

1 VILLARREAL HUTNER PC  
LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
2 E-Mail: lhutner@vhattorneys.com  
LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
3 E-Mail: lcooper@vhattorneys.com  
TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
4 E-Mail: treed@vhattorneys.com  
575 Market Street, Suite 1700  
5 San Francisco, California 94105  
Telephone: 415.543.4200  
6 Facsimile: 415.512.7674

**FILED**  
ALAMEDA COUNTY

NOV 27 2017

7 CHRISTOPHER H. WHELAN, INC.  
CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
8 E-Mail: chris@whelanlawoffices.com  
11246 Gold Express Drive, Suite 100  
9 Gold River, California 95670  
Telephone: 916.635.5577  
10 Facsimile: 916.635.9159

CLERK OF THE SUPERIOR COURT  
By *[Signature]*  
R. DAVIDSON, Deputy

11 Attorneys for Plaintiff  
12 QIQIUIA YOUNG

13 SUPERIOR COURT OF CALIFORNIA  
14 COUNTY OF ALAMEDA  
15 RENE C. DAVIDSON COURTHOUSE  
16

17 QIQIUIA YOUNG,  
18 Plaintiff,  
19 v.  
20 THE LELAND STANFORD JUNIOR  
21 UNIVERSITY, STANFORD HEALTH  
22 CARE, STANFORD HOSPITAL AND  
CLINICS, CHANRATH FLORES and DOES  
1 through 50, inclusive,  
23 Defendants.

Case No. RG17877051

**PROOF OF SERVICE**

*[Assigned For All Purposes To  
Hon. Ronni MacLaren, Department 25]*

Action Filed: September 28, 2017  
FAC Filed: October 10, 2017  
Trial Date: None set

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

3 At the time of service, I was over 18 years of age and not a party to this action. I am  
4 employed in the County of San Francisco, State of California. My business address is 575 Market  
Street, Suite 1700, San Francisco, CA 94105.

5 On November 27, 2017, I served true copies of the following document(s) described as

6 **PLAINTIFF QIQUIA YOUNG'S MEMORANDUM IN OPPOSITION TO**  
7 **DEFENDANT STANFORD HEALTH CARE'S MOTION TO TRANSFER VENUE**  
**AND MOTION FOR SANCTIONS; AND REQUEST FOR SANCTIONS**

8 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF QIQUIA**  
9 **YOUNG'S OPPOSITION TO DEFENDANT STANFORD HEALTH CARE'S**  
10 **MOTION TO TRANSFER VENUE AND MOTION FOR SANCTIONS, AND FOR**  
11 **SANCTIONS**

12 **PLAINTIFF QIQUIA YOUNG'S OBJECTIONS TO EVIDENCE PROFFERED BY**  
13 **DEFENDANT STANFORD HEALTH CARE ON ITS MOTION TO TRANSFER**  
14 **VENUE AND MOTION FOR SANCTIONS**

15 **DECLARATION OF LARA VILLARREAL HUTNER IN SUPPORT OF**  
16 **PLAINTIFF QIQUIA YOUNG'S OPPOSITION TO DEFENDANT STANFORD**  
17 **HEALTH CARE'S MOTION TO TRANSFER VENUE AND MOTION FOR**  
18 **SANCTIONS, AND FURTHER IN SUPPORT OF PLAINTIFF'S REQUEST FOR**  
19 **SANCTIONS**

20 **DECLARATION OF PLAINTIFF QIQUIA YOUNG IN OPPOSITION TO**  
21 **DEFENDANT'S MOTION TO TRANSFER VENUE AND MOTION FOR**  
22 **SANCTIONS**

23 **DECLARATION OF SHANIQUA GEEGAN**

24 **DECLARATION OF SALMA MORALES**

25 **DECLARATION OF NEELAM SHARMA**

26 **[PROPOSED] ORDER DENYING DEFENDANT STANFORD HEALTH CARE,**  
27 **INC.'S MOTION TO TRANSFER FOR AND FOR SANCTIONS AND GRANTING**  
28 **PLAINTIFF'S REQUEST FOR SANCTIONS**

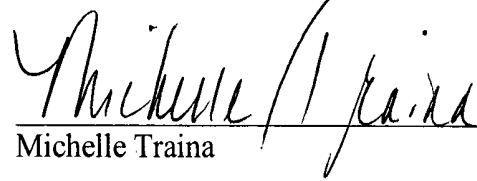
on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY UPS:** I enclosed said document(s) in an envelope or package provided by UPS and  
addressed to the persons at the addresses listed in the Service List. I placed the envelope or  
package for collection and overnight delivery at an office or a regularly utilized drop box of UPS  
or delivered such document(s) to a courier or driver authorized by UPS to receive documents.

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

Executed on November 27, 2017, at San Francisco, California.

  
Michelle Traina

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **SERVICE LIST**  
2 **Qiquia Young v. The Leland Stanford Junior University, et al.**  
3 **Case No. RG17877051**

4 *Attorneys for Defendant Stanford Health Care*

5 Michael D. Bruno, Esq.  
6 Alyson S. Cabrera, Esq.  
7 Pamela Y. Ng, Esq.  
8 GORDON REES SCULLY MANSUKHANI, LLP  
9 Embarcadero Center West  
10 275 Battery Street, Suite 2000  
11 San Francisco, CA 94111  
12 Telephone: 415.986.5900  
13 Facsimile: 415. 986.8054  
14 E-Mail: mbruno@gordonrees.com  
15 acabrera@gordonrees.com  
16 png@gordonrees.com

17 Tracey A. Kennedy, Esq.  
18 Nora K. Stilestein, Esq.  
19 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
20 333 South Hope Street, 43rd Floor  
21 Los Angeles, California 90071-1422  
22 Telephone: 213.620.1780  
23 Facsimile: 213.620.1398  
24 E-Mail: tkennedy@sheppardmullin.com  
25 nstilestein@sheppardmullin.com

26 Morgan P. Forsey, Esq.  
27 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
28 Four Embarcadero Center, 17th Floor  
San Francisco, California 94111-4109  
Telephone: 415.434.9100  
Facsimile: 415.434.3947  
E-Mail: mforsey@sheppardmullin.com



NOV 27 2017

1 VILLARREAL HUTNER PC  
 LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
 2 E-Mail: lhutner@vhattorneys.com  
 LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
 3 E-Mail: lcooper@vhattorneys.com  
 TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
 4 E-Mail: treed@vhattorneys.com  
 575 Market Street, Suite 1700  
 5 San Francisco, California 94105  
 Telephone: 415.543.4200  
 6 Facsimile: 415.512.7674

7 CHRISTOPHER H. WHELAN, INC.  
 CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
 8 E-Mail: chris@whelanlawoffices.com  
 11246 Gold Express Drive, Suite 100  
 9 Gold River, California 95670  
 Telephone: 916.635.5577  
 10 Facsimile: 916.635.9159

11 Attorneys for Plaintiff  
 QIQIUIA YOUNG

12 SUPERIOR COURT OF CALIFORNIA  
 13 COUNTY OF ALAMEDA  
 14 RENE C. DAVIDSON COURTHOUSE  
 15

16 QIQIUIA YOUNG,

17 Plaintiff,

18 v.

19 THE LELAND STANFORD JUNIOR  
 UNIVERSITY, STANFORD HEALTH  
 20 CARE, STANFORD HOSPITAL AND  
 CLINICS, CHANRATH FLORES, and DOES  
 21 1 through 50, inclusive,

22 Defendants.

Case No. RG17877051

*[Assigned For All Purposes To  
 Hon. Ronni B. MacLaren, Department 25]*

**[PROPOSED] ORDER DENYING  
 DEFENDANT STANFORD HEALTH  
 CARE, INC.'S MOTION TO TRANSFER  
 FOR AND FOR SANCTIONS AND  
 GRANTING PLAINTIFF'S REQUEST  
 FOR SANCTIONS**

Reservation Number: R-1899966

Date: December 8, 2017

Time: 9:00 a.m.

Dept.: 25

1 The motion of defendant Stanford Health Care, Inc. ("Defendant") to transfer the venue  
2 in this matter to the Superior Court of California, County of Santa Clara, as well as for the  
3 imposition of monetary sanctions against plaintiff Qiqiua Young's ("Plaintiff") counsel came on  
4 regularly for hearing on December 8, 2017, at 9:00 a.m., in Department 25 of the Superior Court  
5 of California, County of Alameda, which is located at the Rene C. Davidson Courthouse, 1225  
6 Fallon Street, Oakland, CA 94612. Plaintiff appeared by counsel of Lara Villarreal Hutner.  
7 Defendant appeared by counsel of \_\_\_\_\_.

8 Having read and considered the motion, supporting papers, opposition, and having  
9 considered the arguments of counsel, and good cause appearing therefore, the Court finds:

10 Defendant's motions is DENIED on the grounds that the Superior Court of California,  
11 County of Alameda is [a proper venue for the instant action] [and] [promotes the convenience of  
12 the witnesses and the ends of justice].

13 Further, Plaintiff's request for reasonable expenses and attorneys' fees incurred in  
14 resisting Defendant's motion to transfer is GRANTED. IT HIS HEREBY ORDERED that  
15 Defendant or its counsel pay forthwith the amount of \$23,250.00 on or before  
16 \_\_\_\_\_, 2017.

17  
18 **IT IS SO ORDERED.**

19  
20 Date: \_\_\_\_\_, 2017

21  
22  
23 \_\_\_\_\_  
24 Hon. Ronni B. MacLaren  
25 JUDGE OF THE SUPERIOR COURT  
26  
27  
28



20523885

1 VILLARREAL HUTNER PC  
 LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
 2 E-Mail: lhutner@vhattorneys.com  
 LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
 3 E-Mail: lcooper@vhattorneys.com  
 TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
 4 E-Mail: treed@vhattorneys.com  
 575 Market Street, Suite 1700  
 5 San Francisco, California 94105  
 Telephone: 415.543.4200  
 6 Facsimile: 415.512.7674

7 CHRISTOPHER H. WHELAN, INC.  
 CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
 8 E-Mail: chris@whelanlawoffices.com  
 11246 Gold Express Drive, Suite 100  
 9 Gold River, California 95670  
 Telephone: 916.635.5577  
 10 Facsimile: 916.635.9159

11 Attorneys for Plaintiff  
 QIQIUIA YOUNG

SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF ALAMEDA  
 RENE C. DAVIDSON COURTHOUSE

**FILED**  
**ALAMEDA COUNTY**  
 NOV 27 2017  
 CLERK OF THE SUPERIOR COURT  
 By *[Signature]*  
 D. OLIVER, Deputy

16 QIQIUIA YOUNG,  
 17 Plaintiff,  
 18 v.

Case No. RG17877051

**DECLARATION OF  
 NEELAM SHARMA**

19 THE LELAND STANFORD JUNIOR  
 UNIVERSITY, STANFORD HEALTH  
 20 CARE, STANFORD HOSPITAL AND  
 CLINICS, CHANRATH FLORES, and DOES  
 21 1 through 50, inclusive,  
 22 Defendants.

28

1           1.       I am over 18 years of age, and I make this declaration based upon my own personal  
2 knowledge. If I were called as a witness, I could and would testify competently to the facts set forth  
3 below.

4           2.       I am not a party to this lawsuit.

5           3.       I live in Fremont, California, in Alameda County.

6           4.       I am an employee of University HealthCare Alliance, which is an affiliate with  
7 Stanford. I work at University HealthCare Alliance at its ValleyCare facility in Pleasanton, California.  
8 Pleasanton is in Alameda County.

9           5.       On Friday, September 29, 2017, I was at work at ValleyCare in Pleasanton, in Alameda  
10 County, when I received an email from Stanford Health Care's President and CEO David Entwistle  
11 with the subject line "Message from SHC President and CEO David Entwistle" attaching a letter from  
12 the CEO saying that a lawsuit was "filed by a current employee with allegations of racism and patient  
13 safety issues that are grossly exaggerated and largely inaccurate." A true and correct copy of the letter  
14 I received from Stanford Health Care CEO David Entwistle is attached as Exhibit A.

15           6.       I read the email from the CEO while I was at work in Alameda County, and I knew  
16 immediately that the email was about Qiquia Young, who is a current Stanford Health Care  
17 employee. I have worked with Qiquia Young for many years and I was truly shocked to get the email  
18 from the CEO of Stanford Health Care portraying Qiquia Young as dishonest, untruthful,  
19 untrustworthy, and a "gold-digger." I was also concerned about how many other people received the  
20 email about Qiquia Young based on the CEO saying in the email that he "regret[ted] that it was  
21 necessary to communicate broadly about any individual SHC employee." In addition, one of my co-  
22 workers at University HealthCare Alliance in Pleasanton commented to me about having received the  
23 email from the Stanford Health Care CEO about Qiquia Young at work as well. As soon as I read the  
24 email, and while I was still at work in Pleasanton, I sent a text to Qiquia Young telling her to check  
25 her work email to see if she also received the email from the CEO, which she had not known about  
26 until I told her. The email is on my work computer in Pleasanton, California, County of Alameda.

27           7.       When I am called as a witness in this case, it would be much more convenient for me to  
28 attend a trial in Oakland, California than in Santa Clara County, California, as I live and work in the  
East Bay in Fremont, California. The drive from my job in Pleasanton to downtown Oakland only



1 takes about 30 minutes, which is far less than the drive time from Pleasanton to downtown San Jose,  
2 which at times can take over an hour depending on traffic. I also have two children under age 6, a 4  
3 year old son and a 5 year old son who I take care of. My 5 year old son has started kindergarten and  
4 needs me to drive him to and from school in Fremont, so it would be very inconvenient me to have to  
5 attend trial in Santa Clara County. For these reasons, I would prefer that Ms. Young's case be tried in  
6 Oakland when I am called as a witness.

7  
8 I certify under penalty of perjury under the laws of the State of California that the foregoing is  
9 true and correct.

10 Signed this 27<sup>th</sup> day of November, 2017, at Pleasanton, California.

11  
12  
13 

14 \_\_\_\_\_  
15 Neelam Sharma  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBIT A

# Office of the CEO

September 29, 2017



**Stanford**  
HEALTH CARE

Dear Colleagues,

I am writing in relation to media coverage you may have seen this week regarding a Stanford Health Care employee. I want to ensure that you have the facts about this unfortunate situation.

A lawsuit has been filed by a current employee with allegations of racism and patient safety issues that are grossly exaggerated and largely inaccurate. SHC is fully committed to a diverse, respectful, and inclusive workplace, and not only encourages, but requires, all employees to raise concerns that they believe may affect the patient experience or the workplace.

Contrary to what you may see in the media, SHC has been extremely proactive in addressing the employee's concerns.

- Although the employee filing the suit was shown a photo of another employee covered in a sheet in 2014, all of the employees involved in that incident were terminated by SHC, including those who merely saw the photo and did not report it to management.
- I, and the Dean of the School of Medicine at Stanford, have personally met with Cancer Center leaders and faculty to deliver the broader message that, while SHC did the right thing to terminate all those involved in the 2014 incident, such behavior -- regardless of whether it is

intended as a prank or an act of hate -- will never be tolerated at SHC. I have conveyed, and will continue to convey, that SHC has zero tolerance for conduct that promotes disrespect of another's race, culture, gender or lifestyle, and anyone who learns of any behavior which is offensive, demeaning or hurtful, needs to act on it immediately using the many resources SHC has, including through HR and leadership.

- Finally, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), an independent agency that certifies and accredits health care organizations, has investigated those issues raised by the employee and found that either there was no issue, or that SHC had resolved the issue. No action has ever been taken against SHC for the purported safety issues raised by the employee. SHC is fully dedicated to patient safety and takes aggressive proactive efforts to ensure safe and quality care.

At every turn, SHC has responded proactively and lawfully when this employee raised concerns about her workplace and SHC will vigorously defend this lawsuit. Although the lawsuit also names Stanford University as a defendant, the actions the employee claims happened to her arise from her employment by SHC and do not involve the University.

