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December 1, 2010

VIA U.S. MAIL ONLY
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Karen Shainsky, D.O.
8737 Beverly Boulevard, Suite 203
Los Angeles, CA 90048

Re: Notice Pursuant to California Code of Civil Procedure Section 364: Intent to Sue

Dear Dr. Shainsky:

The Estate of Tara De Rogatis ("Tara") retained our law firm to represent the estate as well as Tara's parents, Linda and Peter De Rogatis ("Tara's parents"), in connection with Tara's untimely death. On March 23, 2010, Tara died by overdosing on prescription medications which included the 100 Percocet pills you prescribed to Tara the day before her death, March 22, 2010. On the afternoon of March 22, 2010, after Tara and her fiancé specifically and unequivocally told you that Tara wanted to end her life, her previous suicide attempt by overdosing on prescription medication and her mental health background, you not only failed to take any reasonable action to protect Tara, but you affirmatively compromised her health and safety by prescribing her 100 Percocet, all which she ingested hours later. Your actions on March 22, 2010 were not only unquestionably negligent, as they fell far below the standard of care required by a reasonable rheumatologist in the community, but your actions and inactions also proximately caused Tara's death less than 24 hours after she saw you. Accordingly, Tara's estate and Tara's parents intend to commence legal action against you for, among other claims, medical malpractice, professional negligence and wrongful death.

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I.

FACTUAL BACKGROUND

A. Background Information

Tara died at the young age of 30 on the morning of March 23, 2010, with her life ahead of her. Tara's fiancé, David MacEachern found her alone in her bedroom, slumped over on her bed. When Tara did not respond to his attempts to wake her, David called 911 and began frantically performing chest compressions in a desperate effort to keep Tara alive. When paramedics arrived, they took over life saving attempts, but to no avail. Tara was declared dead at the scene.

At that time of her death, Tara was a vibrant, beautiful young woman who was actively pursuing an acting career. She had previously acted in a number of short films and was taking acting classes in order to perfect her skills. In addition to performing, she was an avid and accomplished oil painter and photographer. Tara had a marked zest for life, noted by all those who had the pleasure of knowing her. She was an active member of her Catholic Church and was scheduled to make her Confirmation in the presence of family and friends in the weeks following her death.

B. Mental Health History

There is no doubt that although Tara was exuberant and energetic, in the years prior to her death, Tara battled with mental illness. She sought the help of other physicians, including psychiatrist Dr. Paul Bohn, and took medications to treat her symptoms. Unfortunately, in December 2009, while visiting her family in New Jersey, Tara was hospitalized involuntarily following a reported suicide attempt.

C. Your Treatment of Ms. De Rogatis

Shortly after her return to California in late 2009/early 2010, Dr. David Ramin referred Tara to you for treatment of pain throughout her body. In your February 10, 2010 progress notes, you report that Tara, "a 30-year-old female with history of psychiatric mood disorder," complained of overall pain which interfered with her daily activities. You list Tara's current medications as Ambien, Klonopin, Norco and Synthroid. On that date, your notes reflect that you discussed management of fibromyalgia pain with Tara, prescribed Cymbalta and administered injections at Tara's "trigger points." Significantly, you specifically note that you discouraged Tara from using narcotics to treat her pain.

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Your notes from Tara's next visit on March 2, 2010 state that Tara reported improvement in her pain following the injections, but that the pain returned within two weeks. Again, you administered injections to Tara's trigger points and recommended a follow up in four weeks.

Approximately three weeks later, on March 22, 2010, Tara came to your office with her fiancé, David, complaining of excruciating pain. While in your office, Tara stated that she was in so much pain, she wanted to kill herself. You were obviously concerned and you put a call into Tara's psychiatrist, Dr. Paul Bohn, and left a message regarding Tara's statement and requested that he call you back. Upon returning to the examining room, you, Tara and David spoke about Tara's poor mental health and her current psychiatric medications. In fact, in your March 22, 2010 progress report, you note Tara's "current medications" as Klonopin, Norco, Synthroid, Cymbalta, Trazadone, Strattera, Levothyroxine and Cytomel. During that conversation, David informed you that in December 2009, Tara attempted suicide by ingesting a large amount of prescription medications and that her statement regarding wanting to kill herself should be taken seriously.

