

1 Christopher B. Dolan, Esq. (SBN 165358)  
 2 Quinton B. Cutlip, Esq. (SBN 168030)  
 3 THE DOLAN LAW FIRM  
 4 1438 Market Street  
 5 San Francisco, California 94102  
 6 Tel: (415) 421-2800  
 7 Fax: (415) 421-2830

8 Attorneys for Plaintiffs  
 9 LATASHA WINKFIELD

**FILED**  
 DEC 30 2013  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND  
 (5)  
 NP

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA OAKLAND**

12 LATASHA WINKFIELD, an individual )  
 13 parent and guardian of Jahi McMath, a )  
 14 minor )

15 Plaintiff, )

16 v. )

17 CHILDRENS HOSPITAL OAKLAND, Dr. )  
 18 David Durand M.D. and DOES 1 through )  
 19 10, inclusive )

20 Defendants )  
 21 )  
 22 )  
 23 )  
 24 )  
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 28 )

Case No. **013-59934** **SBA**

**COMPLAINT FOR DECLARATORY RELIEF AND REQUEST FOR TEMPORARY RESTRAINING ORDER AND INJUNCTIVE RELIEF**

1. **Violation of the Free Exercise Clause of First Amendment of the United States Constitution**
2. **Violation of the Right to Privacy Guaranteed Under the Fourth Amendment of the United States Constitution**
3. **Violation of the Right to Privacy Guaranteed under the Fourteenth Amendment of the United States Constitution**
4. **Violation of Section 504 of The Rehabilitation Act of 1973 (29 U.S.C. § 794)**
5. **Violation of The American's With Disabilities Act 42 U.S.C. §12101 et seq.**

**REQUEST FOR EMERGENCY TEMPORARY RESTRAINING ORDER INJUNCTIVE RELIEF - RCFC 65**

1 Plaintiffs, and each of them, allege the following:

2 **JURISDICTION**

3 1. Counts in this Action arise out of the First, Fourth and Fourteenth Amendments to  
4 the United States Constitution, The Rehabilitation Act of 1973 (29 U.S.C. § 794) and The  
5 American's With Disabilities Act 42 U.S.C. §12101 et seq.  
6

7 **VENUE**

8 2. Venue is proper in the United States District Court for the Northern District of  
9 California, pursuant to 28 U.S.C. sections 84 and 1391. The events that gave rise to this complaint  
10 are occurring in Oakland, Alameda County, in the State of California, and one or more of the  
11 defendants has its Principal Place of Business in Oakland, Alameda County, California.  
12

13 **INTRADISTRICT ASSIGNMENT**

14 3. The actions that gave rise to this complaint occurred in Oakland, Alameda County,  
15 California. Assignment of this action to either the San Francisco Division or Oakland Division of  
16 this Court is appropriate according to Local Rule 3-2(d).  
17

18 **PARTIES**

19 4. Latasha Winkfield is an adult and a resident of the State of California. She is the  
20 mother of Jahi McMath. Pursuant to the California Family Code § 6910 she is the healthcare  
21 decision maker for Jahi McMath, a minor.

22 6. Defendant CHILDREN'S HOSPITAL OAKLAND (CHO) is a non-profit hospital  
23 corporation with its principal place of business in Oakland, California. Plaintiff is informed and  
24 believes, and on the basis of said information and belief, alleged that CHO receives funding from  
25 the state and federal government which is used to directly and indirectly provide healthcare  
26 services to individuals including but not limited to the Jahi McMath.  
27

28 8. Plaintiff is informed and believes that Defendant DR. DAVID DURAND is a

1 resident of Alameda County in California. He is the Chief of Pediatrics of Children's Hospital  
2 Oakland.