I regret that it is necessary to communicate broadly about any individual SHC employee; however, the media coverage in relation to this lawsuit requires that our community receive this information.

The essential values represented throughout Stanford Medicine are important to all of us and I appreciate your continued commitment to ensuring they are upheld.

David Entwistle

President & CEO



20523886

1 VILLARREAL HUTNER PC  
 LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
 2 E-Mail: lhutner@vhattorneys.com  
 LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
 3 E-Mail: lcooper@vhattorneys.com  
 TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
 4 E-Mail: treed@vhattorneys.com  
 575 Market Street, Suite 1700  
 5 San Francisco, California 94105  
 Telephone: 415.543.4200  
 6 Facsimile: 415.512.7674

**FILED**  
 ALAMEDA COUNTY  
 NOV 27 2017  
 CLERK OF THE SUPERIOR COURT  
 By *[Signature]*  
 P. OLIVER, Deputy

7 CHRISTOPHER H. WHELAN, INC.  
 CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
 8 E-Mail: chris@whelanlawoffices.com  
 11246 Gold Express Drive, Suite 100  
 9 Gold River, California 95670  
 Telephone: 916.635.5577  
 10 Facsimile: 916.635.9159

11 Attorneys for Plaintiff  
 QIQIUIA YOUNG

SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF ALAMEDA  
 RENE C. DAVIDSON COURTHOUSE

16 QIQIUIA YOUNG,

Case No. RG17877051

17 Plaintiff,

**DECLARATION OF  
 SHANIQUA GEEGAN**

18 v.

19 THE LELAND STANFORD JUNIOR  
 UNIVERSITY, STANFORD HEALTH  
 20 CARE, STANFORD HOSPITAL AND  
 CLINICS, CHANRATH FLORES, and DOES  
 21 1 through 50, inclusive,

22 Defendants.

23  
 24  
 25  
 26  
 27  
 28

1 I, Shaniqua Geegan, declare:

2 1. I am over 18 years of age and I make this declaration based upon personal knowledge.

3 If called as a witness, I could and would testify competently to the facts set forth below.

4 2. I am not a party to this lawsuit.

5 3. I am not an employee of Stanford University or Stanford Health Care.

6 4. I work in Fremont, in Alameda County, California, at the Fremont Psychiatric Hospital.

7 5. I live in Oakland, in Alameda County, California.

8 6. Attending a trial in this case in Alameda County would be convenient for me.

9 Attending a trial in this case in Santa Clara County would be inconvenient for me because I live in  
10 Oakland, and I have two children at home, ages 5 and 11, who I care for, and I also care for my  
11 mother, who lives in Newark, in Alameda County, who recently had surgery for a clogged artery in  
12 the back of her leg, and who I help take to appointments and run her household. Also, my job is such  
13 that I work various hours, and sometimes work overnight from 11:00 p.m. to 7:30 a.m., so traveling  
14 beyond Alameda County to testify at trial would be inconvenient for me. For the same reasons, if I  
15 were to testify at trial and then were recalled for further testimony, it would be far more convenient for  
16 me, and I would far more likely be able to promptly return to a courthouse in Alameda County than in  
17 Santa Clara County.

18 7. If I am called to testify at the trial in this lawsuit, I will testify that I worked through a  
19 temporary agency as a Medical Assistant at Stanford Health Care from about April 2017 until about  
20 the end of July 2017. During that time, I worked with Qiquia Young and I witnessed Chanrath Flores,  
21 who I knew as "Shawna," repeatedly smashing chairs into Ms. Young. I also will testify to the  
22 professional way I witnessed Ms. Young report incidents about Shawna, and I will testify that Martha  
23 Berrier's and Ruth Hicks's response to Ms. Young's reports was to brush them under the rug and  
24 retaliate against Ms. Young by acting like it was Ms. Young who had done something wrong. I also  
25 will testify that Ms. Young was always top notch and a team player who would take initiative and take  
26 the lead on things, even when they were not her responsibility, and that she would stop whatever she  
27 was doing to help a patient, even if the patient was from another department. I will testify that when  
28

1 Ms. Young told me that management said in her evaluation that she needed to work on being a team  
2 player, I was shocked because Ms. Young was nothing but a team player.

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

5 Dated: November 7, 2017

6 

7 Shaniqua Geegan  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1 VILLARREAL HUTNER PC  
 2 LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
 3 E-Mail: lhutner@vhattorneys.com  
 4 LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
 5 E-Mail: lcooper@vhattorneys.com  
 6 TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
 7 E-Mail: treed@vhattorneys.com  
 8 575 Market Street, Suite 1700  
 9 San Francisco, California 94105  
 10 Telephone: 415.543.4200  
 11 Facsimile: 415.512.7674

**FILED**  
**ALAMEDA COUNTY**

NOV 27 2017

7 CHRISTOPHER H. WHELAN, INC.  
 8 CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
 9 E-Mail: chris@whelanlawoffices.com  
 10 11246 Gold Express Drive, Suite 100  
 11 Gold River, California 95670  
 12 Telephone: 916.635.5577  
 13 Facsimile: 916.635.9159

CLERK OF THE SUPERIOR COURT  
 By *Darrelia*  
 D. OLIVER Deputy

11 Attorneys for Plaintiff  
 12 QIQUIA YOUNG

SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF ALAMEDA  
 RENE C. DAVIDSON COURTHOUSE

16 QIQUIA YOUNG,

Case No. RG17877051

17 Plaintiff,

**DECLARATION OF  
 SALMA MORALES**

18 v.

19 THE LELAND STANFORD JUNIOR  
 20 UNIVERSITY, STANFORD HEALTH  
 21 CARE, STANFORD HOSPITAL AND  
 22 CLINICS, CHANRATH FLORES, and DOES  
 23 1 through 50, inclusive,

22 Defendants.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, Salma Morales, declare:

1. I am over 18 years of age, and I make this declaration based on my own personal knowledge. If I am called as a witness, I could and would testify competently to the facts set forth below.

2. I am not a party in this lawsuit.

3. I live in Fremont, California, in Alameda County and I work as a Medical Assistant for Stanford Health Care.

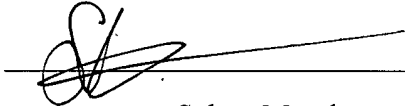
4. If I am called as a witness in this lawsuit, I will testify that I witnessed Qiquia Young checking for expiration dates on supplies, including medication, during same the time period that she was given a disciplinary write-up for supposedly not checking for expiration dates on supplies.

5. When I started working at Stanford as a Medical Assistant, I was trained on how to check the crash cart and on how to fill out the Ever Ready Checklist. If I am called as a witness, I will testify that during the time that Ms. Young worked in the Palo Alto Cancer Center, the other Medical Assistants were not being trained on how to properly check the crash cart in the Cancer Center and were not checking the crash cart properly. I will also testify that the other Medical Assistants were filing out the Ever Ready Checklists with inaccurate information, basically saying things on the crash cart had been checked when they had not.

6. It would be much more convenient for me to attend a trial of Ms. Young's case in Oakland, California than in Santa Clara County, because my family and I live in Alameda County. Although I work in Palo Alto, I prefer not to drive, and so take Stanford's shuttle to work. If the trial were in Oakland, California, I would be able to take BART to and from trial. It would be very inconvenient for me to have to drive to Santa Clara County to attend trial in this case.

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

Signed this 25 day of November, 2017 at Fremont, California

  
Salma Morales



1 VILLARREAL HUTNER PC  
 LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
 2 E-Mail: lhutner@vhattorneys.com  
 LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
 3 E-Mail: lcooper@vhattorneys.com  
 TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
 4 E-Mail: treed@vhattorneys.com  
 575 Market Street, Suite 1700  
 5 San Francisco, California 94105  
 Telephone: 415.543.4200  
 6 Facsimile: 415.512.7674

7 CHRISTOPHER H. WHELAN, INC.  
 CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
 8 E-Mail: chris@whelanlawoffices.com  
 11246 Gold Express Drive, Suite 100  
 9 Gold River, California 95670  
 Telephone: 916.635.5577  
 10 Facsimile: 916.635.9159

11 Attorneys for Plaintiff  
 QIQIUIA YOUNG

SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF ALAMEDA  
 RENE C. DAVIDSON COURTHOUSE

16 QIQIUIA YOUNG,  
 17 Plaintiff,  
 18 v.

19 THE LELAND STANFORD JUNIOR  
 UNIVERSITY, STANFORD HEALTH  
 20 CARE, STANFORD HOSPITAL AND  
 CLINICS, CHANRATH FLORES, and DOES  
 21 1 through 50, inclusive,  
 22 Defendants.

Case No. RG17877051

**DECLARATION OF PLAINTIFF  
 QIQIUIA YOUNG IN OPPOSITION TO  
 DEFENDANT'S MOTION TO TRANSFER  
 VENUE AND MOTION FOR SANCTIONS**

**FILED**  
 ALAMEDA COUNTY  
 NOV 27 2017  
 CLERK OF THE SUPERIOR COURT  
 By *[Signature]*  
 B. OLIVER, Deputy

28

1 I, Qiqiua Young, declare:

2 1. I am the plaintiff in this lawsuit against Stanford University, Stanford Health Care,  
3 Stanford Hospitals and Clinics, and Chanrath Flores. In this declaration, I refer to Stanford University,  
4 Stanford Health Care, and Stanford Hospitals and Clinics collectively as "Stanford" or "Stanford  
5 Health Care." I am over 18 years of age and I make this declaration based upon my own personal  
6 knowledge. If called as a witness, I could and would testify competently to the facts set forth below.

7 2. I live in Fremont, California, which is in Alameda County and I am employed by  
8 Stanford Health Care. I have reviewed the Complaint in this action filed on my behalf, and I have and  
9 keep records regarding all of my claims in this lawsuit, including my claims of discrimination,  
10 harassment, and retaliation, at my home in Alameda County, including photographs, emails, my  
11 personal notes, and my personnel records.

12 3. In my lawsuit against Stanford and Chanrath Flores, I have brought claims for having  
13 been forced to work without pay while at home in Alameda County, and for not being reimbursed for  
14 use of my personal cell while working from home. My cell phone is registered to me in Alameda  
15 County, and I receive my cell phone bills at my home in Alameda County.

16 4. I also have brought claims based on Chanrath Flores' assault and battery of me.  
17 Ms. Flores also is a Stanford Health Care employee, and my claims against her are based in part on an  
18 incident at the New Park Mall, Newark, California, in Alameda County, in Spring 2017 when  
19 Ms. Flores was threatening to me while I was alone with my then-2-year-old son at the Victoria's  
20 Secret in New Park Mall. I believe that Ms. Flores lives in Fremont, California, as on November 12,  
21 2017, I saw her at Lucky's grocery store in Fremont, California, while I was there with my husband.

22 5. In my lawsuit, I have also brought claims for unlawful race discrimination, harassment,  
23 and retaliation, as well as discrimination, harassment, and retaliation based on my association with the  
24 African-American female surgeon referred to in the Complaint as the "Stanford Cancer Surgeon." The  
25 person referred to in the Complaint as the "Stanford Cancer Surgeon" is Dr. Kim Rhoads. Dr. Rhoads  
26 is a key witness in this lawsuit with respect to my claims for race discrimination, harassment, and  
27 retaliation, as well as for my claims for discrimination, harassment, and retaliation based on my  
28 association with her, and my reports of patient safety violations (at times made to Stanford  
management and regulatory agencies through Dr. Rhoads), as well as Stanford's cover-up and

1 retaliation against me in response to the same. I expect that Dr. Rhoads will provide testimony that  
2 supports my claims against Stanford for discrimination, harassment, and retaliation.

3           6.       Dr. Rhoads was the head of the Pelvic Floor Clinic at Stanford when I first started  
4 working at Stanford Health Care, and until last year, and she was one of the first people I confided in  
5 when my co-workers dressed up like the KKK and took photographs to intimidate me. The primary  
6 person who was involved in the KKK incident was Natalie Burazon who was the Patient Testing  
7 Technician in Dr. Rhoads' Pelvic Floor Clinic before she was terminated. Dr. Rhoads supported me  
8 with Stanford management when I made the report about my co-workers dressing like the KKK and  
9 she went to bat for me when I applied to be promoted to be the Pelvic Floor Patient Testing  
10 Technician III after Ms. Burazon was terminated. I confided in Dr. Rhoads that after I reported the  
11 KKK incident, suddenly management was questioning my work ethic and I kept being passed up for  
12 promotion to the Pelvic Floor Patient Testing Technician III position. This was despite the fact that  
13 Dr. Rhoads, as the head of the Pelvic Floor Clinic, was recommending me for promotion to the Pelvic  
14 Floor Patient Testing Technician III position, and Dr. Rhoads needed someone to fill the vacancy so  
15 that she could continue testing patients. After months passed and I was continually passed up for  
16 promotion – and Dr. Rhoads was unable to figure out why I was being passed up for promotion when  
17 she was recommending me – it was Dr. Rhoads who told me that I needed to find a lawyer to protect  
18 myself. Dr. Rhoads helped me find an attorney because I had a baby and I was overwhelmed by being  
19 a new mother and by the harassment, discrimination, and retaliation I was suffering at work.  
20 Dr. Rhoads came with me to interview the first attorney, and then put me in touch with a second  
21 attorney, and ultimately found my attorney for me. Dr. Rhoads also was impacted by the KKK  
22 incident because her Pelvic Floor Clinic was basically closed after Stanford fired the people involved  
23 in the KKK incident. Dr. Rhoads, who is African-American, was upset that my co-workers had  
24 dressed like the KKK at work to intimidate me, and Dr. Rhoads spoke out often about the fact that  
25 there was no anti-harassment training done after it happened. After Dr. Rhoads started speaking out on  
26 my behalf, I witnessed that she started being treated like a second-class citizen at Stanford such that  
27 she did not get the same support that the other surgeons did who I worked with.

28           7.       In early 2016, Dr. Rhoads told me that she spoke for hours to an investigator who  
Stanford had hired named Terry Roemer about race discrimination and retaliation at Stanford. She

1 gave the investigator documents and told the investigator that she should talk to me as a witness. The  
2 investigator never contacted me. After meeting with the investigator, Dr. Rhoads told me that she had  
3 recorded the whole interview with the investigator, and had it transcribed. As a member of  
4 Dr. Rhoads' Pelvic Floor Clinic, I have knowledge that Dr. Rhoads was not at work during this period  
5 of time. As a result, I presume that Dr. Rhoads had (and has) the transcript of the recording that  
6 references me and the KKK incident at her home.

7           8.       Dr. Rhoads told me many times that she lives in Oakland, California, Alameda County.  
8 I am informed and believe that Dr. Rhoads has documents, including electronically stored documents,  
9 at her home on her home computer that show Stanford discriminated against, retaliated against, and  
10 harassed me. I believe that these documents include the transcription of Dr. Rhoads' interview with  
11 Stanford's investigator, Terry Roemer, as well as original emails about me and my discrimination,  
12 retaliation, and harassment claims that Dr. Rhoads sent to Stanford management, and then forwarded  
13 to me after she sent them to Stanford's management. I also believe Dr. Rhoads also has the original  
14 email in response to the patient safety issue she reported on my behalf from Stanford Health Care's  
15 Patient Safety Consultant in the Quality, Patient Safety and Effectiveness Department that is  
16 photographed in my Complaint admitting that safety reports "have been used punitively" by Stanford  
17 Health Care.

