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# Exhibit G



## DOLAN LAW FIRM

1438 MARKET STREET  
SAN FRANCISCO, CA 94102  
PHONE 415.421.2800  
FAX 415.421.2830

1498 ALICE STREET  
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June 18, 2015

**Via First Class Mail**

Muntu Davis, M.D., Health Officer  
Alameda County Health Care Services Agency and  
Local Registrar of Births and Deaths  
1000 Broadway, Suite 500  
Oakland, CA 94607  
Office: (510) 267-8070  
Fax: (510) 267-8073

**Re: Jahi McMath**

Dear Dr. Davis,

Recently we spoke about Jahi McMath and the Death Certificate issued by your office. You informed me that I would need to speak with the Bureau of Vital Statistics in Sacramento, within CDPH. As you will see by the attached letter, I have done so. They have said that the only person who can seek a change of Jahi's Death Certificate and status is you.

I know this is a "bouncing ball" of an issue. But, as you are designated as the one who can make this change, I request that you rescind, revise, change or invalidate the Death Certificate. I have attached numerous declarations from physicians and other relevant data showing that Jahi is not dead. I also provide a DVD of clips showing a request response pattern, distinct to the extremity identified and requested for movement that is responded to.

I can put you in contact with her current pediatrician if you would like to speak with her.

As the Death Certificate was never complete and/or finalized, is missing critical certification and verification, in the face of this contrary evidence, the moniker of death should be removed from Jahi so she can return to California. Now she lives in exile with her mother in New Jersey as that is the only state with a religious exemption to the declaration of brain death. Jahi and her mother desperately want to come home to California where Jahi can have more family



**DOLAN LAW FIRM**

**involvement and support.**

**While I know this is a political football, you are the last stop for this family seeking justice and life for their daughter. Please review the evidence and respond to me promptly with your decision. Whether it is yes or no, I need to know so I can pursue other legal options.**

**Regards,**

A handwritten signature in black ink, appearing to be 'Christopher B. Dolan', written over the printed name.

**Christopher B. Dolan**

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# Exhibit H

**From:** Guillermo Bustillo [REDACTED]  
**Sent:** Tuesday, September 01, 2015 3:05 PM  
**To:** Nefouse, David, County Counsel  
**Subject:** Jahi McMath

Mr. Nefouse,

Please find attached a letter dated June 18, that was sent to Dr. Muntu Davis along with the material that was submitted to the California Department of Public Health.

We submitted the material to the CDPH in May and was told by them that only the coroner can amend the Death Certificate. We then sent a copy of all the documents that are attached to Dr. Muntu Davis. I called to follow up with Dr. Davis and was told I would have to follow up with your office regarding this request.

I believe you spoke with Mr. Dolan, and requested that we send you a copy of the attached material.

As usual, should you have any questions, please contact Chris Dolan by email at [REDACTED] or by phone at (415) 421-2800.

Regards,

Guillermo

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# Exhibit I



DOLAN LAW FIRM

**Fwd: Jahi McMath**

From: Guillermo Bustillo <[REDACTED]>  
Date: Thursday, September 10, 2015  
Subject: Jahi McMath  
To: "Dickey, Scott, County Counsel" <[Scott.Dickey@acgov.org](mailto:Scott.Dickey@acgov.org)>

Mr. Dickey,

I just wanted to check in and see if you had the opportunity to review the material that was submitted to Mr. Nefouse on Sept 1st. If you could get back to us as soon as possible re our request, it would be greatly appreciated.

Regards,  
Guillermo

On Fri, Sep 4, 2015 at 4:55 PM, Nefouse, David, County Counsel <[david.nefouse@acgov.org](mailto:david.nefouse@acgov.org)> wrote:

Mr. Bustillo,

Thank for your email (and letter that arrived today). I believe the information you sent over to me was initially requested by Dr. Muntu Davis in his last correspondence with your office. As such, I am forwarding your email to Deputy County Counsel Scott Dickey (cc'ed on this email), who works with Dr. Davis and the Alameda County Public Health Department.