3 9. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as  
4 Does 1 through 10, inclusive, and therefore sue these defendants by such fictitious names and  
5 capacities. Plaintiffs are informed and believe and based thereon allege that each of the fictitiously  
6 named defendants is responsible in some manner for the occurrences herein alleged, and that  
7 plaintiffs' injuries as herein alleged were proximately caused by the actions and/or in-actions of  
8 said Doe defendants. Plaintiffs will amend this complaint to include the true identities of said doe  
9 defendants when they are ascertained.  
10

11 10. At all times mentioned, each of the defendants was acting as the agent, principal,  
12 employee, and/or employer of one or more of the remaining defendants and was, at all times herein  
13 alleged, acting within the purpose, course, and scope of such agency and/or employment for  
14 purposes of respondent superior and/or vicarious liability as to all other defendants.  
15

16 11. At all times mentioned herein, the defendants, and each of them, employed, hired,  
17 trained, retained, and/or controlled the actions of all other defendants, and each of them.  
18

19 **FACTS**

20 12. On December 9, 2013 Jahi McMath underwent a routine tonsillectomy at  
21 Children's Hospital Oakland.

22 13. Following the procedure Jahi suffered a large blood loss and, as a result, she  
23 suffered a heart attack and a loss of oxygen to her brain. Plaintiff Latasha Winkfield is ignorant of  
24 the cause of said bleeding at this time but understands it stems from the surgery.  
25

26 14. Jahi suffered brain damage and has been maintained on a respirator requiring  
27 ventilation support. With pulmonary support provided by the ventilator her heart and other organs  
28 are functioning. She has undergone certain tests which have demonstrated brain damage from the

1 lack of oxygen. She is totally disabled at this time and is severely limited in all major life  
2 activities being unable to do anything of her own volition.

3 15. California Health and Safety Code § 7180. In force and effect, at all times material  
4 to this action provides that “An individual who has sustained either (1) irreversible cessation of  
5 circulatory and respiratory functions, or (2) irreversible cessation of all functions of the entire  
6 brain, including the brain stem, is dead. A determination of death must be made in accordance  
7 with accepted medical standards.”  
8

9 16. California Health and Safety Code § 7181 provides that an individual can be  
10 pronounced dead by a determination of “irreversible cessation of all functions of the entire brain,  
11 including brain stem.” It requires “independent” confirmation by another physician.  
12

13 17. Defendants Children’s Hospital by and through its Chief of Pediatrics Defendant  
14 Durand, has informed Plaintiff Latasha Winkfield that Jahi is “Dead, Dead, Dead, Dead” utilizing  
15 the definition of “brain death” derived from Cal. Health & Safety Code § 7180.

16 18. Plaintiffs are Christians with firm religious beliefs that as long as the heart is beating,  
17 Jahi is alive. Plaintiff Winkfield has personal knowledge of other who had been diagnosed as brain  
18 dead, where the decision makers were encouraged to “pull the plug” yet they didn’t and their loved  
19 one emerged from legal brain death to where they had cognitive ability and some even fully  
20 recovering. These religious beliefs involve providing all treatment, care, and nutrition to a body  
21 that is living, treating it with respect and seeking to encourage its healing.  
22

23 19. Defendants have informed Latasha Winkfield that they intend to disconnect the  
24 ventilator that Jahi McMath is relying upon to breath claiming that she is brain dead pursuant to  
25 California Health and Safety Code § 7180.  
26

27 20. Defendants claim that, since they have pronounced Jahi dead that Latasha Winkfield  
28 has no right to exercise any decision making authority vis-à-vis maintaining her daughter on a

1 ventilator.

2 21. Defendants have indicated that they wish to remove life support within the next 24  
3 hours if possible and definitely before Christmas.

