filed by Attorney for Defendant/Respondent

04/26/2011 Demurrer (to complt)
Filed by Attorney for Defendant/Respondent

04/26/2011 Miscellaneous-Other (demand for jury trial)
Filed by Attorney for Defendant/Respondent

03/29/2011 Notice-Case Management Conference
Filed by Clerk

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03/22/2011 Complaint Filed

03/22/2011 Complaint

Click on any of the below link(s) to see documents filed on or before the date indicated:
TOP 02/08/2013 06/02/2012 07/07/2011

Case Information | Party Information | Documents Filed

Proceedings Held (Proceeding dates listed in descending order)

Click on any of the below link(s) to see proceedings held on or before the date indicated:
10/05/2012

02/26/2014 at 08:30 am in Department P, JAN A. PLUIM, Presiding
Motion Hearing (PLTFS' MTN TO TAX COSTSC/F 2-14-14) - **Motion Granted in Part**

11/18/2013 at 01:30 pm in Department P, JAN A. PLUIM, Presiding
Miscellaneous - **Completed**

11/08/2013 at 09:00 am in Department P, JAN A. PLUIM, Presiding
Trial Previously Started - **Verdict Reached**

11/07/2013 at 09:00 am in Department P, JAN A. PLUIM, Presiding
Trial Previously Started - **Full Day of Trial Held**

11/06/2013 at 09:30 am in Department P, JAN A. PLUIM, Presiding
Trial Previously Started - **Full Day of Trial Held**

11/05/2013 at 09:00 am in Department P, JAN A. PLUIM, Presiding
Trial Previously Started - **Full Day of Trial Held**

11/04/2013 at 09:00 am in Department P, JAN A. PLUIM, Presiding
Trial Previously Started - **Full Day of Trial Held**

11/01/2013 at 09:30 am in Department P, JAN A. PLUIM, Presiding
Trial Previously Started - **Full Day of Trial Held**

10/31/2013 at 09:00 am in Department P, JAN A. PLUIM, Presiding
Trial Previously Started - **Full Day of Trial Held**

10/30/2013 at 09:00 am in Department P, JAN A. PLUIM, Presiding
Trial Previously Started - **Jury Sworn**

10/29/2013 at 09:00 am in Department P, JAN A. PLUIM, Presiding
Trial Previously Started - **Jury Sworn**

10/28/2013 at 11:00 am in Department P, JAN A. PLUIM, Presiding
Jury Trial - **Matter continued**

10/28/2013 at 08:30 am in Department 91, Rafael A. Ongkeko, Presiding
Jury Trial (EST. 7 DAYS) - **Transferred to different departmnt**

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10/16/2013 at 10:00 am in Department 91, Rafael A. Ongkeko, Presiding
Final Status Conference (JT 10/28/13) - **Completed**

07/05/2013 at 08:30 am in Department 91, Rafael A. Ongkeko, Presiding
Exparte proceeding (DEFENDANT'S EX PARTE APPLICATION TO CONTINUE TRIAL AND RELATED DATES) -
Granted

06/27/2013 at 10:00 am in Department 91, Rafael A. Ongkeko, Presiding
Final Status Conference - **Completed**

03/27/2013 at 08:30 am in Department 91, Rafael A. Ongkeko, Presiding
Trial Setting Conference - **Trial Date Set**

02/20/2013 at 08:30 am in Department 1, Daniel J. Buckley, Presiding
Ex Parte Motion - **Court makes order**

02/13/2013 in Department 35, Conrad R. Aragon, Presiding
Non-Appearance (Case Review) - **Completed**

11/05/2012 at 10:00 am in Department 35, Daniel J. Buckley, Presiding
Final Status Conference - **Held-Continued**

11/02/2012 at 03:00 pm in Department 35, Daniel J. Buckley, Presiding
Final Status Conference - **Continued by Court**

Click on any of the below link(s) to see proceedings held on or before the date indicated:
TOP 10/05/2012

10/05/2012 at 09:30 am in Department 35, Daniel J. Buckley, Presiding
Telephonic Conference - **Completed**

09/28/2012 at 08:31 am in Department 35, Daniel J. Buckley, Presiding
Final Status Conference - **Court makes order**

08/27/2012 at 08:30 am in Department 35, Daniel J. Buckley, Presiding
Exparte proceeding - **Granted**

07/31/2012 at 08:30 am in Department 35, Daniel J. Buckley, Presiding
Exparte proceeding - **Court makes order**

06/19/2012 at 08:30 am in Department 35, Daniel J. Buckley, Presiding
Motion to Compel - **Denied**

06/04/2012 at 08:30 am in Department 35, Daniel J. Buckley, Presiding
Exparte proceeding - **Granted**

05/08/2012 at 08:30 am in Department 35, Daniel J. Buckley, Presiding
Exparte proceeding - **Denied without prejudice**

04/09/2012 at 10:00 am in Department ADR, ADR Neutral, Presiding
Closed-ADR (THOMAS C. SANFORD (ASET) VSC) - **Agreement (Partial)**