Kind regards,

David Nefouse



**L. David Nefouse** |  
Deputy County Counsel  
Office of the County  
Counsel  
1221 Oak Street, Suite  
450 | Oakland, California  
94612  
510-272-6700 | Direct  
Line 510-272-3813 |  
Facsimile No. 510-272-  
5020  
[david.nefouse@acgov.org](mailto:david.nefouse@acgov.org)

From: Guillermo Bustillo [mailto:[REDACTED]]  
Sent: Tuesday, September 01, 2015 3:05 PM  
To: Nefouse, David, County Counsel  
Subject: Jahi McMath

Mr. Nefouse,

Please find attached a letter dated June 18, that was sent to Dr. Muntu Davis along with the material that was submitted to the California Department of Public Health.

We submitted the material to the CDPH in May and was told by them that only the coroner can amend the Death Certificate. We then sent a copy of all the documents that are attached to Dr. Muntu Davis. I called to follow up with Dr. Davis and was told I would have to follow up with your office regarding this request.

I believe you spoke with Mr. Dolan, and requested that we send you a copy of the attached material.

As usual, should you have any questions, please contact Chris Dolan by email at [REDACTED] or by phone at (415) 421-2800.

Regards,

Guillermo

-





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# Exhibit J

**DOLAN LAW FIRM**

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**Fwd: McMath**

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From: Chris Dolan <[REDACTED]>  
Date: Wednesday, September 16, 2015  
Subject: McMath  
To: [Scott.Dickey@acgov.org](mailto:Scott.Dickey@acgov.org)

Dear Scott;

It has been several weeks since we provided the requested materials concerning Jahi McMath and submitted our request that the county rescind or amend Jahi's Death Certificate. I have emailed you and called you to try and get your decision concerning whether the County will agree to amend or rescind her Death Certificate. I have provided ample evidence why the Death Certificate is both procedurally and substantively flawed. I have provided further evidence of the fact that Jahi McMath does not meet the definition of brain death as her condition was/is not total and irreversibly cessation of all activity including at the brain stem.

I have been down a long path on this odyssey starting with the County Counsel's Office which said that the Death Certificate had been registered with the California Department of Public Health Vital Records department and, as it had been more than one year since the certificate had been issued, the only entity with jurisdiction or the ability to amend or rescind the Death Certificate was the California Department of Public Health Vital Records.

As the information I have previously provided you shows, I submitted a request to the California Department of Public Health Vital Records to amend or change Jahi's Death Certificate. I was informed I would have to go to the Oakland Public Health Office and speak with the issuer of the Death Certificate, Dr. Muntu Davis, which I did. It is Dr. Davis' name that appears on the Death Certificate. After I contacted his office several times he indicated that I should direct any inquiry to The County Counsel's office. Hence my submission to you.

This is the last stop for Jahi. She and her mother are living in New Jersey alone and apart from friends, family, employment and community support. Nailah and Jahi want to come home. Please indicate your willingness to amend the Death Certificate or your denial to do so. If I do not hear from you in two (2) weeks I will assume you have denied her petition.

Regards,

Chris Dolan

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# Exhibit K



DOLAN LAW FIRM

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## Fwd: McMath

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From: Chris Dolan <[REDACTED]>  
Date: Wednesday, September 23, 2015  
Subject: McMath  
To: "Nefouse, David, County Counsel" <[david.nefouse@acgov.org](mailto:david.nefouse@acgov.org)>, [Scott.Dickey@acgov.org](mailto:Scott.Dickey@acgov.org)

Mr. Nefouse,

I understand that you have forwarded my request to Mr. Dickey, unfortunately, I have been able to reach him via email or by phone. It has been several weeks since we provided the requested information to have Jahi McMaths death certificate revised or rescinded. We respectfully request a response within a week.

Regards,  
Chris Dolan

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# Exhibit L



## OFFICE OF THE COUNTY COUNSEL

1221 Oak Street, Suite 450, Oakland, California 94612-4296  
Telephone (510) 272-6700 Facsimile (510) 272-5020

DONNA R. ZIEGLER  
COUNTY COUNSEL

October 9, 2015

### VIA ELECTRONIC AND UNITED STATES MAIL

Christopher B. Dolan, Esq.  
Dolan Law Firm  
1438 Market St.  
San Francisco, CA 94102  
[REDACTED]

RE: Jahi McMath's Death Certificate

Dear Mr. Dolan:

The Alameda County Sheriff's Office, Coroner's Bureau (the "Coroner") and the Alameda County Public Health Department, by and through counsel, provide this joint response to your September 1, 2015 request to have the Coroner and/or Public Health Department "rescind, revise, change, or invalidate" the death certificate that was issued for Ms. Jahi McMath on January 3, 2014 (the "Request").