4 22. To stop Defendants from terminating Jahi's ventilator support, on December 20th,  
5 2013, Plaintiff Winkfield filed a verified petition and ex parte application seeking an order (1)  
6 authorizing the petitioner (Jahi's mother) to make medical care decisions for Jahi and for an  
7 injunction under to prohibit respondent CHO from withholding life support from Jahi. (Probate  
8 Code 3201, 4776, 4770.) The court set the application for hearing at 1:30 p.m. on December 20,  
9 2013, in Department 31, and requested respondent CHO to submit written opposition to  
10 petitioner's ex parte application.  
11

12 23. On December 20, 2013, the court temporarily restrained CHO from changing Jahi's  
13 level of medial support. The order stated in part: "Respondent CHO, its agents, employees,  
14 servants and independent contractors are ordered to continue to provide Jahi McMath with the  
15 treatment and support which is currently being provided as per the current medications and  
16 physician's orders until further order of the court." The Court denied Plaintiff (Petitioner)  
17 Winkfield's request that Jahi be provided a nasal-gastric tube or other medical treatment in  
18 addition to the maintenance of "status quo" medical treatment. The order also continued the  
19 hearing to Monday, December 23, 2013.  
20

21 24. On December 23, 2103 Judge Grillo appointed Dr. Paul Fisher as an independent  
22 expert to con Pursuant to that order, Dr. Fisher examined Jahi the afternoon of December 23,  
23 2013. The court also continued the hearing to December 24, 2013, to receive Dr. Fisher's report  
24 and testimony from a CHO physician (Dr. Shanahan) who first determined that Jahi was brain  
25 dead, as of December 11, 2013. By separate order dated December 23, 2013, the court extended  
26 the restraining order through December 30, 2013, or such other date as the court might later  
27  
28

1 determine.

2 25. On December 24, 2013, the court, during closed and public sessions received  
3 testimony from Dr. Shanahan and Dr. Fisher and ruled that Jahi McMath was “brain dead” under  
4 California Health and Safety Code Sections 7080 & 7081 then denied the petition and dissolved  
5 the TRO effective 5:00 p.m. December 30, 2013 thereby ruling that after that time Children’s  
6 Hospital was no longer required to provide any further care or treatment to Jahi McMath and  
7 could thereafter cease offering of cardio-pulmonary ventilator support.  
8

9 26. Plaintiff Latasha Winkfield has asked that her child be given nutritional feeding  
10 through a nasal-gastric tube or gastric tube to provide her with nutrients. She has also asked for  
11 care to be administered to her daughter to maintain her heart, tissues, organs, etc. The Defendants  
12 have refused to provide such treatment stating that they do not “treat dead people” nor do they feed  
13 them. They have denied her ability to make decisions over the health care of her daughter. Plaintiff  
14 Winkfield has sought alternate placement of her daughter, outside the Defendant’s facility but,  
15 because of her unfamiliarity with such matters, the holiday period, and the requirement that Jahi  
16 have a tracheostomy tube and a gastric tube inserted for stable delivery of air and nutrition to Jahi.  
17 Plaintiff has now secured such alternate placement and transportation but requires time for that to  
18 occur. If the defendants proceed with their plans she will expire.  
19  
20

21 27. Plaintiff Latasha Winkfield vehemently opposes the efforts of the Defendants to  
22 exclude her from the decision making regarding her daughter and their insistence that she has no  
23 right vis-à-vis the decision to disconnect the ventilator that provides oxygen necessary for the heart  
24 to beat and the organs to be kept perfused with blood. Plaintiff Latasha Winkfield has expressly  
25 forbidden the defendants from removing life support. Defendants have refused her requests for  
26 nutritional support and the placement of a tracheostomy tube and a gastric tube stating that she  
27 has no rights to request medical care for her daughter as she is dead and that “CHO does not treat  
28

1 dead people. She has video evidence demonstrating movement of her child which Dr. Paul Byrne  
2 has indicated is proof of her being alive and not dead.