Notwithstanding all of this critical information, you not only failed to take reasonable action to protect Tara from herself other than leaving a message for Tara's psychiatrist, but you wrote her a prescription for 100 Percocet at 10 mg each, the highest available dosage. You provided Tara with an extremely large Percocet prescription, after just administering six injections to Tara's "trigger points" and previously advising Tara against the use of narcotics to treat pain. Notably, at the same time you handed Tara the very means to end her life, you asked her to promise that she would not hurt herself, undoubtedly knowing there was a significant chance of her doing so.

D. Tara's Death

The same day as you gave her the deadly prescription, Tara filled her Percocet prescription at a CVS pharmacy. Significantly, Tara had gone to more than one pharmacy to fill your prescription. One of the pharmacies told her that they were surprised that a physician would prescribe such a large number of Percocet and refused to fill the prescription. Upon arriving home with 100 count Percocet, Tara went into her bedroom to take a shower and study her Confirmation materials. That was the last time anyone saw Tara conscious. The next morning, David found Tara slumped over on her bed with vomit on her mouth. In utter shock and panic, David attempted to revive Tara until paramedics arrived. However, after the paramedics worked on Tara for a time, they pronounced her dead at the scene.

The Los Angeles County Coroner determined that Tara died from ingesting lethal levels of prescription medication. The Coroner's office noted that law enforcement confiscated an empty bottle of 100 Percocet filled on March 22, 2010 and discovered a lethal level of oxycodone in Tara's system.

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II.

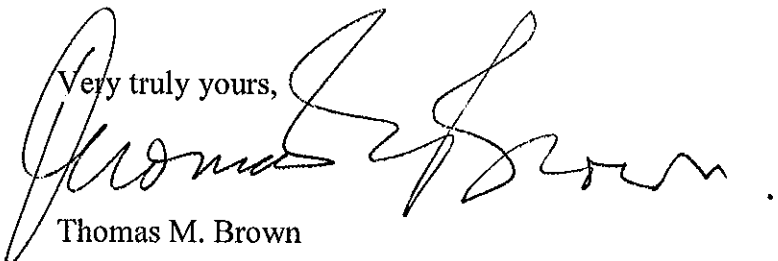
INTENT TO FILE SUIT

Given the negligent acts described above, including both your failure to do anything other than leave a message for Dr. Bohn and, without waiting for an answer for seeking to commit Tara, your prescribing Tara 100 Percocet after Tara had threatened suicide and David informed you of her previous suicide attempt, Tara's estate and her parents have an extremely strong case against you for, among other claims, medical malpractice, professional negligence and wrongful death. Had you taken some reasonable and professional action to protect Tara and her well-being and/or refrained from prescribing her the huge number of lethal narcotics that you did, Tara would be alive today. Not only did a young, vivacious and very talented woman lose her life, but two parents have suffered and will continue to suffer the loss of their cherished daughter and companion.

This correspondence thus serves to give you legal notice, pursuant to California Code of Civil Procedure section 364, that Tara's estate and Linda and Peter De Rogatis intend to commence legal action against you for, among other claims, medical malpractice, professional negligence and wrongful death. We intend to file this action on or before March 15, 2011.

Prior to filing a Complaint in this matter, Tara's estate and her parents are open to discuss resolution of the case or engage in a mediation with you to resolve the matter confidentially. If we do not hear from you regarding a satisfactory resolution by March 10, 2011, we intend to pursue all available legal remedies against you vigorously and doggedly. We look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Thomas M. Brown', written over the typed name.

Thomas M. Brown

for BROWN WHITE & NEWHOUSE LLP