18           9.       Dr. Rhoads also reported to Stanford management, and later to the Joint Commission,  
19 the patient safety concerns that I brought to her attention because I was afraid to report them myself  
20 for fear of retaliation. One of these concerns was that the other Medical Assistants did not know how  
21 to properly check the Cancer Center's "crash cart" – which we would use to resuscitate patients who  
22 went into cardiac arrest or who had other life-threatening problems – but they would fill out the forms  
23 required for regulatory compliance (called the Ever-Ready checklists) saying they had checked the  
24 "crash cart" properly. In fact, they had not and it was not properly maintained or equipped such that  
25 essential lifesaving supplies were not in stock and available contrary to false record keeping. Before  
26 Dr. Rhoads reported my concern about the "crash cart" and the Every-Ready checklists being filled  
27 out falsely, I made hard copies of the records of the Ever-Ready checklists and gave them to Dr.  
28 Rhoads for safe-keeping away from work, so she could keep them at her home. After Dr. Rhoads  
reported my patient safety concerns to Stanford management, the retaliation against me by

1 management escalated. It was around the same time that I received an email from Dr. Rhoads saying  
2 that she had resigned.

3 10. The first person I reported the KKK incident to was Cynthia DePorte, the former  
4 Director of Stanford's Cancer Center. In addition to me reporting the KKK incident, Ms. DePorte will  
5 testify to the Cancer Center procedures and protocols relating to the work environment, patient safety  
6 issues, employee training, and the Cancer Center "crash cart" not being properly checked or  
7 maintained after her tenure as Director of the Cancer Center ended. My understanding is that Ms.  
8 DePorte is no longer a Stanford employee and she lives in Alameda County. I based my information  
9 about where Ms. DePorte lives on the fact that she and I go to the same manicurist at Nail Chic,  
10 located at 5932 Newpark Mall Road, in Newark, California, Alameda County, and I have seen her  
11 there and I have talked to my manicurist about the fact that Ms. Deporte is her client, too. I anticipate  
12 that Ms. DePorte will offer testimony that is helpful to my case against Stanford regarding the KKK  
13 incident and Stanford's policies, procedures, and protocols..

14 11. Estedar Gizaw is a nurse of Ethiopian descent and is Dr. Brendan Visser's nurse.  
15 Ms. Gizaw is a witness to Dr. Brendan Visser's statement to an African doctor asking whether her  
16 boyfriend eats "bushmeat" and to Dr. Visser's harassment and mistreatment of me after I reported my  
17 co-workers dressing like the KKK to intimidate me. I believe that Ms. Gizaw lives in Alameda County  
18 because she told me she lives near Dr. Rhoads, who lives in Oakland, and because, when I was  
19 looking at a wedding site at Lake Temescal, in Temescal, Alameda County, I showed the site to  
20 Ms. Gizaw, and Ms. Gizaw responded by telling me that she could walk to Lake Temescal from her  
21 house. Ms. Gizaw's testimony in this case will be supportive of my claims that Stanford treated me  
22 unlawfully based on my race and in retaliation for making complaints of racism and patient  
23 endangerment. Ms. Gizaw's testimony in this case also will be supportive of my claims that there is a  
24 culture of race harassment, discrimination, and retaliation at Stanford.

25 12. Odalicia Benavidez is a witness in this case, as she is one of the Stanford Health Care  
26 employees who I reported for using the "N" word at work, and her testimony regarding my reporting  
27 of use of the "N" word at Stanford will support my case. Based on information I have received and my  
28 belief based on such information, Ms. Benavidez lives in Hayward, California, Alameda County.

1           13.     Madonna Paulin is a Stanford Health Care employee and a witness in this case.  
2 Ms. Paulin has information that, after I reported Eduardo Sudano for using the "N" word at work, he  
3 was promised a promotion and pay raise when he returned to the Cancer Center. Ms. Paulin's  
4 testimony will be favorable to me and support my claims that Stanford engaged in unlawful conduct  
5 toward me. Based on information that I have received and my belief based on such information, Ms.  
6 Paulin lives in Union City, California, Alameda County.

7           14.     Winnie Suguitan is a Stanford Health Care employee and a witness in this case.  
8 Ms. Suguitan has information about the retaliation I have suffered by Stanford Health Care's Assistant  
9 Director Martha Berrier regarding adverse changes to my work schedule. Based on information that I  
10 have received and my belief based on such information, Ms. Suguitan lives in Hayward, California,  
11 Alameda County. Ms. Suguitan's testimony will support my retaliation claim against Stanford.

12           15.     Leah Lillard is a Stanford Health Care employee and a witness in this case. Ms. Lillard  
13 is a witness to Chanrath Flores' retaliation and harassment of me and will offer testimony that  
14 supports these claims. Based on information that I have received and my belief based on such  
15 information, Ms. Lillard lives in Oakland, California, Alameda County.

16           16.     I have worked for Stanford Health Care since June of 2011, and part of my job has  
17 been rooming patients for the colorectal surgeons and the oncologists. Working with the colorectal  
18 surgeons and oncologists, I can attest that they have scheduled days off.

19           17.     On September 29, 2017, in retaliation for my filing this lawsuit alleging, among other  
20 things, discrimination, harassment, and retaliation, Stanford Health Care CEO David Entwistle sent an  
21 email to the Stanford community basically calling me a liar. In his email, Mr. Entwistle wrote that my  
22 allegations of "racism and patient safety issues" were "grossly exaggerated and largely inaccurate."

23           18.     I first learned that the CEO of Stanford Health Care had sent his September 29, 2017  
24 email – accusing me throughout the Stanford community of being dishonest, of being a liar and of  
25 making false complaints to Stanford, to government agencies and of filing a false and baseless lawsuit  
26 – from Neelam Sharma, who works for University HealthCare Alliance in Pleasanton, California,  
27 Alameda County, while she was at work in Pleasanton, in Alameda County. Ms. Sharma texted me  
28 while I was at work and told me to check my email because the CEO had sent an email about me. Mr.  
Entwistle's September 29 email about me is not only stored on Ms. Sharma's computer at her place of

1 work in Pleasanton, California, but is also likely on the computers of all Stanford Health Care  
2 employees in Stanford's Alameda County locations, including its offices in Alameda, Berkeley, Castro  
3 Valley, Emeryville, Hayward, Livermore, Oakland, and Pleasanton. As a result of Mr. Entwistle's  
4 retaliatory characterization of me as dishonest, I believe I have lost respect and credibility with many  
5 Stanford employees, making my job more difficult and any promotion or advancement of my career  
6 impossible. A true and correct copy CEO. Entwistle's September 29, 2017 email regarding my lawsuit  
7 and my employment with Stanford is attached as **Exhibit A** (to address formatting and printing issues,  
8 I have also included a Word version of CEO Entwistle's email that includes the text of the email in its  
9 entirety).

10 19. On October 6, 2017, I caused to be filed a Complaint with the California Department of  
11 Fair Employment and Housing ("DFEH") based, in part, on CEO Entwistle's retaliatory email in  
12 response to my filing this lawsuit. A true and correct copy of my October 6, 2017 DFEH Complaint is  
13 attached as **Exhibit B**.

14 20. As a result of Stanford's discrimination, harassment, and retaliation, I have experienced  
15 significant emotional distress, including depression, insomnia, and anxiety. I have seen two medical  
16 providers for treatment for my emotional distress, and they will testify at trial in support of my  
17 allegations that I have been injured emotional as a result of Stanford's actions. Their practices and  
18 their records reflecting my emotional distress and treatment are in Alameda County. I have sought  
19 treatment to address my emotional injuries at the offices of Varnita Marsh & Associates, which is  
20 located in Oakland, California, and I have been treated for my emotional injuries by Dr. Jinghua Shi  
21 and Dr. Adrienne Difabio at Kaiser in Fremont, California.

22 21. My family members have also witnessed the emotional toll that Stanford's  
23 discrimination, harassment, and retaliation have taken on me, as well as the wrongful conduct of  
24 Chanrath Flores. My husband, Ashraf Elsayid, who lives with me in Fremont, California, will likely  
25 testify at trial regarding my emotional injuries. In addition, my mother Madeline Young, who lives in  
26 Fremont, California, may also provide testimony about my depression, anxiety, and insomnia resulting  
27 from Stanford's discrimination, harassment, and retaliation, as well as the wrongful conduct of  
28 Chanrath Flores. My mother has recently had a hip replacement and cannot drive. As a result, it would  
be difficult for her to travel to San Jose, California or elsewhere in Santa Clara County for trial.

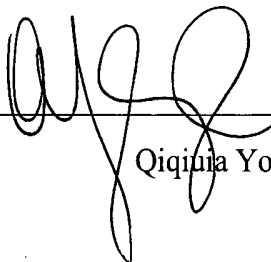


1 Oakland would be the most convenient location for her to attend trial, as she can travel to and from  
2 trial by BART.

3 22. Alameda Superior Court is my preferred venue for my lawsuit, but it is not just because  
4 some of my claims happened in Alameda County, or because many records important to my case,  
5 including my claims of discrimination, harassment, and retaliation, are maintained in Alameda  
6 County, or for the convenience of many of the witnesses who will provide testimony to support m y  
7 claims and who live in Alameda County, but also because I am afraid that after the CEO sent out that  
8 retaliatory email essentially telling all Stanford employees that I am untruthful and a liar, these false  
9 accusations did not stop there, and in all likelihood spread to the families and friends of all the  
10 recipients of that hateful personal attack on me. I am convinced that I cannot get a fair trial in Santa  
11 Clara County because Stanford is one of the largest employers in Santa Clara County and so  
12 thousands of Stanford employees, their families and friends, have been poisoned to think that I am  
13 dishonest and a liar by one of the most powerful people in that County. I am also afraid that if I am  
14 unable to get a fair trial, the patients whose safety I worry about will continue to be unprotected.

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

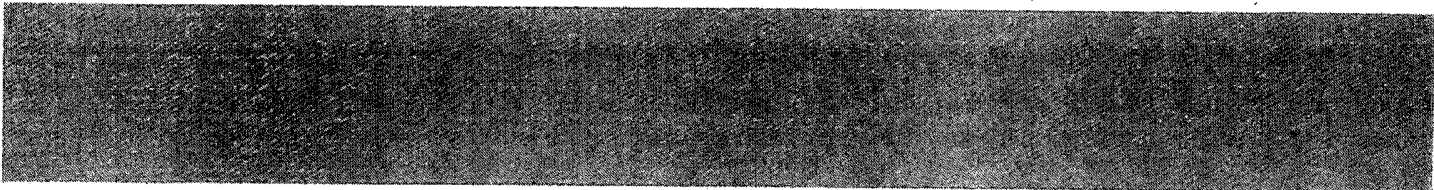
17 Signed this 26<sup>th</sup> day of November, 2017, at Fremont, California.

18  
19  
20  
21 \_\_\_\_\_  
22 Qiqiua Young  
23  
24  
25  
26  
27  
28

A

---

**From:** Message from SHC President and CEO David Entwistle  
[mailto:[shcexecutiveoffices@stanfordhealthcare.org](mailto:shcexecutiveoffices@stanfordhealthcare.org)]  
**Sent:** Friday, September 29, 2017 12:20 PM  
**To:** Young, Qiquia  
**Subject:** An important message from SHC CEO David Entwistle



# Office of the CEO

September 29, 2017



**Stanford**  
HEALTH CARE

Dear Colleagues,

I am writing in relation to media coverage you may have seen this week regarding a Stanford Health Care employee. I want to ensure that you have the facts about this unfortunate situation.

A lawsuit has been filed by a current employee with allegations of racism and patient safety issues that are grossly exaggerated and largely inaccurate. SHC is fully committed to a diverse, respectful, and inclusive workplace, and not only encourages, but requires, all employees to raise concerns that they believe may affect the patient experience or the workplace.

Contrary to what you may see in the media, SHC has been extremely proactive in addressing the employee's concerns.

- Although the employee filing the suit was shown a photo of another employee covered in a sheet in 2014, all of the employees involved in that incident were terminated by SHC, including those who merely saw the photo and did not report it to management.
- I, and the Dean of the School of Medicine at Stanford, have personally met with Cancer Center leaders and faculty to deliver the broader message that, while SHC did the right thing to terminate all those involved in the 2014 incident, such behavior -- regardless of whether it is intended as a prank or an act of hate -- will never be tolerated at SHC. I have conveyed, and will continue to convey, that SHC has zero tolerance for conduct that promotes disrespect of another's race, culture, gender or lifestyle, and anyone who learns of any behavior which is offensive, demeaning or hurtful, needs to act on it immediately using the many resources SHC has, including through HR and

Stanford Health Care, [300 Pasteur Drive, Stanford, CA 94305](#)

[SafeUnsubscribe™ qyoung@stanfordhealthcare.org](#)

[Forward this email](#) | [About our service provider](#)

Sent by [shcexecutiveoffices@stanfordhealthcare.org](#)

# Office of the CEO

September 29, 2017



**Stanford**  
HEALTH CARE

Dear Colleagues,

I am writing in relation to media coverage you may have seen this week regarding a Stanford Health Care employee. I want to ensure that you have the facts about this unfortunate situation.

A lawsuit has been filed by a current employee with allegations of racism and patient safety issues that are grossly exaggerated and largely inaccurate. SHC is fully committed to a diverse, respectful, and inclusive workplace, and not only encourages, but requires, all employees to raise concerns that they believe may affect the patient experience or the workplace.

Contrary to what you may see in the media, SHC has been extremely proactive in addressing the employee's concerns.

- Although the employee filing the suit was shown a photo of another employee covered in a sheet in 2014, all of the employees involved in that incident were terminated by SHC, including those who merely saw the photo and did not report it to management.
- I, and the Dean of the School of Medicine at Stanford, have personally met with Cancer Center leaders and faculty to deliver the broader message that, while SHC did the right thing to terminate all those involved in the 2014 incident, such behavior -- regardless of whether it is

intended as a prank or an act of hate -- will never be tolerated at SHC. I have conveyed, and will continue to convey, that SHC has zero tolerance for conduct that promotes disrespect of another's race, culture, gender or lifestyle, and anyone who learns of any behavior which is offensive, demeaning or hurtful, needs to act on it immediately using the many resources SHC has, including through HR and leadership.

- Finally, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), an independent agency that certifies and accredits health care organizations, has investigated those issues raised by the employee and found that either there was no issue, or that SHC had resolved the issue. No action has ever been taken against SHC for the purported safety issues raised by the employee. SHC is fully dedicated to patient safety and takes aggressive proactive efforts to ensure safe and quality care.

At every turn, SHC has responded proactively and lawfully when this employee raised concerns about her workplace and SHC will vigorously defend this lawsuit. Although the lawsuit also names Stanford University as a defendant, the actions the employee claims happened to her arise from her employment by SHC and do not involve the University.

I regret that it is necessary to communicate broadly about any individual SHC employee; however, the media coverage in relation to this lawsuit requires that our community receive this information.

The essential values represented throughout Stanford Medicine are important to all of us and I appreciate your continued commitment to ensuring they are upheld.

David Entwistle

President & CEO

B



1 COMPLAINANT OF EMPLOYMENT DISCRIMINATION

2 BEFORE THE STATE OF CALIFORNIA

3 DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
4 Under the California Fair Employment and Housing Act  
5 (Gov. Code, § 12900 et seq.)

6 In the Matter of the Complaint of  
7 Qiquia Young, Complainant.  
8 4973 Central Avenue, Apt. 246  
9 Fremont, California 94536

DFEH No. 807948-311184

9 vs.

10 Office Of The General Counsel The Leland  
11 Stanford Junior University, Respondent.  
12 Stanford University Building 170, 3rd Floor,  
13 Main Quad  
14 Stanford, California 94305

---

15 Complainant alleges:

16 1. Respondent **The Leland Stanford Junior University** is a **Private**  
17 **College/University** subject to suit under the California Fair Employment and  
18 Housing Act (FEHA) (Gov. Code, § 12900 et seq.). Complainant believes  
19 respondent is subject to the FEHA.