3 28. The State definition which Defendants are relying upon is in stark and material  
4 difference to the religious beliefs of Latasha Winkfield and her Daughter. She feels that  
5 disconnection of the ventilator is tantamount to killing Jahi.  
6

7  
8 **FACTS WARRANTING EMERGENCY TEMPORARY RESTRAINING ORDER AND**  
9 **INJUNCTIVE RELIEF**

10 29. There is a substantial likelihood of success on the merits given the wealth of decisional  
11 authority, both in the Court of Appeal, and the U.S. Supreme Court demonstrating the  
12 constitutional rights people have over their decision making role in their healthcare and for parents  
13 over the healthcare decisions concerning their children  
14

15 30. The injuries threatened of the conduct is not enjoined will be irrevocable and  
16 irreparable, Jahi McMath will be taken off a ventilator, her heart will stop beating and she will  
17 cease to show any signs associated with a living body. If she is prohibited from making healthcare  
18 decisions re nutrition, medications, etc., he daughter will starve and he electrolytes will get out of  
19 balance and other complications will arise that will hasten, and ultimately lead to, Jahi's death.  
20

21 31. The threatened injury is death to Jahi and loss of a daughter to Latasha. Defendants  
22 have stated no reason they would suffer a loss other than its demoralizing to treat a dead person.

23 32. This case is one of national interest and the issue of the right to participate in  
24 healthcare decisions is one of great public concern. Therefore, granting of preliminary injunction  
25 is in the public interest.  
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27 **TERMS OF THE PROPOSED RESTRAINING ORDER**

28 33. Plaintiffs seek to have defendants be restrained from removing the ventilator.

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34. Plaintiffs seek to have defendants initiate the provision of nutrition to Jahi.

35. Plaintiffs seek to have to take all medically available steps/measures to seek to improve her health and prolong her life including nutrition including the insertion of a tracheostomy tube and a gastric tube.

36. Plaintiff seeks to be provided ample time and support (including the placement of the tracheostomy tube and the gastric tube) to try and locate a facility that will accept her as a patient to treat her and provide her vent support

**FIRST COUNT**

**(Violation of First Amendment Rights – Free Exercise of Religion)**

37. Plaintiffs incorporate by reference as if fully set forth herein paragraphs 1-36.

38. This action arises under the United States Constitution, particularly under the provisions of the Free Exercise Clause of the First Amendment to the Constitution of the United States.

39. The acts complained of herein are being committed by the Defendants, and are depriving Plaintiff WINKFIELD and Jahi McMath of their rights to freely express their religious beliefs. The denial of these rights threatens the very existence of Jahi and will completely sever the relationship that still endures between Latasha and Jahi.

40. The Defendants, and each of them, knowingly and willfully conspired and agreed among themselves to violate Plaintiffs' civil rights so as to injure Plaintiffs, and each of them.

41. As a proximate cause of the Defendants' conduct, Plaintiffs, and each of them, are incurring attorney fees and litigation costs, including the costs of retaining experts.

42. Plaintiffs pray for relief in the form of a declaration of the right of Plaintiff Latasha Winkfield to exercise control over the determination of the healthcare to be provided to and received by Jahi McMath and a declaration that the application of California Health and Safety



1 Code § 7181, as defendants seek to do, giving them the right to discontinue ventilator support over  
2 the objection of Plaintiff Winkfield, is unconstitutional as an interference with Plaintiffs exercise  
3 of their religious beliefs.

4 43. Plaintiff prays for an injunction prohibiting Defendants from removing ventilator  
5 support and an order that they institute nutritional support and other medical treatments to as to  
6 provide her with proper care and treatment designed promote her maximum level of medical  
7 improvement, to insert a tracheostomy tube and a gastric tube, and to provide Plaintiff a reasonable  
8 time to locate an alternate facility to care for her child in accordance with her religious beliefs.  
9

10 **SECOND COUNT**

11 **(Violation of Fourth Amendment Rights – Privacy Rights)**

12  
13 44. Plaintiffs incorporate, herein by reference, paragraphs 1 through 43 as though fully  
14 set forth herein.

15  
16 45. This action arises under the United States Constitution, particularly under the  
17 provisions of the Privacy Rights established and recognized as existing within and flowing from  
18 Fourth Amendment to the Constitution of the United States.