03/26/2012 at 08:30 am in Department 35, Daniel J. Buckley, Presiding
Status Conference (POST-VOLUNTARY SETTLEMENT) - **Completed**

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01/11/2012 at 08:30 am in Department 35, Daniel J. Buckley, Presiding
Motion Hearing - **Denied**

11/23/2011 at 08:30 am in Department 35, Daniel J. Buckley, Presiding
Exparte proceeding - **Court makes order**

09/27/2011 at 08:31 am in Department 35, Daniel J. Buckley, Presiding
Conference-Case Management - **Trial Date Set**

08/29/2011 at 08:30 am in Department 35, Daniel J. Buckley, Presiding
Conference-Case Management - **Court makes order**

07/19/2011 at 08:30 am in Department 35, Daniel J. Buckley, Presiding
Conference-Case Management - **Held-Continued**

06/15/2011 at 08:32 am in Department 35, Daniel J. Buckley, Presiding
Hearing on Demurrer (motion to strike) - **Court makes order**

Click on any of the below link(s) to see proceedings held on or before the date indicated:
TOP 10/05/2012

[Case Information](#) | [Party Information](#) | [Documents Filed](#) | [Proceeding Information](#)

COPY SUPPLIED BY
APPLT. () RESPDT.

1 RAYMOND L. BLESSEY - State Bar No. 176180
2 PATRICIA M. TAZZARA - State Bar No. 272539
3 ANNA CHUNG- State Bar No. 287087
4 TAYLOR BLESSEY LLP
5 350 S. Grand Avenue, Suite 3850
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10 ptazzara@taylorblessey.com
11 achung@taylorblessey.com

FILED
Superior Court of California
County of Los Angeles

DEC 02 2013

Sherri R. Cager, Executive Officer/Clerk
By C. Thomas Deputy
Cindy Thomas

7 Attorneys for Defendant,
8 KAREN MICHELLE SHAINSKY, D.O.

9 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES, NORTHEAST DISTRICT
11

12 LINDA DE ROGATIS, INDIVIDUALLY AND
13 AS SUCCESSOR-IN-INTEREST TO TARA DE
14 ROGATIS, AND PETER DE ROGATIS,
15 INDIVIDUALLY AND AS SUCCESSOR-IN-
16 INTEREST TO TARA DE ROGATIS

CASE NO.: BC457891
Reassigned to PI Court, Dept.: "P"]

**[PROPOSED] JUDGMENT ON SPECIAL
VERDICT FOLLOWING JURY TRIAL**

15 Plaintiffs,

16 v.

17 KAREN MICHELLE SHAINSKY, D.O.
18 Defendant

Action Filed: March 22, 2011
Trial Date: October 28, 2013

19 This action came on regularly for trial on October 28, 2013 in Department "P" of the Los
20 Angeles County Superior Court, Northeast District, the Honorable Jan A. Pluim, Judge presiding.
21 George Newhouse, Esq. and Katherine McBroom, Esq. appeared as attorneys for Plaintiffs LINDA
22 DE ROGATIS AND PETER DE ROGATIS. Raymond L. Blessey, Esq. and Patricia M. Tazzara,
23 Esq. appeared as attorneys for Defendant KAREN SHAINSKY, D.O.

24 A jury of 12 persons was regularly impaneled and sworn. Witnesses were sworn and
25 testified. After hearing the evidence, the jury was duly instructed by the Court and the cause was
26 argued by counsel and submitted to the jury with directions to return a verdict on special issues.

27 The jury deliberated and thereafter returned into court with its verdict consisting of the
28 special issues submitted to the jury and the answers given thereto by the jury, which said verdict was

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TAYLOR & BLESSEY LLP
By C. Thomas, Deputy

1 in words and figures as follows:

2 **QUESTION NO. 1:** Was defendant Dr. Karen Shainsky negligent in her care and treatment
3 of Tara De Rogatis?

4 Yes _____ No X

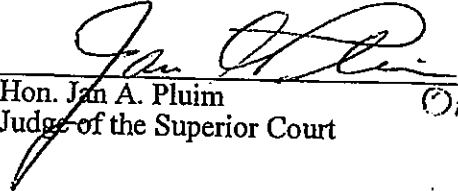
5
6 Dated: November 8, 2013

Signed: /s/
John E. Kennedy, Presiding Juror

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10 THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that plaintiffs Linda De
11 Rogatis and Peter De Rogatis have and recover nothing by virtue of their Complaint against
12 defendant Karen Shainsky D.O., and that Karen Shainsky D.O. shall recover from said plaintiffs
13 costs of suit incurred herein in the amount of \$114,857.54. ✓

TAYLOR ♦ BLESSEY LLP

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17 DATED: DEC 02 2013

By: 
Hon. Jan A. Pluim
Judge of the Superior Court OK ✓

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TAYLOR ♦ BLESSEY LLP

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 350 South Grand Avenue, Suite 3850, Los Angeles, California 90071.