After reviewing the legal materials you provided with your Request (specifically, at the bottom of page 8 through page 12 of the 90 pages provided in the Request), the Coroner and Public Health Department find no basis to make any changes to and/or nullify or rescind the death certificate of Ms. McMath.<sup>1</sup> Indeed, nothing in your legal materials demonstrates that the Coroner and/or Public Health Department failed to properly issue the death certificate for Ms. McMath under the California Health and Safety Code.

And, critically, on January 17, 2014, Alameda County Superior Court Judge Evelio M. Grillo issued a judgment finding Jahi McMath to be brain dead pursuant to California Health and Safety Code sections 7180, 7181 (the "Judgment"). Your office initially attempted to appeal the Judgment in January 2014 to no avail. In October 2014, your office once again attempted to challenge the Judgment, however, you withdrew your writ prior to any hearing taking place on that matter. Any opportunity to overturn the Court's holding that Jahi McMath is brain dead has long expired, and that Judgment is now the final and controlling authority on this question. Accordingly, the Coroner and Public Health Department have no legal basis to "rescind, revise, change, or invalidate" the death certificate for Ms. McMath.

As always, the Coroner and Public Health Department reserve all rights. Please contact me (510-272-3813) or my colleague K. Scott Dickey (510-272-6712) if you have any questions.

Our clients extend their sympathies to the family and friends of Ms. McMath.

<sup>1</sup> It should be noted that the death certificate for Ms. McMath was issued after you, Mr. Dolan, on behalf of the McMath family, requested that the Coroner issue the death certificate following the December 26, 2013 order by the Court finding that Ms. McMath was brain dead in accordance with the California Health and Safety Code sections 7180, 7181.

Mr. Christopher B. Dolan  
October 9, 2015  
Page 2

Very truly yours,

DONNA R. ZIEGLER  
County Counsel

By

  
L. David Nefouse  
Deputy County Counsel

ldn/ldn

cc: Mr. K. Scott Dickey, Esq. (via email only)

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# Exhibit M



1 Christopher B. Dolan, Esq. (SBN 165358)  
Aimee E. Kirby, Esq. (SBN 216909)  
2 THE DOLAN LAW FIRM  
1438 Market Street  
3 San Francisco, California 94102  
4 Tel: (415) 421-2800  
Fax: (415) 421-2830

5 Attorneys for Plaintiff  
6 LATASHA WINKFIELD / JAHI McMATH

7  
8 **UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA**

9 In the Matter of Jahi McMath

Case No. PR13-707598

10  
11 Declaration of Alieta R. Eck M.D.  
12

13 I, Alieta R. Eck M.D. Declare the following:

- 14
- 15 1. I am an adult natural person, licensed, and in good standing, as a medical doctor in the  
16 State of New Jersey. My medical license number is 25MA03992800. I practice in the  
17 field of internal medicine.
  - 18 2. I am the primary care physician for Jahi McMath and have been so for many months  
19 now.
  - 20 3. I have examined Ms. McMath on numerous occasions and have had an opportunity to  
21 conduct a full physical examination of her.
  - 22 4. I have observed Jahi's physical movements, skin condition, and have been able to see  
23 the display and record of her vital signs.
  - 24 5. I have reviewed documentation maintained by licensed care providers who attend to  
25 Jahi daily and who chart her vital signs and physical presentation.
  - 26 6. I have reviewed laboratory data concerning Jahi McMath's blood work which provides  
27  
28

Declaration of Aileta R. Eck M.D.

1 important data regarding her organ functioning.

2 7. Jahi McMath in provided respiratory support through the use of a ventilator. She is bed  
3 bound and has been since the inception of my involvement in this medical case.