19 46. Each of the acts complained of herein was committed by the Defendants, and each  
20 of them, and by seeking to deny Latasha Winkfield and Jahi McMath of the rights to privacy  
21 including but not limited to their rights to have control over their health care, by refusing to  
22 provide health care to them, and by denying them the right to have control over the health care  
23 decisions affecting Jahi, which are recognized under the Fourth Amendment of the U.S.  
24 Constitution.  
25

26 47. The conduct of the Defendants, and each of them, has deprived Plaintiffs of the  
27 rights of privacy that they have over their medical decisions.  
28

1 48. As a direct and proximate result of the Defendants' conduct, as alleged herein,  
2 Plaintiffs are in great risk of the death of Jahi McMath occurring. She has been suffering, as has  
3 Latasha Winkfield by being prohibited from obtaining proper care for Jahi and by being deprived  
4 of the right of knowing that Jahi was being cared for and, instead, fearing that she was becoming  
5 weaker and dying because of the refusal of the defendants to provide treatment.  
6

7 49. As a direct and proximate result of the Defendants' conduct, the Plaintiffs have  
8 suffered past and future general damages in amounts to be determined by proof at trial.

9 50. As a proximate cause of the Defendants' conduct, Plaintiffs, and each of them, are  
10 incurring attorney fees and litigation costs, including the costs of retaining experts.

11 51. Plaintiffs pray for relief in the form of a declaration of their rights of privacy  
12 relating to their rights to control over their medical decisions and choices. Plaintiff further request  
13 declaratory relief that the application of the determination of the healthcare to be provided to and  
14 be received by Jahi McMath and a declaration that the application of California Health and Safety  
15 Code § 7181, in the manner in which Defendants seek to do so, so as to deprive Plaintiffs of their  
16 ability to choose to remain on ventilator support is an unconstitutional interference with Plaintiffs  
17 exercise of rights to privacy.  
18

19 52. Plaintiff prays for an injunction prohibiting Defendants from removing ventilator  
20 support and an order that they institute nutritional support and other medical treatments to as to  
21 provide her with proper care and treatment designed to promote her maximum level of medical  
22 improvement, to insert a tracheostomy tube and a gastric tube, and to provide Plaintiff a reasonable  
23 time to locate an alternate facility to care for her child in accordance with her religious beliefs.  
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25  
26 **THIRD COUNT**  
**(Violation of Fourteenth Amendment Rights to Privacy)**

27 53. Plaintiffs incorporate, herein by reference, paragraphs 1 through 52 as though fully  
28

1 set forth herein.

2 54. This action arises under the United States Constitution, particularly under the  
3 provisions of the Fourteenth amendment and its right to privacy.

4 55. Each of the acts complained of herein was committed by the Defendants, and each  
5 of them, and by seeking to deny Latasha Winkfield and Jahi McMath of the rights to privacy  
6 including but not limited to their rights to have control over their health care, by refusing to  
7 provide health care to them, and by denying them the right to have control over the health care  
8 decisions affecting Jahi, which are recognized under the Fourteenth Amendment of the U.S.  
9 Constitution.

10 56. As a proximate cause of the Defendants' conduct, Plaintiffs, and each of them, are  
11 incurring attorney fees and litigation costs, including the costs of retaining experts.

12 57. Plaintiffs pray for relief in the form of a declaration of their rights Privacy over the  
13 healthcare decisions concerning Jahi's rights to exercise control over her medical decisions and  
14 that the efforts to/ decision of CHO to unilaterally remove Jahi from the ventilator under  
15 California Health and Safety Code § 7181, are an unconstitutional interference with Plaintiff's  
16 Privacy rights.

17 58. Plaintiff prays for an injunction prohibiting Defendants from removing ventilator  
18 support and an order that they institute nutritional support and other medical treatments so as to  
19 provide her with proper care and treatment designed to promote her maximum level of medical  
20 improvement, to insert a tracheostomy tube and a gastric tube, and to provide Plaintiff a reasonable  
21 time to locate an alternate facility to care for her child in accordance with her religious beliefs.