On November 15, 2013, I served the foregoing document(s) described as

[PROPOSED] JUDGMENT ON SPECIAL VERDICT FOLLOWING JURY TRIAL

on interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

(BY MAIL) I deposited such envelope(s) in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY OVERNIGHT DELIVERY) I placed said documents in envelope(s) for collection following ordinary business practices, at the business offices of TAYLOR BLESSEY LLP, and addressed as shown on the attached service list, for collection and delivery to a courier authorized by _____ to receive said documents, with delivery fees provided for. I am readily familiar with the practices of TAYLOR BLESSEY LLP for collection and processing of documents for overnight delivery, and said envelope(s) will be deposited for receipt by _____ on said date in the ordinary course of business.

(BY FACSIMILE) I served by facsimile a true copy of the above-described document. I am "readily familiar" with this firm's practice of processing correspondence by fax. Under that practice documents are placed in our fax machine and are processed and received simultaneously at their destination. The above-referenced document(s) was placed in the fax machine with all costs of faxing prepaid, directed to each party (using their fax number), listed on the attached Service List. Once the document has been transmitted, the fax machine provides a report indicating time of completion.

(BY PERSONAL SERVICE) I delivered such envelope(s) by hand to the offices of the addressee(s).

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on November 15, 2013, at Los Angeles, California.

Lisa Tiftikchyan
Type or Print Name


Signature

TAYLOR ❖ BLESSEY LLP

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SERVICE LIST

Re: De Rogatis v. Shainsky
Case No.: BC457891

George Newhouse, Esq.
Katherine C. McBroom, Esq.
Brown White & Newhouse LLP
333 S. Hope Street, 40th Floor
Los Angeles, CA 90071

Attorneys for Plaintiffs

Tel: (213) 613-0500
Fax: (213) 613-0550

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RECEIVED

DEC 09 2013

CIV-130

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Raymond L. Blessey (Bar # 176180) Patricia M. Tazzara (Bar # 272539) Taylor Blessey LLP 350 South Grand Avenue, Suite 3850, Los Angeles, CA 90071 TELEPHONE NO.: (213) 687-1600 FAX NO. (Optional): (213) 687-1620 E-MAIL ADDRESS (Optional): ptazzara@taylorblessey.com ATTORNEY FOR (Name): Karen M. Shainsky, D.O., Defendant</p>	<p>FOR COURT USE ONLY</p> <p>COPY SUPPLIED BY (X) APPLT. () RESPDT.</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 300 East Walnut Street MAILING ADDRESS: CITY AND ZIP CODE: Pasadena, CA 91101 BRANCH NAME: Northeast District</p>	
<p>PLAINTIFF/PETITIONER: Linda De Rogatis, et al. DEFENDANT/RESPONDENT: Karen M. Shainsky, D.O.</p>	<p>CASE NUMBER: BC 457891</p>
<p align="center">NOTICE OF ENTRY OF JUDGMENT OR ORDER</p> <p>(Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeded \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded was \$25,000 or less)</p>	

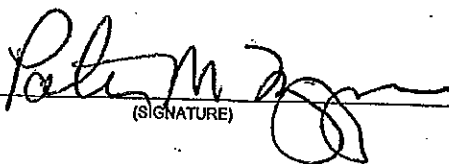
TO ALL PARTIES :

1. A judgment, decree, or order was entered in this action on (date): December 2, 2013
2. A copy of the judgment, decree, or order is attached to this notice.

Date: December 5, 2013

Patricia M. Tazzara

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)


 (SIGNATURE)

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PLAINTIFF/PETITIONER: Linda De Rogatis, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: Karen M. Shainsky, D.O.	BC 457891

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)

1. I am at least 18 years old and not a party to this action. I am a resident of or employed in the county where the mailing took place, and my residence or business address is *(specify)*:
350 South Grand Ave., Suite 3850, Los Angeles, CA 90071

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and *(check one)*:
 - a. deposited the sealed envelope with the United States Postal Service.
 - b. placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:
 - a. on *(date)*: December 5, 2013
 - b. from *(city and state)*: Los Angeles, California

4. The envelope was addressed and mailed as follows:

<ol style="list-style-type: none"> a. Name of person served: George Newhouse, Esq./Brown White & Newhouse LLP Street address: 333 S. Hope Street, 40th Floor City: Los Angeles State and zip code: California 90071 	<ol style="list-style-type: none"> c. Name of person served: Street address: City: State and zip code:
<ol style="list-style-type: none"> b. Name of person served: Street address: City: State and zip code: 	<ol style="list-style-type: none"> d. Name of person served: Street address: City: State and zip code:

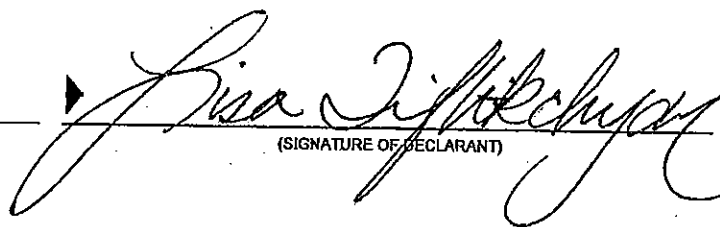
- Names and addresses of additional persons served are attached. *(You may use form POS-030(P).)*
5. Number of pages attached 0