20 2. On or around **October 02, 2017**, complainant alleges that respondent took the  
21 following adverse actions against complainant: **Discrimination, Harassment,**  
22 **Retaliation Denied a work environment free of discrimination and/or**  
**retaliation, Other, On September 28, 2017, Ms. Young filed a lawsuit against**  
**The Leland Stanford Jr. University (also referred to as Stanford University),**  
**Stanford Health Care, Stanford Hospital and Clinics, and Chanrath Flores**  
**alleging claims under the California Fair Employment and Housing Act**  
**("FEHA") for discrimination and harassment based on race, retaliation based**  
**on making complaints of discrimination and harassment based on race,**  
**including, but not limited to claims arising from her co-workers dressing like**  
**the KKK to intimidate and harass her, as well as for discrimination and**  
**retaliation based on her association with Stanford Cancer Surgeons who**  
**engaged in the protected activity of reporting race discrimination and**  
**harassment, including Stanford staff dressing like the KKK, as well as patient**

endangerment and Stanford staff secretly photographing patient genitals, and for failure to investigate Ms. Young's reports of race harassment, discrimination, and retaliation.

The day following the filing of the civil complaint, on September 29, 2017, in retaliation for filing the lawsuit asserting, among other things, the above listed claims for race harassment, discrimination and retaliation under the FEHA stemming from Stanford staff dressing like the KKK to intimidate and harass Ms. Young and the ongoing and continued retaliation of her for reporting the same, President and Chief Executive Officer of Stanford Health Care David Entwistle published a statement to all employees of Stanford Health Care and, on information and belief, to employees of Stanford University, including all of the co-workers, supervisors, and employee and labor relations personnel connected to Ms. Young publicly retaliating against Ms. Young for exercising her rights by publicly humiliating and threatening her, as well as violating her right to privacy provided by the California Constitution and as promised in all relevant employee handbooks, Codes of Conduct, Personnel and Administrative Policies and Rules. President and CEO David Entwistle did this by unlawfully disclosing Ms. Young's personnel information, the results of the confidential investigation into her report of co-workers dressing like the KKK to intimidate and harass her, as well as other investigations into Ms. Young's reports of harassment, discrimination and retaliation, and by portraying Ms. Young - a current employee - as a traitor and a liar who he intends to vigorously fight. Ms. Young first heard that the President and CEO sent an email retaliating against her for having exercised her rights from a co-worker who received the retaliatory email while she was at work at Stanford Health Care's Pleasanton, California location in Alameda County.

Clearly this unprovoked, unjustified, and unlawful bullying through public humiliation and personal attacks on the truthfulness, integrity, honesty, purpose and morality of Ms. Young by President and CEO Entwistle, the most powerful person at Stanford Health Care, was in retaliation for the brave and principled efforts of Ms. Young to stop racial harassment, discrimination and retaliation in her workplace. The fully authorized and ratified actions of CEO Entwistle were for the sole purpose of retaliation, humiliation, punishment, and intimidation of Ms. Young.

On information and belief, the Stanford Health Care President and CEO's sending of the unlawful and maligning retaliatory email against Ms. Young was authorized and ratified by The Leland Stanford Jr. University's Office of General Counsel, including Debra Zumwalt (General Counsel) and Angeline Covey (Senior Employment Counsel) both of whom represent both The Leland Stanford Jr. University as well Stanford Health Care (as well as Stanford Hospitals and Clinics, before it changed names to Stanford Health Care). Indeed, General Counsel Debra Zumwalt is the agent for service of process

listed with the California Secretary of State for all three Stanford Defendants in this matter.. Complainant believes respondent committed these actions because of their: Association with a member of a protected class, Color, Engagement in Protected Activity, Race, Other filing a lawsuit that includes claims of harassment, discrimination, retaliation, and failure to investigate under the Fair Employment and Housing Act.

3. Complainant **Qiquia Young** resides in the City of **Fremont**, State of **California**. If complaint includes co-respondents please see below.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

**Co-Respondents:**

Stanford Health Care  
Office Of The General Counsel  
Stanford University Building 170, 3rd Floor,  
Main Quad  
Stanford California 94305

Stanford Hospital And Clinics  
Office Of The General Counsel  
Stanford University Building 170, 3rd Floor,  
Main Quad  
Stanford California 94305

1  
2 **Additional Complaint Details:**

3 Retaliation, discrimination, harassment on September 29, 2017 and October 2, 2017,  
4 and continuing and ongoing failure to investigate reports of the same.

5 On information and belief, the President and CEO of Stanford Health Care received  
6 explicit approval from The Leland Stanford Jr. University's Office of General Counsel to  
7 send his email humiliating and maligning Ms. Young, and invading her right to privacy  
8 under the California Constitution and other California statutes protecting her privacy  
9 regarding her personnel records and confidential investigations of race discrimination,  
10 harassment and retaliation and reports of patient safety issues and concerns all in  
11 retaliation for her opposing discrimination, harassment and retaliation and filing a  
12 lawsuit asserting claims of discrimination, harassment, retaliation, and failure to  
13 investigate and correct the same under the FEHA. Ms. Young will amend this Charge as  
14 others who ratified the President and CEO's retaliatory conduct as they become known  
15 to her through discovery.

16 On information and belief, faculty who are employed by Stanford University also  
17 received the Stanford Health Care's President and CEO's retaliatory email unlawfully  
18 disclosing Ms. Young's private personnel information and further maligning her integrity,  
19 honesty, purpose and morality by calling her a liar. Stanford Health Care CEO  
20 Entwistles authorized and ratified retaliatory message was clear and, as reported to  
21 Ms. Young by Stanford University faculty who received the email, the CEO put a hit out  
22 on Ms. Young so that people can do whatever they want to her.

On information and belief, on or before October 2, 2017, one or more faculty members  
employed by The Leland Stanford Jr. University made a complaint of retaliation to  
management, including, on information and belief, to The Leland Stanford Jr.  
University's Office of General Counsel, on Ms. Young's behalf based on Stanford  
Health Care President and CEO David Entwistle's retaliatory and unlawful September  
29, 2017 email intimidating, threatening, and maligning Ms. Young.

On October 2, 2017, as further retaliation for having filed her lawsuit asserting claims  
under the FEHA, and as discrimination and retaliation against Ms. Young as a result of  
her association with Stanford University's faculty members who complained of the  
CEO's unlawful, threatening, and retaliatory email to The Leland Stanford Jr.  
University's Office of General Counsel on Ms. Young's behalf, Ms. Young was informed  
by management that she was going to be moved to work with those named in her  
lawsuit as having battered, assaulted, and intimidated her. In response to receiving this  
notice, Ms. Young reported to management retaliation by Stanford Health Care's  
President and CEO David Entwistle as well as management's retaliatory intimidation

and bullying of her by moving her to work with those she named in her lawsuit as having battered, assaulted, and intimidated her.

No investigation into Ms. Young`s report of the Stanford Health Care President and CEO`s unlawful, retaliatory, threatening, intimidating, harassing, and maligning email about Ms. Young was conducted, further underscoring that the retaliatory email had been sent with the authorization, ratification and approval of The Leland Stanford Jr. University`s Office of General Counsel.

Moreover, no investigation into Ms. Young`s report of the retaliatory nature of management`s decision to suddenly move Ms. Young to work with those named in her lawsuit as having battered, assaulted, and intimidated her was conducted, underscoring that this decision, too, had been made with the ratification and approval of The Leland Stanford Jr. University`s Office of General Counsel.

VERIFICATION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

I, **Lara Villarreal Hutner**, am the Attorney for Complainant in the above-entitled complaint. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

On October 06, 2017, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**San Francisco, California**  
**Lara Villarreal Hutner**

VILLARREAL HUTNER PC  
LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
E-Mail: lhutner@vhattorneys.com  
LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
E-Mail: lcooper@vhattorneys.com  
TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
E-Mail: treed@vhattorneys.com  
575 Market Street, Suite 1700  
San Francisco, California 94105  
Telephone: 415.543.4200  
Facsimile: 415.512.7674

**FILED**  
ALAMEDA COUNTY  
NOV 27 2017  
CLERK OF THE SUPERIOR COURT  
By *Darrelia Olin*  
D. OLIVER Deputy

CHRISTOPHER H. WHELAN, INC.  
CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
E-Mail: chris@whelanlawoffices.com  
11246 Gold Express Drive, Suite 100  
Gold River, California 95670  
Telephone: 916.635.5577  
Facsimile: 916.635.9159

Attorneys for Plaintiff  
QIQUIA YOUNG

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ALAMEDA  
RENE C. DAVIDSON COURTHOUSE

QIQUIA YOUNG,  
Plaintiff,  
v.

THE LELAND STANFORD JUNIOR  
UNIVERSITY, STANFORD HEALTH  
CARE, STANFORD HOSPITAL AND  
CLINICS, CHANRATH FLORES, and DOES  
1 through 50, inclusive,  
Defendants.

Case No. RG17877051

**PLAINTIFF QIQUIA YOUNG'S  
OBJECTIONS TO EVIDENCE  
PROFFERED BY DEFENDANT  
STANFORD HEALTH CARE ON ITS  
MOTION TO TRANSFER VENUE AND  
MOTION FOR SANCTIONS**

Judge: Hon. Ronni MacLaren  
Date: December 8, 2017  
Time: 9:00 a.m.  
Dept.: 25

Reservation Number: R-1899966



1 Plaintiff Qiquia Young (“Plaintiff”) respectfully objects to the following evidence proffered  
2 by defendant Stanford Health Care in connection with Stanford Health Care’s motion to transfer  
3 venue and for sanctions.

4 **Objections to Declaration of Pamela Ng**

5 **Objection Number 1**

6 “On October 12, 2017, I reviewed a KTVU article regarding the filing of Plaintiff’s  
7 Complaint <[http://www.ktvu.com/news/stanford-health-care-worker-alleges-racism-safety-  
8 violations-after-co-worker-dresses-as-kkk](http://www.ktvu.com/news/stanford-health-care-worker-alleges-racism-safety-violations-after-co-worker-dresses-as-kkk)>. I printed a complete and accurate copy of the KTVU  
9 article I reviewed and attached it to this declaration as Exhibit 3.” (Ng Decl., ¶ 6, page 2 lines 21 to  
10 24, and Exhibit 3 thereto in its entirety.)

11 **Grounds for Objection 1:** Hearsay (Cal. Evid. Code § 1200), and irrelevant (Cal. Evid. Code  
12 § 350). Stanford Health Care proffers the article to prove the truth of a matter Stanford Health Care  
13 contends is asserted therein, namely, that Plaintiff’s attorney “selected the current venue of Alameda  
14 County because she believes it is the venue most ‘favorable’ to her client.” (Stanford Health Care’s  
15 Memo. at 4:9-11, 16:10-13.) Stanford Health Care contends that Plaintiff “stated” this out of court.  
16 (*Id.* at 4:9, 16:10-11). As an initial matter, the article does not quote Plaintiff’s counsel. Moreover,  
17 the article does not identify any *reason* for her purported belief – which renders it irrelevant and  
18 immaterial. In addition, the article purports to relay a statement made by Plaintiff’s counsel, other  
19 than while testifying at the hearing, and Stanford Health Care offers the article to “prove” the truth  
20 of the matter supposedly stated. As such it is inadmissible hearsay under California Evidence Code  
21 Section 1200.

22 Further, the article is inadmissible “double hearsay”: it is a hearsay statement made by an  
23 unidentified KTVU reporter, other than while testifying at the hearing, and Stanford Health Care  
24 offers it to prove the truth of the second matter asserted, namely that Plaintiff’s counsel made her  
25 supposed statement. *See People v. Sanchez*, 63 Cal.4th 665, 674-75 (2016) (“Documents like letters,  
26 reports, and memoranda are often hearsay because they are prepared by a person outside the  
27 courtroom and are usually offered to prove the truth of the information they contain. Documents may  
28 also contain multiple levels of hearsay. . . . If offered for its truth, the report itself is a hearsay

1 statement made by the person who wrote it. Statements of others, related by the report writer, are a  
2 second level of hearsay. Multiple hearsay may not be admitted unless there is an exception for each  
3 level”).

4 **Objections to Declaration of Suzanne Harris**

5 **Objection Number 2**

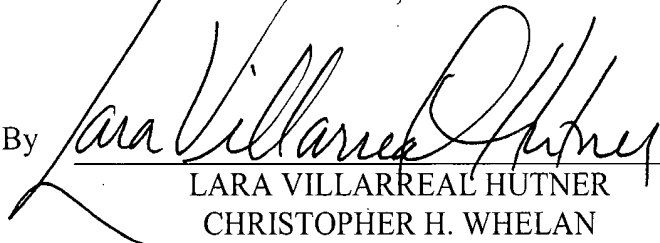
6 “In my position, I have access to employment status records for Stanford Health Care  
7 employees. Based upon my review of same, I have determined that the following individuals are  
8 currently employed by Stanford Health Care: 1) Qiquia Young, Pelvic Health Center, Patient  
9 Testing Technician III; 2) Mary Gaines, Office of Employee Labor Relations, Administrative  
10 Director; 3) Chanrath Flores, Blake Wilbur Multispecialty Clinic, Clinic Clerical Coordinator; 4)  
11 Christina Guijarro, Cancer Center, Assistant Clinical Operations Manager; 5) Sridhar Seshadri,  
12 Cancer Center, Administrative Director; 6) Patricia Falconer, Cancer Center, Administrative  
13 Director; 7) Martha Berrier, Cancer Center, Assistant Director; 8) David Entwistle, Main Hospital,  
14 Chief Executive Officer; 9) Quinn McKenna, Main Hospital, Chief Operating Officer; 10) Linda  
15 Hoff, Main Hospital, Chief Financial Officer.” (Harris Decl., ¶ 4, page 2 lines 6 to 15.)

16 Grounds for Objection 2: Inadmissible oral testimony of the contents of an unauthenticated  
17 writing (Cal. Evid. Code §§ 1523, 1401).

18  
19 Dated: November 25, 2017

VILLARREAL HUTNER PC  
CHRISTOPHER H. WHELAN, INC.

20  
21  
22 By

  
LARA VILLARREAL HUTNER  
CHRISTOPHER H. WHELAN

23  
24  
25 Attorneys for Plaintiff  
QIQUIA YOUNG



1 VILLARREAL HUTNER PC  
 LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
 2 E-Mail: lhutner@vhattorneys.com  
 LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
 3 E-Mail: lcooper@vhattorneys.com  
 TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
 4 E-Mail: treed@vhattorneys.com  
 575 Market Street, Suite 1700  
 5 San Francisco, California 94105  
 Telephone: 415.543.4200  
 6 Facsimile: 415.512.7674

**FILED**  
**ALAMEDA COUNTY**

NOV 27 2017

7 CHRISTOPHER H. WHELAN, INC.  
 8 CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
 E-Mail: chris@whelanlawoffices.com  
 9 11246 Gold Express Drive, Suite 100  
 Gold River, California 95670  
 10 Telephone: 916.635.5577  
 Facsimile: 916.635.9159

CLERK OF THE SUPERIOR COURT  
 By *D. Oliver*  
 D. OLIVER, BARRY

11 Attorneys for Plaintiff  
 12 QIQIUIA YOUNG

13 SUPERIOR COURT OF CALIFORNIA  
 14 COUNTY OF ALAMEDA  
 15 RENE C. DAVIDSON COURTHOUSE

17 QIQIUIA YOUNG,  
 18 Plaintiff,

Case No. RG17877051

19 v.

**REQUEST FOR JUDICIAL NOTICE IN  
 SUPPORT OF PLAINTIFF QIQIUIA  
 YOUNG'S OPPOSITION TO  
 DEFENDANT STANFORD HEALTH  
 CARE'S MOTION TO TRANSFER  
 VENUE AND MOTION FOR  
 SANCTIONS, AND FOR SANCTIONS**

20 THE LELAND STANFORD JUNIOR  
 UNIVERSITY, STANFORD HEALTH  
 21 CARE, STANFORD HOSPITAL AND  
 CLINICS, CHANRATH FLORES, and DOES  
 22 1 through 50, inclusive,  
 23 Defendants.