22 **FOURTH COUNT**

23 **(Violation of the Federal Rehabilitation Act)**

24 59. Plaintiffs incorporate, herein by reference, paragraphs 1 through 60 as though fully  
25

1 set forth herein.

2 60. Jahi McMath is a handicapped and/or disabled individual as that term is defined  
3 under both the Rehabilitation Act of 1973.

4 61. Section 504 of the Rehabilitation Act prohibits discrimination against an “otherwise  
5 qualified” handicapped individual, solely by reason of his or her handicap, under any program or  
6 activity receiving federal financial assistance.  
7

8 62. Hospitals such Defendant Children’s Hospital Oakland, that accepts Medicare and  
9 Medicaid funding, is subject to the Rehabilitation Act.

10 63. The Hospital has admitted that the sole reason it wishes to withhold ventilator  
11 treatment and the sole reason that it refuses to provide nutrition and other medical treatment for  
12 Jahi McMath over her mother's objections, is because of Jahi’s brain injury—her handicap and  
13 disability.  
14

15 64. Jahi is “otherwise qualified” to receive treatment dismal long term prospects of  
16 living.  
17

18 65. Thus, the Hospital's desire to withhold ventilator treatment, nutritional support, and  
19 other medical treatment, from Jahi over her mother's objections, violates the Rehabilitation Act.

20 66. As a proximate cause of the Defendants’ conduct, Plaintiffs, and each of them, are  
21 incurring attorney fees and litigation costs, including the costs of retaining experts.

22 67. Plaintiffs pray for relief in the form of a declaration the effort to remove Jahi from  
23 her ventilator under California Health and Safety Code § 7181, and their refusal to provide her  
24 with medical care and nutritional support violates the Rehabilitation Act and, therefore,  
25 Defendants should be ordered to continue said support and to provide nutritional support and other  
26 medical support designed to allow Jahi to continue existing and to have a best chance of regaining  
27 some brain function.  
28

1           68. Plaintiff prays for an injunction prohibiting Defendants from removing ventilator  
2 support and an order that they institute nutritional support and other medical treatments so as to  
3 provide her with proper care and treatment designed to promote her maximum level of medical  
4 improvement, to insert a tracheostomy tube and a gastric tube, and to provide Plaintiff a reasonable  
5 time to locate an alternate facility to care for her child in accordance with her religious beliefs.  
6

7                                   **FIFTH COUNT**

8                                   (Americans with Disabilities Act)

9           69. Plaintiffs incorporate, herein by reference, paragraphs 1 through 68 as though fully  
10 set forth herein.  
11

12           70. Section 302 of the Americans with Disabilities Act (“ADA”) prohibits discrimination  
13 against disabled individuals by “public accommodations.” 42 U.S.C. § 12182.  
14

15           71. A “disability” is “a physical or mental impairment that substantially limits one or  
16 more of the major life activities” of an individual. 42 U.S.C. § 12102(2). This includes any  
17 physiological disorder or condition affecting the neurological system, musculoskeletal system, or  
18 sense organs, among others. 28 C.F.R. § 36.104 (definition of “physical or mental impairment”).  
19

20           72. Brain damage from lack of oxygen is a disability, because it affects Jahi’s  
21 neurological functioning, ability to walk, and ability to see or talk.

22           73. “Public accommodation” is defined to include a “professional office of a health care  
23 provider, hospital, or other service establishment.” 42 U.S.C. § 12181(7). The Hospital is a public  
24 accommodation under the ADA. 28 C.F.R. § 36.104.  
25

26           74. Section 302(a) of the ADA states a general rule of nondiscrimination against the  
27 disabled: General rule. No individual shall be discriminated against on the basis of disability in the  
28 full and equal enjoyment of the goods, services, facilities, privileges, advantages, or

1 accommodation of any place of public accommodations by any person who owns, leases (or leases  
2 to), or operates a place of public accommodation. 42 U.S.C. § 12182(a).