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 5, 2013

Lisa Tiftikchyan

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

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1 RAYMOND L. BLESSEY - State Bar No. 176180
2 PATRICIA M. TAZZARA - State Bar No. 272539
3 ANNA CHUNG- State Bar No. 287087
4 TAYLOR BLESSEY LLP
5 350 S. Grand Avenue, Suite 3850
6 Los Angeles, CA 90071
7 Telephone: (213) 687-1600
8 Facsimile: (213) 687-1620
9 rblessey@taylorblessey.com
10 ptazzara@taylorblessey.com
11 achung@taylorblessey.com

12 Attorneys for Defendant,
13 KAREN MICHELLE SHAINSKY, D.O.

14 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF LOS ANGELES, NORTHEAST DISTRICT

16 LINDA DE ROGATIS, INDIVIDUALLY AND
17 AS SUCCESSOR-IN-INTEREST TO TARA DE
18 ROGATIS, AND PETER DE ROGATIS,
19 INDIVIDUALLY AND AS SUCCESSOR-IN-
20 INTEREST TO TARA DE ROGATIS

21 Plaintiffs,

22 v.

23 KAREN MICHELLE SHAINSKY, D.O.
24 Defendant

25 CASE NO.: BC457891
26 [Reassigned to PI Court, Dept.: "P"]

27 **~~PROPOSED~~ JUDGMENT ON SPECIAL
28 VERDICT FOLLOWING JURY TRIAL**

Action Filed: March 22, 2011
Trial Date: October 28, 2013

29 This action came on regularly for trial on October 28, 2013 in Department "P" of the Los
30 Angeles County Superior Court, Northeast District, the Honorable Jan A. Plum, Judge presiding.
31 George Newhouse, Esq. and Katherine McBroom, Esq. appeared as attorneys for Plaintiffs LINDA
32 DE ROGATIS AND PETER DE ROGATIS. Raymond L. Blessey, Esq. and Patricia M. Tazzara,
33 Esq. appeared as attorneys for Defendant KAREN SHAINSKY, D.O.

34 A jury of 12 persons was regularly impaneled and sworn. Witnesses were sworn and
35 testified. After hearing the evidence, the jury was duly instructed by the Court and the cause was
36 argued by counsel and submitted to the jury with directions to return a verdict on special issues.

37 The jury deliberated and thereafter returned into court with its verdict consisting of the
38 special issues submitted to the jury and the answers given thereto by the jury, which said verdict was

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1 in words and figures as follows:

2 **QUESTION NO. 1:** Was defendant Dr. Karen Shainsky negligent in her care and treatment
3 of Tara De Rogatis?

4 Yes _____ No X

5
6 Dated: November 8, 2013

Signed: /S/
John E. Kennedy, Presiding Juror

7
8
9
10 THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that plaintiffs Linda De
11 Rogatis and Peter De Rogatis have and recover nothing by virtue of their Complaint against
12 defendant Karen Shainsky D.O., and that Karen Shainsky D.O. shall recover from said plaintiffs
13 costs of suit incurred herein in the amount of _____.

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17 DATED: DEC 02 2013

By: JUDGE JAN A. PLUIM
Hon. Jan A. Pluim
Judge of the Superior Court

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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18
4 and not a party to the within action; my business address is 350 South Grand Avenue, Suite 3850,
Los Angeles, California 90071.

5 On November 15, 2013, I served the foregoing document(s) described as

6 **[PROPOSED] JUDGMENT ON SPECIAL VERDICT FOLLOWING JURY TRIAL**

7 on interested parties in this action by placing a true and correct copy thereof enclosed in a sealed
8 envelope addressed as follows:

9 **SEE ATTACHED SERVICE LIST**

10 **(BY MAIL)** I deposited such envelope(s) in the mail at Los Angeles, California. The
11 envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the
12 firm's practice of collection and processing correspondence for mailing. Under that practice
it would be deposited with U.S. postal service on that same day with postage thereon fully
13 prepaid at Los Angeles, California in the ordinary course of business. I am aware that on
14 motion of the party served, service is presumed invalid if postal cancellation date or postage
15 meter date is more than one day after date of deposit for mailing in affidavit.

16 **(BY OVERNIGHT DELIVERY)** I placed said documents in envelope(s) for collection
17 following ordinary business practices, at the business offices of TAYLOR BLESSEY LLP,
18 and addressed as shown on the attached service list, for collection and delivery to a courier
19 authorized by _____ to receive said documents, with delivery fees
20 provided for. I am readily familiar with the practices of TAYLOR BLESSEY LLP for
collection and processing of documents for overnight delivery, and said envelope(s) will be
21 deposited for receipt by _____ on said date in the ordinary course
of business.