Judge: Hon. Ronni MacLaren  
 Date: December 8, 2017  
 Time: 9:00 a.m.  
 Dept.: 25

Reservation Number: R-1899966

1 Pursuant to Evidence Code sections 452 and 453, Plaintiff Qiquia Young respectfully  
2 requests that the Court take judicial notice of the following records and the relevant fact  
3 demonstrated thereby:

4 A. Four records described as (1) a Business Search – Entity Detail for Stanford Health Care  
5 (2) a Certificate of Amendment of Articles of Incorporation filed with the California  
6 Secretary of State on October 9, 2014, (3) a Statement of Information filed with the  
7 California Secretary of State on February 1, 2016, and (4) a Statement of Information  
8 filed with the California Secretary of State on February 1, 2017, all of which are records  
9 maintained by the California Secretary of State and which are publicly available on the  
10 California Secretary of State’s website at <<https://businesssearch.sos.ca.gov/>>. A true and  
11 correct copy of all of these records is attached hereto as **Exhibit A**. These records  
12 demonstrate that Stanford Health Care is a California corporation.

13  
14 B. Records described as “Google search results” dated November 26, 2017 detailing the  
15 distance in miles between Palo Alto and Oakland (33.4 miles) and Palo Alto and San Jose  
16 (17.4 miles), are publically available online through <https://www.google.com/>. A true and  
17 correct copy of a portion of the records resulting from the Google searches “distance  
18 between Palo Alto and Oakland” and “distance between Palo Alto and San Jose” are  
19 attached hereto as **Exhibit B**.

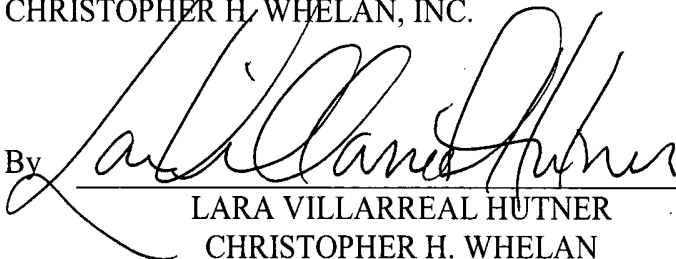
20  
21 C. A record described as an article in the Silicon Valley Business Journal dated July 19,  
22 2013, titled “Silicon Valley’s 10 largest employers - who made the list?” publicly  
23 available at the web page <[https://www.bizjournals.com/sanjose/news/2013/07/18/the-](https://www.bizjournals.com/sanjose/news/2013/07/18/the-list-top-100-silicon-valley.html)  
24 [list-top-100-silicon-valley.html](https://www.bizjournals.com/sanjose/news/2013/07/18/the-list-top-100-silicon-valley.html)>, a true and correct copy of which is attached hereto as  
25 **Exhibit C**. This record demonstrates that as of 2013, Stanford Health Care is the ninth-  
26 largest employer in Silicon Valley, with 8,451 full-time employees there; that Stanford  
27 University is the sixth-largest employer in Silicon Valley, with 11,442 full-time  
28

1 employees there; and that combined, they are the largest employer of any kind, public or  
2 private, in Silicon Valley (*i.e.*, in Santa Clara County), with nearly 20,000 employees  
3 there as of 2013.  
4

5 Dated: November 26, 2017

VILLARREAL HUTNER PC  
CHRISTOPHER H. WHELAN, INC.

6  
7  
8 By



9 LARA VILLARREAL HUTNER  
CHRISTOPHER H. WHELAN

10  
11 Attorneys for Plaintiff  
12 QIQIUA YOUNG  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A

Alex Padilla  
California Secretary of State

## Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Sunday, November 19, 2017. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

C0336653 STANFORD HEALTH CARE

Registration Date:	04/12/1957
Jurisdiction:	CALIFORNIA
Entity Type:	DOMESTIC NONPROFIT
Status:	ACTIVE
Agent for Service of Process:	DEBRA L ZUMWALT 450 SERRA MALL MAIN QUAD BLDG 170 3RD FL STANFORD CA 94305
Entity Address:	300 PASTEUR DR H3200 STANFORD CA 94305
Entity Mailing Address:	300 PASTEUR DR H3200 STANFORD CA 94305

A Statement of Information is due EVERY ODD-NUMBERED year beginning five months before and through the end of April.

Document Type	File Date	PDF
SI-COMplete	02/01/2017	
SI-COMplete	02/01/2016	
AMENDMENT	10/09/2014	
AMENDMENT	04/06/2000	Image unavailable. Please request paper copy.
AMENDMENT	01/27/2000	Image unavailable. Please request paper copy.
RESTATED REGISTRATION	11/01/1997	Image unavailable. Please request paper copy.
RESTATED REGISTRATION	08/16/1994	Image unavailable. Please request paper copy.
AMENDMENT	07/02/1968	Image unavailable. Please request paper copy.
AMENDMENT	03/03/1967	Image unavailable. Please request paper copy.
REGISTRATION	04/12/1957	Image unavailable. Please request paper copy.

\* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- If the image is not available online, for information on ordering a copy refer to [Information Requests](#).
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Frequently Asked Questions](#).

NCTD

0336653

A0761785

FILED  
Secretary of State  
State of California

5cc OCT 09 2014

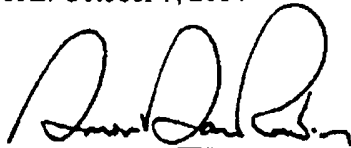
Certificate of Amendment of Articles of Incorporation

The undersigned certify that:

1. They are the president and the secretary, respectively, of Stanford Hospital and Clinics, a California corporation.
2. Article ONE of the Articles of Incorporation of this corporation is amended to read as follows:  
The name of this corporation is Stanford Health Care.
3. The foregoing amendment of Articles of Incorporation has been duly approved by the board of directors.
4. The foregoing amendment of Articles of Incorporation has been duly approved by the required vote of the member.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

DATE: October 7, 2014



Amir Dan Rubin, President



Carleen Maniglia, Secretary





**State of California  
Secretary of State**

N

**Statement of Information**

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

43 SI

Filing Fee: \$20.00. If this is an amendment, see instructions.  
IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

**FILED**  
Secretary of State  
State of California  
FEB 01 2016

1. CORPORATE NAME  
STANFORD HEALTH CARE

2. CALIFORNIA CORPORATE NUMBER  
C0336653

21/NF/PC/2016 2/8/16  
This Space for Filing Use Only

**Complete Principal Office Address** (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
300 Pasteur Drive H3200	Stanford	CA	94305
4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE

**Names and Complete Addresses of the Following Officers** (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
Mariann Byerwalter	300 Pasteur Drive H3200	Stanford	CA	94305
6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
James Hereford/COO	300 Pasteur Drive H3200	Stanford	CA	94305
7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
David Connor	1510 Page Mill Road, 2nd Floor	Paio Alto	CA	94304

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

8. NAME OF AGENT FOR SERVICE OF PROCESS	9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
Debra L. Zumwalt	Ofc of Gen Counsel,Bldg.170 3rd Fl Main Quad	Stanford	CA	94305


**Common Interest Developments**

10.  Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act. (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

01/29/2016 Debra L. Zumwalt VP & Gen Counsel  
DATE TYPE/PRINT NAME OF PERSON COMPLETING FORM TITLE SIGNATURE

17-605669

	<b>Secretary of State</b> <b>Statement of Information</b> (California Nonprofit, Credit Union and General Cooperative Corporations)	<b>SI-100</b>  <b>43</b>
	<b>IMPORTANT — Read instructions before completing this form.</b>  <b>Filing Fee — \$20.00;</b>  <b>Copy Fees — First page \$1.00; each attachment page \$0.50;</b> <b>Certification Fee — \$5.00 plus copy fees</b>	

**FILED**  
 Secretary of State  
 State of California  
**FEB 01 2017**

**1. Corporation Name** (Enter the exact name of the corporation as it is currently recorded with the California Secretary of State)  
**STANFORD HEALTH CARE**

26/20/CC  
 This Space For Office Use Only  
**2. 7-Digit Secretary of State File Number**  
**C0336653**

**3. Business Addresses**

a. Street Address of California Principal Office, if any - Do not list a P.O. Box	City (no abbreviations)	State	Zip Code
300 Pasteur Drive H3200	Stanford	CA	94305
b. Mailing Address of Corporation, if different than Item 3a	City (no abbreviations)	State	Zip Code

**4. Officers** The Corporation is required to list all three of the officers set forth below. An additional title for Chief Executive Officer or Chief Financial Officer may be added; however, the preprinted titles on this form must not be altered.

<b>a. Chief Executive Officer</b>	First Name	Middle Name	Last Name	Suffix	
	David		Entwistle		
Address			City (no abbreviations)	State	Zip Code
300 Pasteur Drive H3200			Stanford	CA	94305
<b>b. Secretary</b>	First Name	Middle Name	Last Name	Suffix	
	Tuuyen		Tran		
Address			City (no abbreviations)	State	Zip Code
300 Pasteur Drive H3200			Stanford	CA	94305
<b>c. Chief Financial Officer</b>	First Name	Middle Name	Last Name	Suffix	
	David		Connor		
Address			City (no abbreviations)	State	Zip Code
1510 Page Mill Road, 2nd Floor			Palo Alto	CA	94304

**5. Agent for Service of Process** Item 5a and 5b: If the agent is an individual, the agent must reside in California and Item 5a and 5b must be completed with the agent's name and California address. Item 5c: If the agent is a California Registered Corporate Agent, a current agent registration certificate must be on file with the California Secretary of State and Item 5c must be completed (leave Item 5a-5b blank).

a. California Agent's First Name (if agent is not a corporation)	Middle Name	Last Name	Suffix	
DEBRA	L.	ZUMWALT		
b. Street Address (if agent is not a corporation) - Do not list a P.O. Box		City (no abbreviations)	State	Zip Code
450 Serra Mall, Main Quad, Bldg.170, 3rd Floor		Stanford	CA	94305
c. California Registered Corporate Agent's Name (if agent is a corporation) - Do not complete item 5a or 5b				

**6. Common Interest Developments**

Check here if the corporation is an association formed to manage a common interest development under the Davis-Sterling Common Interest Development Act (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). See instructions.

**7. The information contained herein, including in any attachments, is true and correct.**

1-31-2017      DEBRA L. ZUMWALT      VP/Gen.Counsel  
 Date      Type or Print Name of Person Completing the Form      Title

*Debra L. Zumwalt*  
 Signature

B



distance between palo alto and oakland



All Maps News Shopping Images More Settings Tools

About 142,000 results (0.60 seconds)

Palo Alto, California

Oakland, California



42 min (33.4 mi) via I-880 N

Directions

Palo Alto

Head northwest on Middlefield Rd toward Embarcadero Rd

0.4 mi

Turn right onto Lincoln Ave

0.7 mi

Turn right onto University Ave

2.4 mi

Turn right onto CA-84 E (signs for Fremont 84)

7.8 mi

Keep left to continue on Decoto Rd

0.3 mi

Take the Interstate 880 N, ramp to Oakland

0.2 mi

Merge onto I-880 N

20.8 mi

Take exit 41B toward Broadway/Downtown

0.4 mi

Turn right onto Broadway

0.4 mi

Oakland, California

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

44 min (42.0 mi) via US-101 N, CA-92 E and I-880 N

48 min (43.5 mi) via US-101 N

### Distance Palo-Alto CA Oakland CA

[distancesonline.com/Palo-Alto,CA/Oakland,CA](http://distancesonline.com/Palo-Alto,CA/Oakland,CA)

Oakland,CA (see map). average speed **between Palo-Alto,CA Oakland,CA** average speed: 45 mph. road distance Palo-Alto,CA Oakland,CA total distance: 33.4 miles. total time including breaks total time: 0h 45min. recommended breaks for Palo-Alto,CA Oakland,CA breaks: fara pauza. travel time Palo-Alto,CA Oakland,CA

### Distance between Oakland, CA and Palo Alto, CA

<https://www.distance-cities.com/distance-oakland-ca-to-palo-alto-ca>

Distance between Oakland and Palo Alto in miles and kilometers. Driving distance and how to go from Oakland, California to Palo Alto, California. How long does it takes to arrive.



distance between palo alto and san jose

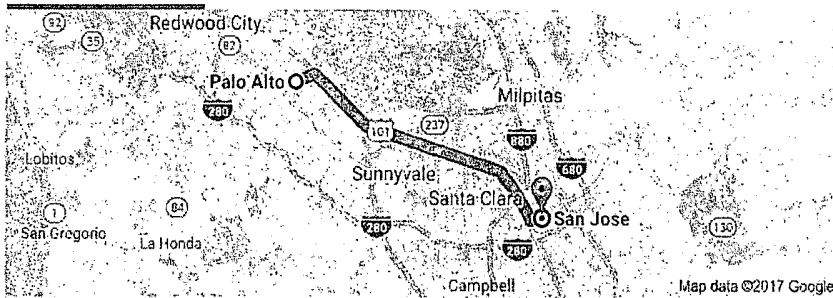


All Maps Images Videos News More Settings Tools

About 302,000 results (0.85 seconds)

Palo Alto, California

San Jose, California



23 min (17.4 mi) via US-101 S

Directions

Palo Alto

Head northwest on Middlefield Rd toward Embarcadero Rd

98 ft

Turn right onto Embarcadero Rd

1.0 mi

Merge onto US-101 S via the ramp to San Jose

0.4 mi

Merge onto US-101 S

11.7 mi

Take the CA-87/Guadalupe Pkwy exit

0.5 mi

Continue onto CA-87 S

2.6 mi

Take exit 6B for W Julian St toward St James St

0.3 mi

Turn left onto W Julian St

0.1 mi

Continue onto W St James St

0.5 mi

Turn right onto N 5th St

0.2 mi

San Jose, California

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

27 min (21.7 mi) via I-280 S

26 min (20.8 mi) via US-101 S and CA-237 E

Distance between San Jose united states and Palo Alto united states

www.mapcrow.info/Distance\_between\_San\_Jose\_US\_and\_Palo\_Alto\_US.html

Distance between San Jose united states and Palo Alto united states.

Distance between San Jose, CA and Palo Alto, CA

https://www.distance-cities.com/distance-san-jose-ca-to-palo-alto-ca

Distance between San Jose and Palo Alto in miles and kilometers. Driving distance and how to go from San Jose, California to Palo Alto, California. How long does it takes to arrive.

C



From the Silicon Valley Business Journal:

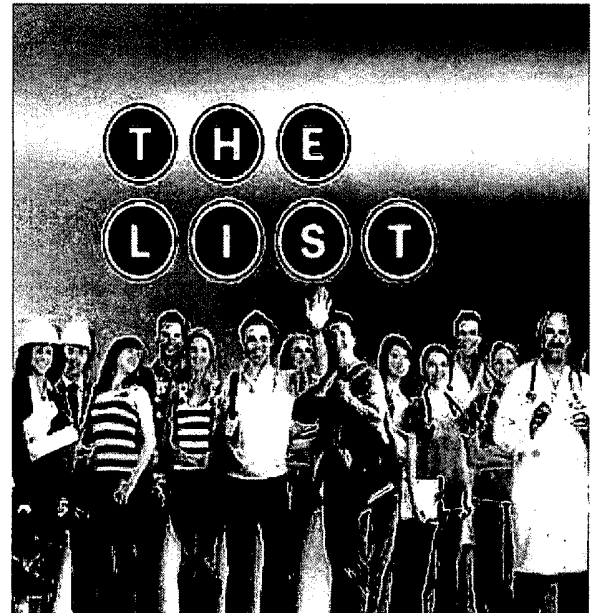
<https://www.bizjournals.com/sanjose/news/2013/07/18/the-list-top-100-silicon-valley.html>

## Silicon Valley's 10 largest employers - who made the list?

Jul 19, 2013, 6:34am PDT

Silicon Valley is home to some of the nation's largest companies - and employers. In fact, if you added up the number of full-time local staff at the 100 largest employers in Silicon Valley, you'd have the population of Newark, New Jersey. Or Toledo. That's 284,513 people.