4 8. After my physical examination and review of Jahi' McMath's laboratory data, and  
5 medical record since she was discharged to care in her home environment I have sufficient data to  
6 opine as to whether or not Jahi McMath is a deceased person.

7  
8 9. Jahi McMath has experienced menarche and has now entered into puberty. This  
9 involves the hypothalamus. Puberty starts when the hypothalamus releases a hormone called the  
10 gonadotropin releasing hormone. These hormones cause the pituitary gland to make hormones that  
11 control other glands and many of the body's functions. The hormones produced by the pituitary  
12 gland signal the start of sexual development in both females and males.

13 10. The hypothalamus in a part of the brain. If it is functioning, as it is in this case, then  
14 there is brain function.

15  
16 11. I have, within the last month, been physically present when Nailah Winkfield has  
17 directed Jahi to move a specific finger, her third, on a specific hand, and Jahi has responded by  
18 doing so.

19 12. While Jahi McMath has suffered a serious, and significant brain injury, and exhibits the  
20 presentation of one who has suffered serious brain trauma, and exhibits signs and characteristics of  
21 serious brain damage, Jahi McMath is not dead. She exhibits signs of brain function.

22  
23 13. As Jahi McMath's treating physician, based upon my exam, review of her medical  
24 documentation and my experience, training and expertise, it is my opinion, to a reasonable degree  
25 of medical certainty that Jahi McMath is not dead, including not brain dead.

26 \\ \\

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28  
Declaration of Aileta R. Eck M.D.

neurological activity in her brain.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed December 22, 2015, in San Francisco, CA

*Alieta R. Eck*

Alieta R. Eck M.D.

Declaration of Aileta R. Eck M.D.

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# Exhibit N

1 Christopher B. Dolan, Esq. (SBN 165358)  
2 Aimee E. Kirby, Esq. (SBN 216909)  
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 Plaintiff  
9 LATASHA WINKFIELD

10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 In The Matter of Jahi McMath

Case No. PR13-707598

SUPPLEMENT DECLARATION OF  
CALIXTO MACHADO, M.D.,

13 I, Calixto Machado, M.D., declares as follows:

- 14 1. I am an adult natural person and a Medical Doctor who specialized in Neurology. I make  
15 this Declaration of my own personal knowledge. If called to testify, I could testify to the  
16 following:  
17
- 18 2. In 1976, I graduated from the University of Havana School of Medicine. I completed my  
19 Residency at the Institute of Neurology from 1977-1980. I then went on to complete my First  
20 Degree of Board Certification in Neurology at the Institute of Neurology in 1980. I followed  
21 my First Degree of Board Certification in Neurology with my Second Degree of Board  
22 Certification in Neurology at the Institute of Neurology in 1987.
- 23 3. Currently, I am a Senior Professor and Researcher in the Department of Neurological-  
24 Clinical Neurophysiology, at the Institute of Neurology in Cuba. I graduated as a Ph.D. in  
25 1992.
- 26 4. I am a Corresponding Fellow of the American Academy of Neurology, and President of the  
27 Cuban Society of Clinical Neurophysiology, and the Cuban Commission for the  
28

1 Determination and Certification of Death.

- 2 5. I have been published over two hundreds (200) times in peer reviewed journals, and 4 books.  
3 I have received numerous awards in my field, in my country, and in USA. I have organized  
4 seven International Symposia on Brain Death and Disorders of Consciousness in Havana,  
5 since 1992. The last Symposium was recently held on December 8-11, 2015.  
6  
7 6. I was originally asked by Phillip A. DeFina, PhD, of the International Brain Research  
8 Foundation, to review EEG and MRI studies. The EEG studies were given to me  
9 anonymously, meaning that I did not know the patient's name or that the patient was Jahi  
10 McMath. Dr. Defina asked me to review the EEG of a brain injured patient, which I did,  
11 and then responded to the question of whether she was "brain dead", saying that the patient  
12 did not meet the criteria of total cessation of neurologic function in the brain.  
13  
14 7. I reviewed and confirmed that the EEG undertaken by Elena Labkovshp, PhD was performed  
15 in accordance with Minimum Technical Standards for EEG Recording in Suspected Brain  
16 Death (American Clinical Neurophysiology Society).  
17  
18 8. In the last several months I have received, and reviewed, additional EEG's of Jahi McMath.  
19  
20 9. I processed, with my group in Cuba, the Heart Rate Variability Measurements to access the  
21 central autonomic nervous system.  
22  
23 10. I personally oversaw the undertaking of a MRI/MRA done at Rutgers University on  
24 September 30, 2014, using all conventional sequences (i.e., T1, T2 in different axis,  
25 Fractional Anisotropy, etc.).  
26  
27 11. Jahi McMath's MRI shows that the subject had suffered a serious brain injury. It is possible  
28 to observe ribbons at the level of the cortex, indicating preservation of neocortex. Had she  
been brain dead without cerebral blood flow since January of 2014, we would not expect to  
see the structure of the brain to be as it is now; it would have, most likely, liquefied. This