22 **(BY FACSIMILE)** I served by facsimile a true copy of the above-described document. I
23 am "readily familiar" with this firm's practice of processing correspondence by fax. Under
24 that practice documents are placed in our fax machine and are processed and received
25 simultaneously at their destination. The above-referenced document(s) was placed in the fax
26 machine with all costs of faxing prepaid, directed to each party (using their fax number),
27 listed on the attached Service List. Once the document has been transmitted, the fax machine
provides a report indicating time of completion.

28 **(BY PERSONAL SERVICE)** I delivered such envelope(s) by hand to the offices of the
addressee(s).

(State) I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at
whose direction the service was made. I declare under penalty of perjury that the
above is true and correct.

Executed on November 15, 2013, at Los Angeles, California.

27 Lisa Tiftikchyan
28 Type or Print Name


Signature

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TAYLOR ♦ BLESSEY LLP

SERVICE LIST

Re: De Rogatis v. Shainsky
Case No.: BC457891

George Newhouse, Esq.
Katherine C. McBroom, Esq.
Brown White & Newhouse LLP
333 S. Hope Street, 40th Floor
Los Angeles, CA 90071

Attorneys for Plaintiffs

Tel: (213) 613-0500

Fax: (213) 613-0550

TAYLOR ❖ BLESSEY LLP

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FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

Thomas M. Brown (SBN 117449)
Katherine C. McBroom (SBN 223559)
BROWN WHITE & NEWHOUSE LLP

333 South Hope Street, 40th Floor, Los Angeles, CA 90071
TELEPHONE NO.: 213-613-0500 FAX NO. (Optional): 213-613-0550
E-MAIL ADDRESS (Optional): tbrown@brownwhitelaw.com

ATTORNEY FOR (Name): Plaintiffs Linda and Peter De Rogatis

REC'D CIVIL APPEALS

JAN 29 2014
ROOM 111 A

FILED

LOS ANGELES SUPERIOR COURT

JAN 22 2014

SHERRI R. CARTER, EXECUTIVE OFFICER/ CLERK

BY GAIL J. BOON, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 300 E. Walnut Ave.

MAILING ADDRESS: 300 E. Walnut Ave.

CITY AND ZIP CODE: Pasadena, CA 91101

BRANCH NAME: Pasadena Courthouse

PLAINTIFF/PETITIONER: Linda and Peter De Rogatis

DEFENDANT/RESPONDENT: Karen Michelle Shainsky, D.O.

NOTICE OF APPEAL CROSS-APPEAL
(UNLIMITED CIVIL CASE)

CASE NUMBER:

BY FAX

BC457891

Notice: Please read Information on Appeal Procedures for Unlimited Civil Cases (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.

1. NOTICE IS HEREBY GIVEN that (name): Plaintiffs Linda and Peter De Rogatis
appeals from the following judgment or order in this case, which was entered on (date): December 2, 2013

- Judgment after jury trial
- Judgment after court trial
- Default judgment
- Judgment after an order granting a summary judgment motion
- Judgment of dismissal under Code of Civil Procedure sections 581d, 583.250, 583.360, or 583.430
- Judgment of dismissal after an order sustaining a demurrer
- An order after judgment under Code of Civil Procedure section 904.1(a)(2)
- An order or judgment under Code of Civil Procedure section 904.1(a)(3)-(13)
- Other (describe and specify code section that authorizes this appeal):

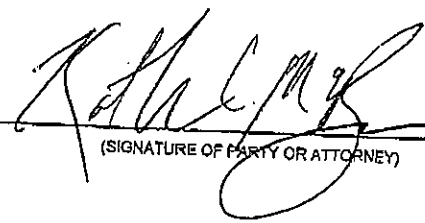
NO FEE RECEIVED

CIT/CASE: BC457891
 LEA/DEF#:
 RECEIPT #: PAS525019004
 DATE PAID: 01/23/14 11:19 AM
 PAYMENT: \$106.75 310
 RECEIVED:
 CHECK: \$0.00
 CASH: \$0.00
 CHANGE: \$0.00
 CARD: \$106.75

2. For cross-appeals only:
- a. Date notice of appeal was filed in original appeal:
 - b. Date superior court clerk mailed notice of original appeal:
 - c. Court of Appeal case number (if known):

Date: January 22, 2014

Katherine C. McBroom
(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:
Linda and Peter De Rogatis v. Karen Michelle Shainsky, D.O.

CASE NUMBER:
BC457891

NOTICE TO PARTIES: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. A person who is at least 18 years old and is not a party to this appeal must complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

PROOF OF SERVICE

Mail Personal Service

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My residence or business address is (specify):

Brown White & Newhouse LLP
333 South Hope Street, 40th Floor, Los Angeles, CA 90071

3. I mailed or personally delivered a copy of the Notice of Appeal/Cross-Appeal (Unlimited Civil Case) as follows (complete either a or b):
a. Mail. I am a resident of or employed in the county where the mailing occurred.