In this week's paper, you'll see all 100 of the largest employers, ranked by full-time staff. They range from tech giants and sprawling health care systems, to massive universities and municipalities.



Click above to see the top 10 Silicon Valley employers.

Related: See the 25 highest paid CEOs in Silicon Valley

In the slideshow, get a sneak peek at the 10 biggest. Then turn to the July 19 issue to see them all, including the 26 companies debuting on this year's list.

Information for this year's list was obtained from employer representatives, Business Journal research, city or county financial reports.

Subscribers can see the more detailed top 100 list. [Click here to find out more.](#)

## Silicon Valley's 10 largest employers - who made the list?



No. 6: Stanford University

Address: 450 Serra Mall, Stanford 94305

FTE employees in Silicon Valley: 11,442

SHARE f in

Enter your email address  Sign Up

Silicon Valley Newsletters and Alerts  
Morning Edition >> Afternoon Edition >> Breaking News

**HOUSING DEVELOPMENT OPPORTUNITY**  
Approximately 46 acres of Prime Silicon Valley Property

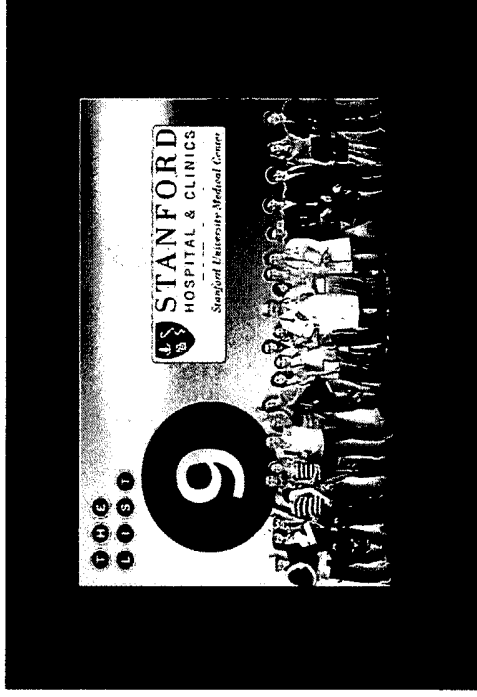
**REQUEST FOR PROPOSALS**  
Development, Construction, and Management of multi-unit residential housing located at NASA Ames Research Center, Moffett Field, CA

[LEARN MORE](#)

**SPONSORED CONTENT BY ERI**  
Prepping for Amazon pitch yields key hyperlocal market insights



## Silicon Valley's 10 largest employers - who made the list?



**No. 9:** Stanford Hospital & Clinics

**Address:** 300 Pasteur Drive, Stanford 94305

**FTE employees in Silicon Valley:** 8,451

SHARE **f** **in** **t**

Silicon Valley Newsletters and Alerts  
Morning Edition >> Afternoon Edition >> Breaking News

Enter your email address

**SKB**  
**Create and Retain Wealth**  
**Real Estate Merchant Banking**  
*Learn More*

SPONSORED CONTENT BY ESR  
Convenient transit access  
doesn't mean it's easy to  
take it to work



1 VILLARREAL HUTNER PC  
 2 LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
 3 E-Mail: lhutner@vhattorneys.com  
 4 LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
 5 E-Mail: lcooper@vhattorneys.com  
 6 TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
 7 E-Mail: treed@vhattorneys.com  
 8 575 Market Street, Suite 1700  
 9 San Francisco, California 94105  
 10 Telephone: 415.543.4200  
 11 Facsimile: 415.512.7674

**FILED**  
**ALAMEDA COUNTY**

NOV 27 2017

CLERK OF THE SUPERIOR COURT  
 By *D. Oliver*  
 D. OLIVER, Deputy

12 CHRISTOPHER H. WHELAN, INC.  
 13 CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
 14 E-Mail: chris@whelanlawoffices.com  
 15 11246 Gold Express Drive, Suite 100  
 16 Gold River, California 95670  
 17 Telephone: 916.635.5577  
 18 Facsimile: 916.635.9159

19 Attorneys for Plaintiff  
 20 QIQUIA YOUNG

SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF ALAMEDA  
 RENE C. DAVIDSON COURTHOUSE

21 QIQUIA YOUNG,  
 22 Plaintiff,  
 23 v.

24 THE LELAND STANFORD JUNIOR  
 25 UNIVERSITY, STANFORD HEALTH  
 26 CARE, STANFORD HOSPITAL AND  
 27 CLINICS, CHANRATH FLORES, and DOES  
 28 1 through 50, inclusive,  
 Defendants.

Case No. RG17877051

**DECLARATION OF LARA  
 VILLARREAL HUTNER IN SUPPORT  
 OF PLAINTIFF QIQUIA YOUNG'S  
 OPPOSITION TO DEFENDANT  
 STANFORD HEALTH CARE'S MOTION  
 TO TRANSFER VENUE AND MOTION  
 FOR SANCTIONS, AND FURTHER IN  
 SUPPORT OF PLAINTIFF'S REQUEST  
 FOR SANCTIONS**

Judge: Hon. Ronni B. MacLaren  
 Date: December 8, 2017  
 Time: 9:00 a.m.  
 Dept.: 25

Reservation Number: R-1899966

1 I, Lara Villarreal Hutner, declare:

2 1. I am a partner at Villarreal Hutner PC. I am licensed to practice law in the State of  
3 California, and I am counsel of record for plaintiff Qiquia Young ("Plaintiff") in the above-  
4 captioned matter. I make this declaration in support of Plaintiff's opposition to the motion of  
5 defendant Stanford Health Care to transfer venue and motion for sanctions. I make this declaration  
6 based upon personal knowledge including but not limited to knowledge I have gained in the regular  
7 course of my representation of Plaintiff in connection with this matter, except where otherwise  
8 specifically indicated below. If called as a witness, I could and would testify competently to the facts  
9 stated in this declaration.

10 2. On behalf of Plaintiff, I caused this lawsuit to be filed in Alameda County because  
11 (a) I understand and believe that Alameda County is a properly available venue under applicable  
12 law, and I researched the same – including reviewing the very case law Stanford Health Care cites in  
13 its moving papers – before filing the Complaint in Alameda County, (b) Plaintiff and many of her  
14 non-party and adverse witnesses reside there, and (c) I believe Plaintiff is far more likely to have a  
15 fair and impartial trial in Alameda County than in Santa Clara County, where I believe Plaintiff  
16 would very likely be subjected to improper and unfair bias against her and in favor of Stanford and  
17 its related defendants. My belief in that regard is based primarily on a few things: Stanford and its  
18 affiliates' enormous presence, connections, and influence in Santa Clara County, their carefully-  
19 crafted image thereat, and my (privileged) investigation which has indicated that Stanford and its  
20 affiliates often and unfairly benefit when they defend cases in Santa Clara County. Some of these  
21 issues are addressed, with true and correct citations to evidence, in the First Amended Complaint  
22 ("FAC") at paragraphs 1, 23, 41. Further, the document, a true and correct copy of which is attached  
23 hereto as **Exhibit A**, and which I caused to be printed from (and which is publicly accessible via the  
24 "quick facts" button on) SHC's web page at <<https://stanfordhealthcare.org/about-us.html>>, admits  
25 that approximately 15,000 persons have professional affiliations with Stanford Health Care,  
26 including more than 10,000 employees and more than 2,500 medical staff.

27 3. Attached collectively hereto as **Exhibit B** are true and correct copies of the  
28 correspondence between me and counsel at Gordon & Rees regarding their request that Plaintiff

1 stipulate to transferring venue and threatening sanctions against me personally, as well as my notice  
2 that, if forced to oppose this baseless motion, Plaintiff would seek sanctions.

3 4. Since we filed the lawsuit, our decision to do so in Alameda County, and for the  
4 reasons stated above, has already proven wise. Stanford Health Care began seeking to capitalize on  
5 its power and influence in Santa Clara County and to “poison” the jury pool in Santa Clara County  
6 against Plaintiff beginning the day after she filed this action. I base that conclusion on the fact that  
7 Plaintiff, who is just a health care technician working for Stanford Health Care (see FAC ¶ 43), was  
8 publicly singled out as a supposed liar by Stanford Health Care President and CEO David Entwistle  
9 on September 29, 2017, the day after she filed this lawsuit seeking to enforce lawful rights. President  
10 and CEO Entwistle emailed all Stanford Health Care employees and affiliates, and, on information  
11 and belief, Stanford University employees as well, and sought to “poison” opinion, and a potential  
12 Santa Clara County jury pool, by (among other things) calling Plaintiff’s allegations “grossly  
13 exaggerated and largely inaccurate” and asserting that “[Stanford] H[ealth] C[are] will vigorously  
14 defend this lawsuit.” A true and correct copy of President and CEO Entwistle’s memo that was  
15 emailed to Stanford employees, which I obtained in the regular course of my representation of  
16 Plaintiff in this action, is attached hereto as **Exhibit C**.

17 5. Stanford Health Care did not make a genuine effort to meet and confer with me  
18 before filing its motion to transfer venue and motion for sanctions. That conclusion may be inferred  
19 from, without limitation, the fact that the case law Stanford Health Care cited in its emails for the  
20 proposition that when a claim is asserted under the Fair Employment and Housing Act (“FEHA”),  
21 the FEHA venue rules trump the venue rules under the Code of Civil Procedure does not make such  
22 a conclusion, and Stanford Health Care filed its motion the very next day after I responded to its  
23 demand that I stipulate to transfer venue; in light of the amount of time its attorneys aver they spent  
24 on the motion, it may be inferred that Stanford Health Care already prepared its motion before even  
25 receiving my response. It also is a fact that Stanford Health Care filed its motion within 6 days of  
26 service of the First Amended Complaint, and more than 25 days before the other defendants filed  
27 their responsive pleading. Of particular significance is the fact that defendant Chanrath Flores – who  
28 is an Alameda County resident – joined in Stanford Health Care’s motion to transfer venue to Santa

1 Clara County, despite the obvious inconvenience to her as a party and a witness in this lawsuit. (see  
2 Motion for Joinder of Defendants). These facts, coupled with the facts above and the absence of any  
3 other explanation for Stanford Health Care's conduct, further support the inference that the Stanford  
4 defendants – as well as defendant Flores – desire to transfer venue to Santa Clara County for one  
5 reason in particular: because of the perceived and unfair advantages Stanford and its affiliates do and  
6 will enjoy if they litigate in that county.

7         6. Dr. Kim Rhoads is the person referred to as “the Cancer Center surgeon” throughout  
8 the FAC (see, e.g., FAC ¶¶ 6, 7, 8, 10, 12, 13, 20). As the quantity and breadth of the allegations  
9 concerning her indicate, she is a key witness for Plaintiff in this action.

10         7. I sought a declaration of Dr. Rhoads in support of Plaintiff's opposition to Stanford  
11 Health Care's motion, but because of a prior agreement with Stanford and Stanford Health Care,  
12 Dr. Rhoads is unable to supply pertinent information via a declaration, and can only do so if  
13 subpoenaed and deposed. Upon being so informed, on November 7, 2017, I issued a deposition  
14 subpoena for Dr. Rhoads, setting the deposition for the earliest possible date, November 27, 2017,  
15 the date when Plaintiff's opposition to the motion to transfer venue and for sanctions is due. A true  
16 and correct copy of the notice of Dr. Rhoads's deposition, which includes her deposition subpoena as  
17 an exhibit, is attached hereto as **Exhibit D**. Dr. Rhoads and her current attorney intended to  
18 cooperate with the subpoena, but Stanford Health Care and its attorneys interfered with it,  
19 frivolously and in bad faith (as shown by the following facts and evidence). I had multiple  
20 communications with the defendants' seven attorneys, none of the several of whom would make  
21 himself or herself available for the deposition on the scheduled date. Based on their stated  
22 unavailability, I attempted to negotiate a reasonable alternative date for the deposition and a short  
23 continuance of the hearing on Stanford Health Care's motion to accommodate the delay, including  
24 by taking a very short deposition limited to venue issues and by continuing the deposition to the date  
25 that the motion is presently set for hearing (and which would have been necessarily made available  
26 by the contemplated, brief continuance of the hearing). After substantial back-and-forth defense  
27 counsel made a proposal to do this, and we agreed to it. But defense counsel then reneged; and not  
28 only that, but they surreptitiously filed a motion to quash the deposition subpoena, without ever

1 attempting to confer about it, and not even mentioning it to me in our ongoing communications  
2 about the deposition, including in their last communication with me at 3:27 p.m. (the day before  
3 Thanksgiving – the last business day before Dr. Rhoads’ deposition was to take place) in which  
4 Plaintiff’s counsel was informed that Stanford Health Care’s attorneys were renegeing on their offer to  
5 continue the hearing date to allow Dr. Rhoads’ deposition to go forward at a time convenient for  
6 defense counsel that would still allow Plaintiff to obtain and further submit evidence about Dr.  
7 Rhoads in support of her opposition to the motion to transfer and for sanctions. Despite the fact that  
8 the motion to quash had already been filed, defense counsel made no mention of that fact in her  
9 email. The motion to quash is groundless and frivolous on its face, as there is no basis to quash the  
10 subpoena; the only “problem” with the subpoena was defense counsel’s refusal to appear for the  
11 deposition and desire to prevent Plaintiff from engaging in discovery to which she is entitled and  
12 from securing further evidence highly pertinent to her opposition to Stanford Health Care’s motion.  
13 Given the defense’s blatant interference with Plaintiff’s discovery, I took them up on their offer to  
14 stipulate to certain facts relating to Dr. Rhoads, drafted and sent them a proposed stipulation at  
15 5:21 p.m. Not one of the seven attorneys representing Stanford ever responded to my request. All of  
16 the matters I set forth in that proposed stipulation are matters that, based on all of the information  
17 otherwise known to me, I expected to unequivocally establish in the deposition of Dr. Rhoads; and I  
18 also expected to unequivocally and further establish that attending trial in Alameda County would be  
19 convenient for Dr. Rhoads, and that attending trial in Santa Clara County would be inconvenient.

20 8. Attached here as **Exhibit E** is a true and correct copy of my foregoing  
21 communications (letters and emails) with defense counsel as well as the stipulation I proposed. I  
22 note additionally that in the email from defense counsel, Morgan Forsey, on November 17, 2017,  
23 defense counsel therein expressed a willingness specifically to stipulate that Dr. Rhoads is an  
24 Alameda County resident.

25 9. Following notice that Stanford had filed a surreptitious motion to quash, I also  
26 reached out to Dr. Rhoads’s current attorney to determine if he would provide a declaration  
27 concerning the subpoena, related document requests, and the number of documents he prepared to  
28 produce at Dr. Rhoads’ thwarted deposition on November 27, 2017 that she maintains at her

1 residence. He considered the request, but ultimately did not agree to it, based on his expressed  
2 concern that Dr. Rhoads's agreement with the defendants precluding him from doing so. Whether his  
3 assessment of the agreement was accurate or not (it may or may not be; I do not have a copy of the  
4 agreement), that is the reason he stated for not supplying a declaration.

5 10. Attached as **Exhibit F** hereto is a true and correct copy of reports that I caused to be  
6 generated and printed from lexisnexis.com in October and November of 2017, which identify the  
7 location where several of Plaintiff's witnesses reside. (Tature and substance of these witnesses'  
8 anticipated testimony is set forth in the Declaration of Plaintiff Qiquia Young In Opposition to  
9 Defendant's Motion to Transfer Venue and Motion for Sanctions at paragraphs 5-15). As the reports  
10 show, each of the following witnesses resides in Alameda County, California:

- 11 a. Dr. Kim Rhoads;
- 12 b. Cynthia ("Cindy") DePorte;
- 13 c. Estedar Gizaw;
- 14 d. Winnie Suguitan;
- 15 e. Madonna Paulin;
- 16 f. Leah Lillard; and
- 17 g. Odalicia Benavidez.