3 75. In contrast to the Rehabilitation Act, the ADA does not require that a handicapped  
4 individual be “otherwise qualified” to receive the benefits of participation. Further, section  
5 302(b)(1)(A) of the ADA states that “[i]t shall be discriminatory to subject an individual or class  
6 of individuals on the basis of a disability ... to a denial of the opportunity of the individual or class  
7 to participate in or benefit from the goods, services, facilities, privileges, advantages, or  
8 accommodations of an entity.” 42 U.S.C. § 12182(b)(1)(A)(i).

10 76. The Hospital seeks to deny Jahi McMath the benefits of ventilator services, nutrition  
11 and other medical treatment to Jahi McMath by reason of her disability. The Hospital's claim is  
12 that it is “futile” to keep alive a “brain dead” baby, even though the mother has requested such  
13 treatment. But the plain language of the ADA does not permit the denial of ventilator services, and  
14 other medical services such as the provision of nutrition and medical treatment that would keep  
15 alive a brain injured child when those life-saving services would otherwise be provided to a baby  
16 without disabilities at the parent's request. The Hospital's reasoning would lead to the denial of  
17 medical services to brain injured individuals as a class of disabled individuals. Such discrimination  
18 against a vulnerable population class is exactly what the American with Disabilities Act was  
19 enacted to prohibit. The Hospital would therefore violate the ADA if it were to withhold ventilator  
20 treatment, nutrition and other medical treatment to Jahi McMath.

23 77. As a proximate cause of the Defendants’ conduct, Plaintiffs, and each of them, are  
24 incurring attorney fees and litigation costs, including the costs of retaining experts.

26 78. Plaintiffs pray for relief in the form of a declaration that the efforts of Defendants, and  
27 each of them, to remove Jahi from her ventilator under California Health and Safety Code § 7181,  
28 and their refusal to provide her with medical care and nutritional support violates the ADA and,

1 therefore, Defendants should be ordered to continue said support and to provide nutritional support  
2 and other medical support designed to allow Jahi to continue existing and to have a best chance of  
3 regaining brain function.

4 79. Plaintiff prays for an injunction prohibiting Defendants from removing ventilator  
5 support and an order that they institute nutritional support and other medical treatments so as to  
6 provide her with proper care and treatment designed to promote her maximum level of medical  
7 improvement, to insert a tracheostomy tube and a gastric tube, and to provide Plaintiff a reasonable  
8 time to locate an alternate facility to care for her child in accordance with her religious beliefs.  
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10 **PRAYER**

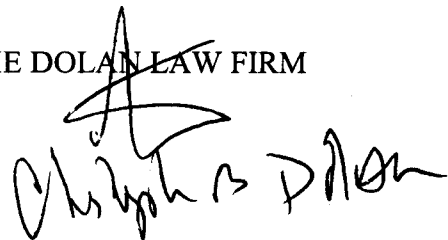
11 Wherefore, Plaintiffs pray for judgment against the Defendants as follows:

12 **Counts One through Five .**

- 13
- 14 1. Declaratory Relief;
  - 15 2. Attorney fees;
  - 16 3. Injunctive relief including, but not limited, to injunctions precluding removal of  
17 ventilator support and mandating introduction of nutritional support, insertion of a  
18 tracheostomy tube, gastric tube, and to provide other medical treatments and  
19 protocols designed to promote her maximum level of medical improvement and  
20 provision of sufficient time for Plaintiff to locate an alternate facility to care for her  
21 child in accordance with her religious beliefs.
  - 22 4. Plaintiffs also request that the Court issue whatever additional injunctive relief the  
23 Court deems appropriate; and
  - 24 5. For such other and further relief as the court may deem proper.  
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27 Dated: December 29, 2013

28 THE DOLAN LAW FIRM



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By \_\_\_\_\_  
Christopher B. Dolan, Esq. Attorneys for  
Latasha Winkfield