(1) I enclosed a copy in an envelope and

- (a) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (b) placed the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

(2) The envelope was addressed and mailed as follows:

(a) Name of person served: Taylor Blessey LLP

(b) Address on envelope:

350 South Grand Avenue, Suite 3850, Los Angeles, CA 90071

(c) Date of mailing:

(d) Place of mailing (city and state): Los Angeles, CA

b. Personal delivery. I personally delivered a copy as follows:

(1) Name of person served:

(2) Address where delivered:

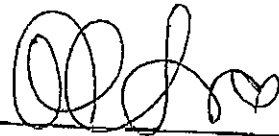
(3) Date delivered:

(4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 22, 2014

Kaman Chow
(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

REC'D CIVIL APPEALS

APP-003

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Katherine C. McBroom (SBN 223559)
Brown White & Newhouse LLP
333 S. Hope Street, 40th Fl., Los Angeles, CA 90071

FEB 10 2014

ROOM 111A

TELEPHONE NO.: (213) 613-0500

FAX NO. (optional): (213) 613-0550

E-MAIL ADDRESS (optional): kmcbroom@brownwhitelaw.com

ATTORNEY FOR (Name): Linda and Peter De Rogatis

FILED

Superior Court of California
County of Los Angeles

JAN 31 2014

Sherri R. Lerner, Executive Officer/Clerk

By WJT Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 300 East Walnut Ave.

MAILING ADDRESS:

CITY AND ZIP CODE: Pasadena 91101

BRANCH NAME: Pasadena Courthouse

Plaintiff/Petitioner: Linda and Peter De Rogatis

Defendant/Respondent: Karen Shainsky, D.O.

APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL
(UNLIMITED CIVIL CASE)

Superior Court Case Number:
BC457891

RE: Appeal filed on (date): January 22, 2014

Court of Appeal Case Number (if known):

Notice: Please read form APP-001 before completing this form. This form must be filed in the superior court, not in the Court of Appeal.

1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

I elect to use the following method of providing the Court of Appeal with a record of the documents filed in the superior (check a, b, c, d, or e and fill in any required information):

a. A clerk's transcript under rule 8.122. (You must check (1) or (2) and fill out the clerk's transcript section on page 2 of this form.)

(1) I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.

(2) I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have attached the following document (check (a) or (b)):

(a) An order granting a waiver of court fees and costs under rule 3.50 et seq.; or

(b) An application for a waiver of court fees and costs under rule 3.50 et seq. (Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)

b. An appendix under rule 8.124.

c. The original superior court file under rule 8.128. (NOTE: Local rules in the Court of Appeal, First, Third, Fourth, and Fifth Appellate Districts, permit parties to stipulate to use the original superior court file instead of a clerk's transcript; you may select this option if your appeal is in one of these districts and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. Attach a copy of this stipulation.)

d. An agreed statement under rule 8.134. (You must complete item 2b(2) below and attach to your agreed statement copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.134(a).)

e. A settled statement under rule 8.137. (You must complete item 2b(3) below and attach to your proposed statement on appeal copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.137(b)(3).)

RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

I elect to proceed:

a. WITHOUT a record of the oral proceedings in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in determining whether an error was made in the superior court proceedings.

CITY/CASE: BC457891
EA/DEF#:
RECEIVED:
DATE PAID: 02/03/14
AMOUNT: \$12.00
CASH:
CHECK:
CHANGE:
CARD:
PAGE 1 OF 4
Cnl. Rules of Court, rules 3.60, 8.121-8.124, 8.128, 8.130, 8.134, 8.137
www.courts.ca.gov

02/12/2014

Form Approved for Optional Use
Judicial Council of California
APP-003 (Rev. Jan. 1, 2014)

APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL
(Unlimited Civil Case)

\$12.00
\$0.00
\$0.00
\$0.00
\$10

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Case Name:

Superior Court Case Number:
BC457891

b. WITH the following record of the oral proceedings in the superior court:

(1) A reporter's transcript under rule 8.130. (You must fill out the reporter's transcript section on page 3 of this form.) I have (check all that apply):

(a) Deposited the approximate cost of transcribing the designated proceedings with this notice as provided in rule 8.130(b)(1).

(b) Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).

(c) Attached the reporter's written waiver of a deposit for (check either (i) or (ii)):

(i) all of the designated proceedings.

(ii) part of the designated proceedings.

(d) Attached a certified transcript under rule 8.130(b)(3).

(2) An agreed statement. (Check and complete either (a) or (b) below.)

(a) I have attached an agreed statement to this notice.

(b) All the parties have agreed in writing (stipulated) to try to agree on a statement. (You must attach a copy of this stipulation to this notice.) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.

(3) A settled statement under rule 8.137. (You must attach the motion required under rule 8.137(a) to this form.)

3. RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE REVIEWING COURT

I request that the clerk transmit to the reviewing court under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (give the title and date or dates of the administrative proceeding):

Title of Administrative Proceeding

Date or Dates

4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

(You must complete this section if you checked item 1a. above indicating that you elect to use a clerk's transcript as the record of the documents filed in the superior court.)

a. Required documents. The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed or, if that is not available, the date the document was signed.