18 11. Cynthia DePorte is a further, key witness we intend to call in support of Plaintiff's  
19 case at trial. Based on my investigation into the facts and witnesses with knowledge of facts  
20 pertinent to Plaintiff's case, and upon the facts that I obtained thereby, I determined (and am  
21 informed and believe) that Ms. DePorte is not an employee of Stanford Health Care or Stanford  
22 University; that she resides in Alameda County; and that she has knowledge pertinent to Plaintiff's  
23 claims. The sources of the information by which I determined these facts were Ms. DePorte herself,  
24 and Plaintiff, who have this information based on their first-hand involvement in the conditions or  
25 events that are the subjects of the information. At the time I obtained that information and  
26 ascertained the facts, I used them to prepare a record thereof, which I made in the form of a  
27 declaration, and which I wrote in the regular course of my representation of Plaintiff in this action. A  
28 true and correct copy of that declaration is attached as **Exhibit G** hereto. At all times I have

1 maintained that declaration in my office's electronic files pursuant to our ordinary file management  
2 procedures. That declaration sets forth further facts concerning the nature and substance of the  
3 testimony that I expect Ms. DePorte will provide at trial, again, facts that I determined (and which I  
4 am informed and believe are true) based on my investigation and obtaining of information and facts  
5 as I stated above. Based on these further facts, I believe Ms. DePorte's testimony at trial will be  
6 highly material and favorable to Plaintiff's case herein. I presented the declaration to Ms. DePorte,  
7 but she declined to sign it based on her concern that there may be a conflict between her signing the  
8 declaration and her prior non-cooperation agreement that she has with Stanford or Stanford Health  
9 Care.

10 12. A true and correct copy of an article in the Silicon Valley Business Journal dated July  
11 19, 2013, titled "Silicon Valley's 10 largest employers - who made the list?" published and publicly-  
12 available at the web page <[https://www.bizjournals.com/sanjose/news/2013/07/18/the-list-top-100-  
13 silicon-valley.html](https://www.bizjournals.com/sanjose/news/2013/07/18/the-list-top-100-silicon-valley.html)> is attached hereto as **Exhibit H**. This record demonstrates that as of 2013,  
14 Stanford Health Care is the ninth-largest employer in Silicon Valley, with 8,451 full-time employees  
15 there; that Stanford University is the sixth-largest employer in Silicon Valley, with 11,442 full-time  
16 employees there; and that combined, they are the largest employer of any kind, public or private, in  
17 Silicon Valley (*i.e.*, in Santa Clara County), with nearly 20,000 employees there as of 2013.

18 13. I have spent more than 25 hours preparing this opposition to Stanford Health Care's  
19 motion to transfer venue and for sanctions against me, as well as the evidence in support of the  
20 same; I further anticipate that I will spent another 5 hours preparing for and attending the hearing on  
21 this motion. I received my J.D. from the University of Michigan Law School in 1995 and I graduated  
22 from the University of California, Berkeley in 1991. I have been admitted to practice law in  
23 California since 1995, and my exclusive area of practice is, and has been, employment law. I have  
24 been rated AV by Martindale Hubble for over a decade, and recognized by Super Lawyers. I have  
25 spent the last 22 years representing employers, and I have owned my own woman-and-minority-  
26 owned law firm in San Francisco for more than a decade, since 2006. I represent and advise many of  
27 the nation's largest (Fortune 500) employers; I have represented Plaintiff since 2015. Before starting  
28 my own firm, and until 2006, I was Special Counsel at Sheppard Mullin, where my hourly rate was



1 in the range of \$400. Prior to joining Sheppard Mullin, I was an associate at Quinn Emanuel Urquart  
2 Oliver & Hedges. I first-chaired my first case as a 4<sup>th</sup> year attorney in 1999, and prevailed; and I  
3 have prevailed in each of the three cases I have arbitrated or tried on behalf of defendant employers  
4 since then. My hourly rate is \$650.

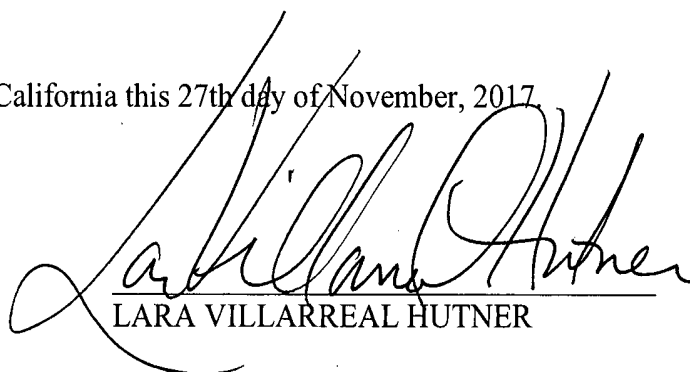
5 14. My co-counsel, Christopher H. Whelan, has spent 5 hours preparing the opposition to  
6 this motion, as well as the evidence in support of the same. Based on my review of public record,  
7 Mr. Whelan received his J.D. from the University of California, Hastings and graduated from  
8 UCLA. He has been admitted to practice law since 1978. Mr. Whelan is AV-rated by Martindale  
9 Hubble, is recognized by Super Lawyers. I am informed and believe that Mr. Whelan tried his first  
10 case 34 years ago and has received 7-and-8-figure verdicts in 13 cases he has tried, and further has  
11 received 13 awards of punitive damages at trial. Mr. Whelan's practice is located in Sacramento,  
12 California and his hourly rate is \$750.

13 15. Plaintiff seeks sanctions in the amount of \$23,250.00 against Defendant Stanford  
14 Health Care and/or its counsel, Gordon & Rees LLP and Sheppard Mullin Richter & Hampton LLP.  
15 These sanctions consist solely of attorneys' fees expended to oppose this motion, as set forth in  
16 Paragraphs 12 and 13 above.

17 16.

18 I declare under the penalty of perjury pursuant to the laws of the state of California that the  
19 foregoing is true and correct.

20 Executed at San Francisco, California this 27<sup>th</sup> day of November, 2017.

21  
22  
23  
24   
25 LARA VILLARREAL HUTNER  
26  
27  
28

A

The only **Level-1 Trauma Center** between San Francisco & San Jose

Life Flight launches **500** patient transports annually



**613**  
Licensed Beds  
477 in use



**49**  
Operating Rooms



**689,417**  
Ambulatory Visits



**22,745**  
Walk-in Visitors

**104**  
Bing Music Series Concerts



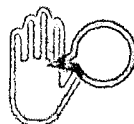
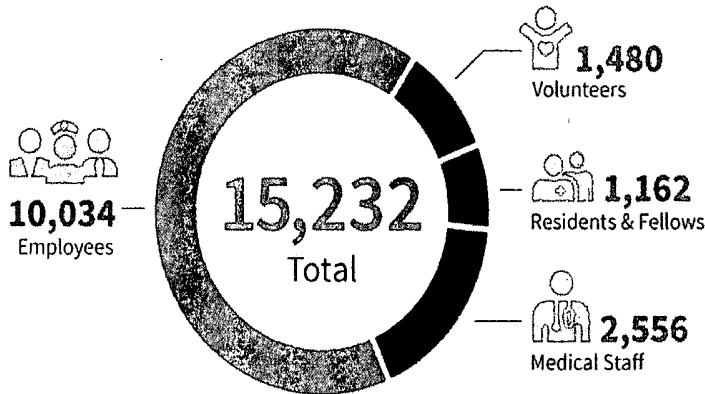
**17**  
Outdoor Reller Concerts (summer)



**1,592**  
Original Art Pieces



**Our People**



**Translators & Interpreters**

We offer Spanish, Mandarin, Cantonese, Burmese, Russian, Vietnamese and American Sign Language and access to as many as 200 languages through phone interpretation



**8**  
All-time Stanford Medicine Nobel Laureates



**17**  
Dogs in Pet Assisted Wellness (PAWS) Program



**120**  
Hours of Volunteer Service

B

**From:** Michael Bruno [mailto:mbruno@grsm.com]

**Sent:** Wednesday, October 04, 2017 2:48 PM

**To:** Lara Villarreal Hutner; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com)

**Cc:** Alyson Cabrera; Pamela Ng

**Subject:** Young v. SHC

Dear Lara:

I write with respect to the filing of the Young v. SHC case in Alameda County Superior Court. As you are aware, it is my client's position that this is not the proper venue for this case. As the Complaint asserts several causes of action for violation of the Fair Employment and Housing Act ("FEHA"), this action should have been filed in Santa Clara County Superior Court, the location where the "unlawful practices" alleged under FEHA purportedly occurred.

It is well established that a defendant is entitled to have an action tried in the county of his or her residence unless the action falls within some exception to the general venue rule. (Cal. Code of Civ. Proc. 395, *Brown v. Superior Court* (1984) 37 Cal.3d 477, 483 (citing *Kaluzok v. Brisson* (1946) 27 Cal. 2d 760, 763-764; *Mosby v. Superior Court*, 43 (1974) Cal.App.3d at pp. 223-224; *Holstein v. Superior Court* (1969) 275 Cal.App.2d 708, 710).) *Brown v. Superior Court* established that the FEHA venue provision under Government Code section 12965 controls over the general venue rule as to the FEHA causes of actions and also to related claims pled under alternative theories but based on the same set of facts. *Brown v. Superior Court, supra*, 37 Cal. 3d at 487, 488.

Government Code section 12965(b) states, in relevant part:

An action may be brought in any county in the state in which the unlawful practice is alleged to have been committed, in the county in which the records relevant to the practice are maintained and administered, or in the county in which the aggrieved person would have worked or would have had access to the public accommodation but for the alleged unlawful practice, but if the defendant is not found within any of these counties, an action may be brought within the county of the defendant's residence or principal office.

The term "unlawful practice" refers to conduct in violation of Government Code section 12940 et seq., namely discrimination, harassment, and retaliation on the basis of enumerated characteristics, including race. Under this section, the proper venue should be Santa Clara County Superior Court because the unlawful practices claimed, i.e. the alleged discrimination, harassment, and retaliation, allegedly occurred in SHC's Cancer Center located in Palo Alto. None of the alleged "unlawful practices" occurred in Alameda County.

Further, while Ms. Young vaguely alleges that the relevant "records" are maintained in Alameda County, this could only be true regarding Ms. Young's records related to her non-FEHA claims. Alleged conduct related to the non-FEHA claims does not constitute "unlawful practices" under Government Code section 12940 et seq., nor are such claims alternative theories based on the same set of facts as the FEHA claims. In reality, the records related to Ms. Young's FEHA claims are maintained by the employer, SHC, which is located in Palo Alto. Thus, the FEHA venue provision requires that Ms. Young's claims are properly heard in Santa Clara County Superior Court, not in Alameda County Superior Court.

Further, this is a true "mixed action" case, which is a lawsuit with at least two causes of action, each governed by a different statute. *Gallin v. Superior Court* (1991) 230 Cal.App.3d 541, 545. Under the mixed action rule, a lawsuit must be transferred in its entirety when any alleged claim warrants adjudication in a different court. *Id.* Otherwise, plaintiffs could assert frivolous causes of action merely to forum

shop. *Jhirmack Enterprises, Inc. v. Superior Court* (1979) 96 Cal.App.3d 715, 720. Here, the mixed action rule requires a transfer of venue for the entire lawsuit to the venue in which the FEHA claims are properly heard.

Finally, pursuant to Code of Civil Procedure section 397(c), the court has discretion to transfer the case to another proper county "when the convenience of witnesses and the ends of justice would be promoted by the change." (See also Cal. Civ. Code Proc. 396b(a), 397(a).) This test is met here. The alleged FEHA violations purportedly occurred in, and the relevant records are located in, Palo Alto. Further, the relevant witnesses work in or near Palo Alto. Lastly, the transfer would not inconvenience Ms. Young because she still currently works for SHC in or near Palo Alto.

For all of these reasons, I am requesting that you let me know **by the close of business on Monday October 9th** whether you will stipulate to transfer this case to Santa Clara County Superior Court. Alternatively, we may be willing to stipulate to transfer this case to San Mateo County Superior Court, given that your client currently works at a SHC location in Redwood City and seems to allege that at least some purported "unlawful practices" under FEHA occurred there.

If you are not agreeable to either option, we will have no choice but to file a motion for transfer of venue. Pursuant to Code of Civil Procedure section 396b(b), we will also move for our reasonable expenses and attorney's fees incurred in making the motion to transfer. As you are surely aware, under that section, those expenses and fees shall be the personal liability of the attorney, not the party.

I look forward to your response by October 9th.

All the best,

Michael

---

**MICHAEL D. BRUNO** | Partner

**GORDON & REES**

**SCULLY MANSUKHANI**

275 Battery Street, Suite 2000

San Francisco, CA 94111

D: 415-875-3126 | P: 415-986-5900 | F: 415-986-8054

[mbruno@grsm.com](mailto:mbruno@grsm.com)

Alabama | Arizona | California | Colorado | Connecticut | Florida | Georgia  
Illinois | Maryland | Massachusetts | Missouri | Nebraska | Nevada  
New Jersey | New York | North Carolina | Ohio | Oklahoma | Oregon  
Pennsylvania | Rhode Island | South Carolina | South Dakota | Texas  
Utah | Virginia | Washington | Washington, D.C. | West Virginia | Wisconsin

[www.grsm.com](http://www.grsm.com)

---

Alabama \* Arizona \* California \* Colorado \* Connecticut \* Florida \* Georgia \* Illinois \* Maryland \* Massachusetts \* Missouri \* Nebraska \* Nevada \* New Jersey \*  
New York \* North Carolina \* Ohio \* Oregon \* Pennsylvania \* South Carolina \* South Dakota \* Texas \* Virginia \* Washington \* Washington, DC \* West Virginia

This email communication may contain CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use,

dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you are not the intended recipient and have received this communication in error, please immediately notify us by reply email, delete the communication and destroy all copies.

**GORDON REES SCULLY MANSUKHANI LLP**

**<http://www.grsm.com>**

**From:** Lara Villarreal Hutner  
**Sent:** Monday, October 09, 2017 9:02 AM  
**To:** Michael Bruno; Lauren Cooper; Timothy Reed; James Riley  
**Cc:** Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Alyson Cabrera; Pamela Ng  
**Subject:** Re: Young v. SHC

Michael - I'm not sure why you didn't cc Lauren Cooper or Tim Reed on your email. (I have copied them here. In the future please make sure all correspondence from your firm goes to them as well as to Jim Riley - also copied here - to ensure nothing falls through the cracks.) In any event, we have a summary judgment motion due today in a JAMS arbitration - which, as I'm sure you know, means we will be working on it until COB, but I will be back in touch to respond to your email as soon as I can tomorrow.

Best,  
Lara

Sent from my iPhone

On Oct 4, 2017, at 2:48 PM, Michael Bruno <mbruno@grsm.com> wrote:

Dear Lara:

I write with respect to the filing of the Young v. SHC case in Alameda County Superior Court. As you are aware, it is my client's position that this is not the proper venue for this case. As the Complaint asserts several causes of action for violation of the Fair Employment and Housing Act ("FEHA"), this action should have been filed in Santa Clara County Superior Court, the location where the "unlawful practices" alleged under FEHA purportedly occurred.

It is well established that a defendant is entitled to have an action tried in the county of his or her residence unless the action falls within some exception to the general venue rule. (Cal. Code of Civ. Proc. 395, *Brown v. Superior Court* (1984) 37 Cal.3d 477, 483 (citing *Kaluzok v. Brisson* (1946) 27 Cal. 2d 760, 763-764; *Mosby v. Superior Court*, 43 (1974) Cal.App.3d at pp. 223-224; *Holstein v. Superior Court* (1969) 275 Cal.App.2d 708, 710).) *Brown v. Superior Court* established that the FEHA venue provision under Government Code section 12965 controls over the general venue rule as to the FEHA causes of actions and also to related claims pled under alternative theories but based on the same set of facts. *Brown v. Superior Court*, *supra*, 37 Cal. 3d at 487, 488.