- 1 brain did not liquefy, but has maintained tissue structure, in spite of the presence of severe  
2 brain injury.
- 3 12. In my analysis of the patient's heart rate variability, there are remaining spectra in the very  
4 low (VLF), low frequency (LF), and median frequency (MB) bands. Also, the frequency of  
5 the ventilator is present, but it is possible to observe modulations of amplitude in this peak,  
6 which do not only correspond with the ventilator effect.
- 7  
8 13. I observed the HRV spectra during three experimental conditions: Basal Record,  
9 Photostimulation, and "Mother talks to the patient." Based on the empirical data provided  
10 to me, I confirmed that there are clear dynamic changes when comparing the three different  
11 conditions, indicating an effect of these stimuli to the modulation of the central autonomic  
12 nervous system. In plain language, the HRV showed she had an emotion-content response  
13 to the voice of her mother. This heart rate variability activity is not something that would  
14 be present in a brain dead individual, and demonstrates remaining functional activity in the  
15 brainstem and other brain regions related to the autonomic nervous system.
- 16  
17 14. I have been physically present with Jahi and her mother in New Jersey on several occasions  
18 the most recent being November, 19, 2015. I have had the opportunity to view numerous  
19 occasions in which Jahi has responded to her mother's commands when directed by her to  
20 engage in specific, appendage isolated, actions such as movement of her fingers, hands and  
21 feet, which is recorded in videos.
- 22  
23 15. Following my initial observations of the EEG conducted on Jahi McMath, I was able to  
24 review the data and process it with my colleagues in Cuba to eliminate any "artifacts," such  
25 as the electrocardiogram activity and the respirator effect. In doing so, I have been able to  
26 reproduce, and study, Jahi McMath's EEG free from any interference from these artifacts.
- 27  
28 16. Using sophisticated technology I have been able to document this activity and I can provide

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a visual, graphic, representation of Jahi's EEG activity which shows that there is true bioelectrical activity, denying an electro-cerebral silence (isoelectric EEG).

17. Using the same sophisticated technology I have been able to create a three dimensional computer image of Jahi's brain showing intact cerebral matter, in spite of severe brain injury, which suggests remaining intracranial blood flow. This evidence is incompatible with an expected presentation of a patient who has been brain dead for two years, who by concept, would have needed to present a complete cessation of cerebral blood flow.

18. I also affirm that I did not neurologically exam this patient, because I DO NOT have the US medical license. I only contributed as an international expert, analyzing ancillary tests, and giving my opinion as a professional in this field.

19. I CANNOT give any opinion about her initial diagnosis procedure, because I have not reviewed any document of her early clinical history.

20. I am a defender that brain death means death of the individual.

21. It is my opinion as an expert and defender of the medical diagnosis of brain death, who believes that brain death does occur, that:

- Jahi McMath has remaining neurologic activity/ brain function in her cerebral hemispheres;
- Jahi McMath has remaining neurologic activity/ brain function in her brain stem;
- Jahi McMath, having brain function at both the brain stem and in the cerebral hemispheres is not brain dead as defined under California Law. She has evidence of brain function about two years after her initial diagnosis. Therefore she does not have irreversible cessation of all functions of the entire brain, including the brain stem;



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I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed December 22, 2015, in Havana Cuba.



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Calixto Machado, M.D., Ph.D.