Document Title and Description	Date of Filing
--------------------------------	----------------

- | | |
|--|------------------|
| (1) Notice of appeal | January 22, 2014 |
| (2) Notice designating record on appeal (this document) | January 31, 2014 |
| (3) Judgment or order appealed from | November 8, 2013 |
| (4) Notice of entry of judgment (if any) | December 2, 2013 |
| (5) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (if any) | |
| (6) Ruling on one or more of the items listed in (5). | |
| (7) Register of actions or docket (if any) | |

02/18/2014

Case Name:	Superior Court Case Number: BC457891
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4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

b. **Additional documents.** (If you want any documents from the superior court proceeding in addition to the items listed in a. above to be included in the clerk's transcript, you must identify those documents here.)

I request that the clerk include the following documents from the superior court proceeding in the transcript. (You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed)

	Document Title and Description	Date of Filing
(8)		
(9)		
(10)		
(11)		
(12)		

See additional pages.

c. **Exhibits to be included in clerk's transcript.**

I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court (for each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence):

	Exhibit Number	Description	Admitted (Yes/No)
(1)	100/1-26	Medical Records of Dr. Shainsky	Yes
(2)	101/1-2	SHAINSKY BILLING RECORDS 7/1109-11110/11	Yes
(3)	102/1-6	MEDICAL RECORDS OF DR. SPIEGEL 1-11-10	Yes
(4)	102/7-9	PAIN MANAGEMENT CONSULTATION 1-11-10	Yes
(5)	102/10	PROGRESS NOTE 1-11-10/1-20-10	Yes

See additional pages.

5. NOTICE DESIGNATING REPORTER'S TRANSCRIPT

(You must complete this section if you checked item 2b(1) above indicating that you elect to use a reporter's transcript as the record of the oral proceedings in the superior court. Please remember that you must pay for the cost of preparing the reporter's transcript.)

a. I request that the reporters provide (check one):

- (1) My copy of the reporter's transcript in paper format.
- (2) My copy of the reporter's transcript in computer-readable format.
- (3) My copy of the reporter's transcript in paper format and a second copy in computer-readable format.

(Code Civ. Proc., § 271; Cal. Rules of Court, rule 8.130(f)(4).)

02/18/2014

Case Name:

Superior Court Case Number:
BC457891

b. Proceedings.

I request that the following proceedings in the superior court be included in the reporter's transcript. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings—for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions—the name of the court reporter who recorded the proceedings, and whether a certified transcript of the designated proceeding was previously prepared.)

Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(1) 10/29/13	P	Full	Motions before trial,	Karen Kay	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(2) 10/29/13	P	Full	Examination of jury Examination of jury	Karen Kay	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(3) 10/30/13 ^w	P	Full	Examination of jury, Opening	Karen Kay	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(4) 10/31/13 ^w	P	Full	Statements, taking of testimony Taking of testimony	Karen Kay	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(5) 11/01/13 ^w	P	Full	Taking of testimony	Karen Kay	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(6) 11/04/13 ^w	P	Full	Taking of testimony	Karen Kay	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(7) 11/05/13 ^w	P	Full	Taking of Testimony	Karen Kay	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

c. The proceedings designated in 5b include do not include all of the testimony in the superior court.

If the designated proceedings DO NOT include all of the testimony, state the points that you intend to raise on appeal (rule B.130(a)(2) provides that your appeal will be limited to these points unless, on motion, the reviewing court permits otherwise).

Date: January 31, 2014

Katherine McGraw
(TYPE OR PRINT NAME)

[Signature]
(SIGNATURE OF APPELLANT OR ATTORNEY)

02/18/2014

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

PLAINTIFF AND RESPONDENT	Linda De Rogatis, et al.	TRIAL COURT CASE NUMBER:
DEFENDANT AND RESPONDENT	Karen Michelle Shainsky, D.O., et al.	NOTICE OF APPEAL FILED ON: January 22, 2014
COURT REPORTER WAIVER OF DEPOSIT FOR TRANSCRIPT ON APPEAL		

To: The Clerk of the above-entitled court:

You are hereby notified that I, Karen Kay an Official Court Reporter/Reporter Pro Tempore in the above-entitled action, hereby waive the deposit for the reporter's transcript on appeal for the following party/counsel: Brown White & Nowhouse, LLP / Katherine C. McBroom

The waiver is for the following proceeding dates only:

DATE	DATE	DATE	DATE	DATE	DATE
10/30/2013	10/31/2013	11/1/2013	11/4/2013	11/5/2013	11/6/2013
11/7/2013	11/8/2013				

A REPORTER CAN ONLY WAIVE A DEPOSIT FOR THE DATE(S) S/HE ACTUALLY REPORTED.

Executed on: 1/31/2014 CSR #: 3862

Official Reporter Name: Karen Kay

K.E. Kay
[Signature]

Address: 70 South Lake Avenue, 10th Floor, Suite 1001, Pasadena, CA 91101

Telephone: (323) 525-3860 E-Mail (optional): karen.kay.reporter@gmail.com

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LA APP 206 (New)
LASC Approved XX/12
For Optional Use

**COURT REPORTER WAIVER OF DEPOSIT FOR
TRANSCRIPT ON APPEAL**

Cal. Rules of Court, rules
8.130 and 8.534

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CLEAR **SAVE** **PRINT**

APP-003 Part 4(c) cont.

	Exhibit Number	Description	Admitted (Yes/No)
(6)	102/11	PRESCRIPTION 1-11-09	Yes
(7)	103/1-24	EMERGENCY TREATMENT MEDICAL RECORD 4-12-09	Yes
(8)	104	MEDICAL RECORDS OF DR. RAMIN	Yes
(9)	112/10	RITE AID CUSTOMER HISTORY REPORT 10/11	Yes
(10)	114/1-26	AUTOPSY REPORT	Yes
(11)	114/27-31	CORONER INVESTIGATOR'S REPORT & LIST OF MEDS 3-23-10	Yes
(12)	115/1-106	MEDICAL RECORDS OF DR. BORN	Yes
(13)	116/1	PERCOCET PRESCRIPTION	Yes
(14)	117/1-2	EMERGENCY TREATMENT RECORD 4-12-09	Yes
(15)	119	SUICIDE NOTE	Yes
(16)	120/1-2	JOURNAL ENTRY 4-29-06	Yes
(17)	120/3	HANDWRITTEN NOTE	Yes
(18)	120/5	HANDWRITTEN NOTE	Yes
(19)	121/1	PHOTO OF TARA & PJ	Yes
(20)	121/2	PHOTO OF TARA, LINDA & PJ	Yes
(21)	121/3	PHOTO OF TARA, PETER & PJ	Yes
(22)	121/5	PHOTO OF TARA, PETER, LINDA B. & YOUNG DAUGHTER	Yes
(23)	121/6	PHOTO OF TARA	Yes
(24)	121/7	PHOTO OF TARA	Yes
(25)	121/8	PHOTO OF TARA & DAVID	Yes
(26)	121/9	PHOTO OF TARA	Yes
(27)	123	TRANSCRIPT OF VOICEMAIL MESSAGE	Yes
(28)	125/1-2	CARD (TO MOM)	Yes
(29)	125/3-4	CARD (TO DAD)	Yes

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(30)	129/1	PHOTO OF PAINTING	Yes
(31)	129/2	PHOTO OF PAINTING	Yes
(32)	129/3	PHOTO OF PAINTING	Yes
(33)	129/4	PHOTO OF PAINTING	Yes
(34)	129/5	PHOTO OF PAINTING	Yes
(35)	135	LIBERTY PAINTING	Yes
(36)	138/1	CORONER'S TOXICOLOGY REPORT	Yes
(37)	122	VOICEMAIL MESSAGE	Yes
(38)	136	RESUME OF DR. BLUESTONE	Yes
(39)	137	3-PAGE BILLING RECORDS THRU AUGUST 2012 (BLUESTONE)	Yes
(40)	139	CHART/TABLE	Yes
(41)	140	CHART	Yes

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APP - 003 Part 5(b) cont.

	Date	Department	Full/Partial Day	Description	Reporter's Name	Previously Prepared?
(8)	11/06/13 ^v	P	Full	Taking of Testimony	Karen Kay	No
(9)	11/07/13 ^v	P	Full	Taking of Testimony	Karen Kay	No
(10)	11/08/13 ^v	P	Full	Taking of Testimony Closing Arguments	Karen Kay	No

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES
Linda De Rogatis, et al. v. Karen Michelle Shainsky, D.O., et al.
BC 457891


I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 333 South Hope Street, 40th Floor, Los Angeles, California 90071.

On January 31, 2014, I served the following document(s) described as: **APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)** in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

Raymond L. Blessey Tel.: 213.687.1600
Patricia M. Tazzara, Esq. Fax: 213.687.1620
TAYLOR BLESSEY LLP
350 S. Grand Avenue, Suite 3850
Los Angeles, CA 90071

- BY MAIL:** I deposited such envelope in the mail at 333 South Hope Street, 40th Floor, Los Angeles, California 90071. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.
- BY FACSIMILE:** I served said document(s) to be transmitted by facsimile pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was 213/613-0550. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list.
- BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.
- BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the above addressec(s).
- BY ELECTRONIC MAIL:** On the above-mentioned date, from Los Angeles, California, I caused each such document to be transmitted electronically to the party(ies) at the e-mail address(es) indicated below. To the best of my knowledge, the transmission was reported as complete, and no error was reported that the electronic transmission was not completed.
- STATE:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 31, 2014, at Los Angeles, California


Kaman Chow

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STATE OF CALIFORNIA, County of Los Angeles

Case Number: BC 457891

Court of Appeal Case Number: B 254024

I, SHERRI R. CARTER, Executive Officer/Clerk of the Superior Court for the County and State aforesaid, do hereby certify the foregoing transcript to be a full, true and correct copy of the original **DOCUMENTS AS REQUESTED** on file or of record in my office, and that I have carefully compared the same with the original.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Seal of the Superior Court.

SHERRI R. CARTER, Executive Officer/
Clerk of the Superior Court of the State
of California, County of Los Angeles

Date: April 16, 2014



BY: , Deputy Clerk
C. Khalil