Government Code section 12965(b) states, in relevant part:

An action may be brought in any county in the state in which the unlawful practice is alleged to have been committed, in the county in which the records relevant to the practice are maintained and administered, or in the county in which the aggrieved person would have worked or would have had access to the public accommodation but for the alleged unlawful practice, but if the defendant is not found within any of these counties, an action may be brought within the county of the defendant's residence or principal office.



The term "unlawful practice" refers to conduct in violation of Government Code section 12940 et seq., namely discrimination, harassment, and retaliation on the basis of enumerated characteristics, including race. Under this section, the proper venue should be Santa Clara County Superior Court because the unlawful practices claimed, i.e. the alleged discrimination, harassment, and retaliation, allegedly occurred in SHC's Cancer Center located in Palo Alto. None of the alleged "unlawful practices" occurred in Alameda County.

Further, while Ms. Young vaguely alleges that the relevant "records" are maintained in Alameda County, this could only be true regarding Ms. Young's records related to her non-FEHA claims. Alleged conduct related to the non-FEHA claims does not constitute "unlawful practices" under Government Code section 12940 et seq., nor are such claims alternative theories based on the same set of facts as the FEHA claims. In reality, the records related to Ms. Young's FEHA claims are maintained by the employer, SHC, which is located in Palo Alto. Thus, the FEHA venue provision requires that Ms. Young's claims are properly heard in Santa Clara County Superior Court, not in Alameda County Superior Court.

Further, this is a true "mixed action" case, which is a lawsuit with at least two causes of action, each governed by a different statute. *Gallin v. Superior Court* (1991) 230 Cal.App.3d 541, 545. Under the mixed action rule, a lawsuit must be transferred in its entirety when any alleged claim warrants adjudication in a different court. *Id.* Otherwise, plaintiffs could assert frivolous causes of action merely to forum shop. *Jhirmack Enterprises, Inc. v. Superior Court* (1979) 96 Cal.App.3d 715, 720. Here, the mixed action rule requires a transfer of venue for the entire lawsuit to the venue in which the FEHA claims are properly heard.

Finally, pursuant to Code of Civil Procedure section 397(c), the court has discretion to transfer the case to another proper county "when the convenience of witnesses and the ends of justice would be promoted by the change." (See also Cal. Civ. Code Proc. 396b(a), 397(a).) This test is met here. The alleged FEHA violations purportedly occurred in, and the relevant records are located in, Palo Alto. Further, the relevant witnesses work in or near Palo Alto. Lastly, the transfer would not inconvenience Ms. Young because she still currently works for SHC in or near Palo Alto.

For all of these reasons, I am requesting that you let me know **by the close of business on Monday October 9th** whether you will stipulate to transfer this case to Santa Clara County Superior Court. Alternatively, we may be willing to stipulate to transfer this case to San Mateo County Superior Court, given that your client currently works at a SHC location in Redwood City and seems to allege that at least some purported "unlawful practices" under FEHA occurred there.

If you are not agreeable to either option, we will have no choice but to file a motion for transfer of venue. Pursuant to Code of Civil Procedure section 396b(b), we will also move for our reasonable expenses and attorney's fees incurred in making the motion to transfer. As you are surely aware, under that section, those expenses and fees shall be the personal liability of the attorney, not the party.

I look forward to your response by October 9th.

All the best,

Michael

---

**MICHAEL D. BRUNO** | Partner

**GORDON & REES**

**SCULLY MANSUKHANI**

275 Battery Street, Suite 2000

San Francisco, CA 94111

D: 415-875-3126 | P: 415-986-5900 | F: 415-986-8054

[mbruno@grsm.com](mailto:mbruno@grsm.com)

Alabama | Arizona | California | Colorado | Connecticut | Florida | Georgia  
Illinois | Maryland | Massachusetts | Missouri | Nebraska | Nevada  
New Jersey | New York | North Carolina | Ohio | Oklahoma | Oregon  
Pennsylvania | Rhode Island | South Carolina | South Dakota | Texas  
Utah | Virginia | Washington | Washington, D.C. | West Virginia | Wisconsin  
[www.grsm.com](http://www.grsm.com)

---

Alabama \* Arizona \* California \* Colorado \* Connecticut \* Florida \* Georgia \* Illinois \* Maryland \* Massachusetts \* Missouri \* Nebraska \*  
Nevada \* New Jersey \* New York \* North Carolina \* Ohio \* Oregon \* Pennsylvania \* South Carolina \* South Dakota \* Texas \* Virginia \*  
Washington \* Washington, DC \* West Virginia

This email communication may contain CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you are not the intended recipient and have received this communication in error, please immediately notify us by reply email, delete the communication and destroy all copies.

**GORDON REES SCULLY MANSUKHANI LLP**

<http://www.grsm.com>

**From:** Michael Bruno <mbruno@grsm.com>  
**Sent:** Monday, October 09, 2017 10:24 AM  
**To:** Lara Villarreal Hutner; Lauren Cooper; Timothy Reed; James Riley  
**Cc:** Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Alyson Cabrera; Pamela Ng  
**Subject:** RE: Young v. SHC  
  
**Importance:** High

Lara,  
I will look forward to hearing from you by the end of the business day tomorrow.

I will copy Lauren and Tim in the future.

MDB

---

**From:** Lara Villarreal Hutner [mailto:LHutner@vhattorneys.com]  
**Sent:** Monday, October 09, 2017 9:02 AM  
**To:** Michael Bruno; Lauren Cooper; Timothy Reed; James Riley  
**Cc:** Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Alyson Cabrera; Pamela Ng  
**Subject:** Re: Young v. SHC

Michael - I'm not sure why you didn't cc Lauren Cooper or Tim Reed on your email. (I have copied them here. In the future please make sure all correspondence from your firm goes to them as well as to Jim Riley - also copied here - to ensure nothing falls through the cracks.) In any event, we have a summary judgment motion due today in a JAMS arbitration - which, as I'm sure you know, means we will be working on it until COB, but I will be back in touch to respond to your email as soon as I can tomorrow.

Best,  
Lara

Sent from my iPhone

On Oct 4, 2017, at 2:48 PM, Michael Bruno <mbruno@grsm.com> wrote:

Dear Lara:

I write with respect to the filing of the Young v. SHC case in Alameda County Superior Court. As you are aware, it is my client's position that this is not the proper venue for this case. As the Complaint asserts several causes of action for violation of the Fair Employment and Housing Act ("FEHA"), this action should have been filed in Santa Clara County Superior Court, the location where the "unlawful practices" alleged under FEHA purportedly occurred.

It is well established that a defendant is entitled to have an action tried in the county of his or her residence unless the action falls within some exception to the general venue rule. (Cal. Code of Civ. Proc. 395, *Brown v. Superior Court* (1984) 37 Cal.3d 477, 483 (citing *Kaluzok v. Brisson* (1946) 27 Cal. 2d 760, 763-764; *Mosby v. Superior Court*, 43 (1974) Cal.App.3d at pp. 223-224; *Holstein v. Superior Court* (1969) 275 Cal.App.2d 708, 710).) *Brown v. Superior*

Court established that the FEHA venue provision under Government Code section 12965 controls over the general venue rule as to the FEHA causes of actions and also to related claims pled under alternative theories but based on the same set of facts. *Brown v. Superior Court*, *supra*, 37 Cal. 3d at 487, 488.

Government Code section 12965(b) states, in relevant part:

An action may be brought in any county in the state in which the unlawful practice is alleged to have been committed, in the county in which the records relevant to the practice are maintained and administered, or in the county in which the aggrieved person would have worked or would have had access to the public accommodation but for the alleged unlawful practice, but if the defendant is not found within any of these counties, an action may be brought within the county of the defendant's residence or principal office.

The term "unlawful practice" refers to conduct in violation of Government Code section 12940 et seq., namely discrimination, harassment, and retaliation on the basis of enumerated characteristics, including race. Under this section, the proper venue should be Santa Clara County Superior Court because the unlawful practices claimed, i.e. the alleged discrimination, harassment, and retaliation, allegedly occurred in SHC's Cancer Center located in Palo Alto. None of the alleged "unlawful practices" occurred in Alameda County.

Further, while Ms. Young vaguely alleges that the relevant "records" are maintained in Alameda County, this could only be true regarding Ms. Young's records related to her non-FEHA claims. Alleged conduct related to the non-FEHA claims does not constitute "unlawful practices" under Government Code section 12940 et seq., nor are such claims alternative theories based on the same set of facts as the FEHA claims. In reality, the records related to Ms. Young's FEHA claims are maintained by the employer, SHC, which is located in Palo Alto. Thus, the FEHA venue provision requires that Ms. Young's claims are properly heard in Santa Clara County Superior Court, not in Alameda County Superior Court.

Further, this is a true "mixed action" case, which is a lawsuit with at least two causes of action, each governed by a different statute. *Gallin v. Superior Court* (1991) 230 Cal.App.3d 541, 545. Under the mixed action rule, a lawsuit must be transferred in its entirety when any alleged claim warrants adjudication in a different court. *Id.* Otherwise, plaintiffs could assert frivolous causes of action merely to forum shop. *Jhirmack Enterprises, Inc. v. Superior Court* (1979) 96 Cal.App.3d 715, 720. Here, the mixed action rule requires a transfer of venue for the entire lawsuit to the venue in which the FEHA claims are properly heard.

Finally, pursuant to Code of Civil Procedure section 397(c), the court has discretion to transfer the case to another proper county "when the convenience of witnesses and the ends of justice would be promoted by the change." (See also Cal. Civ. Code Proc. 396b(a), 397(a).) This test is met here. The alleged FEHA violations purportedly occurred in, and the relevant records are located in, Palo Alto. Further, the relevant witnesses work in or near Palo Alto. Lastly, the transfer would not inconvenience Ms. Young because she still currently works for SHC in or near Palo Alto.

For all of these reasons, I am requesting that you let me know **by the close of business on Monday October 9th** whether you will stipulate to transfer this case to Santa Clara County Superior Court. Alternatively, we may be willing to stipulate to transfer this case to San Mateo County Superior Court, given that your client currently works at a SHC location in Redwood

City and seems to allege that at least some purported "unlawful practices" under FEHA occurred there.

If you are not agreeable to either option, we will have no choice but to file a motion for transfer of venue. Pursuant to Code of Civil Procedure section 396b(b), we will also move for our reasonable expenses and attorney's fees incurred in making the motion to transfer. As you are surely aware, under that section, those expenses and fees shall be the personal liability of the attorney, not the party.

I look forward to your response by October 9th.

All the best,

Michael

---

**MICHAEL D. BRUNO** | Partner

**GORDON & REES**

**SCULLY MANSUKHANI**

275 Battery Street, Suite 2000

San Francisco, CA 94111

D: 415-875-3126 | P: 415-986-5900 | F: 415-986-8054

[mbruno@grsm.com](mailto:mbruno@grsm.com)

Alabama | Arizona | California | Colorado | Connecticut | Florida | Georgia  
Illinois | Maryland | Massachusetts | Missouri | Nebraska | Nevada  
New Jersey | New York | North Carolina | Ohio | Oklahoma | Oregon  
Pennsylvania | Rhode Island | South Carolina | South Dakota | Texas  
Utah | Virginia | Washington | Washington, D.C. | West Virginia | Wisconsin

[www.grsm.com](http://www.grsm.com)

---

Alabama \* Arizona \* California \* Colorado \* Connecticut \* Florida \* Georgia \* Illinois \* Maryland \* Massachusetts \* Missouri \* Nebraska \*  
Nevada \* New Jersey \* New York \* North Carolina \* Ohio \* Oregon \* Pennsylvania \* South Carolina \* South Dakota \* Texas \* Virginia \*  
Washington \* Washington, DC \* West Virginia

This email communication may contain CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you are not the intended recipient and have received this communication in error please immediately notify us by reply email, delete the communication and destroy all copies.

**GORDON REES SCULLY MANSUKHANI LLP**

<http://www.grsm.com>

---

**From:** Lara Villarreal Hutner

**Sent:** Tuesday, October 10, 2017 4:36 PM

**To:** 'Michael Bruno'; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed

**Cc:** Alyson Cabrera; Pamela Ng

**Subject:** RE: Qiqiuia Young v. Chanrath Flores, Stanford University, Stanford Health Care

Michael,

First, we have filed a First Amended Complaint in this action and will provide you with a copy of it shortly. After you and your clients review and consider the overwhelming facts supporting venue in Alameda County, please let us know of their decision regarding whether they will in fact attempt to transfer venue. As you know, the Complaint - and now First Amended Complaint - lists multiple grounds for proper venue in Alameda County, under the Code of Civil Procedure and the Fair Employment and Housing Act – which provides a “wide choice of venue afforded plaintiffs ... by permitting venue in a county which plaintiffs deem the most appropriate and convenient.” *Brown v. Superior Court*, 37 Cal. 3d 478, 486 (1984).

Here, the elephant in the room is your Stanford clients' transparent desire to transfer this case to Santa Clara County, where they are the 800-pound gorilla. If your clients choose to proceed with such a specious attempt at forum-shopping – in this case in which Stanford's chickens are finally coming home to roost (in Alameda, not down at “The Farm”) – we will seek reimbursement for our time and costs. I sincerely hope that will not be necessary.

Best regards,  
Lara

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC

575 Market Street, 17th Floor  
San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

---

**From:** Michael Bruno [<mailto:mbruno@grsm.com>]  
**Sent:** Wednesday, October 04, 2017 2:48 PM  
**To:** Lara Villarreal Hutner; Christopher Whelan ([Chris@WhelanLawOffices.com](mailto:Chris@WhelanLawOffices.com)) ([Chris@WhelanLawOffices.com](mailto:Chris@WhelanLawOffices.com))  
**Cc:** Alyson Cabrera; Pamela Ng  
**Subject:** Young v. SHC

Dear Lara:

I write with respect to the filing of the Young v. SHC case in Alameda County Superior Court. As you are aware, it is my client's position that this is not the proper venue for this case. As the Complaint asserts several causes of action for violation of the Fair Employment and Housing Act ("FEHA"), this action should have been filed in Santa Clara County Superior Court, the location where the "unlawful practices" alleged under FEHA purportedly occurred.

It is well established that a defendant is entitled to have an action tried in the county of his or her residence unless the action falls within some exception to the general venue rule. (Cal. Code of Civ. Proc. 395, *Brown v. Superior Court* (1984) 37 Cal.3d 477, 483 (citing *Kaluzok v. Brisson* (1946) 27 Cal. 2d 760, 763-764; *Mosby v. Superior Court*, 43 (1974) Cal.App.3d at pp. 223-224; *Holstein v. Superior Court* (1969) 275 Cal.App.2d 708, 710).) *Brown v. Superior Court* established that the FEHA venue provision under Government Code section 12965 controls over the general venue rule as to the FEHA causes of actions and also to related claims pled under alternative theories but based on the same set of facts. *Brown v. Superior Court, supra*, 37 Cal. 3d at 487, 488.

Government Code section 12965(b) states, in relevant part:

An action may be brought in any county in the state in which the unlawful practice is alleged to have been committed, in the county in which the records relevant to the practice are maintained and administered, or in the county in which the aggrieved person would have worked or would have had access to the public accommodation but for the alleged unlawful practice, but if the defendant is not found within any of these counties, an action may be brought within the county of the defendant's residence or principal office.

The term "unlawful practice" refers to conduct in violation of Government Code section 12940 et seq., namely discrimination, harassment, and retaliation on the basis of enumerated characteristics, including race. Under this section, the proper venue should be Santa Clara County Superior Court because the unlawful practices claimed, i.e. the alleged discrimination, harassment, and retaliation, allegedly occurred in SHC's Cancer Center located in Palo Alto. None of the alleged "unlawful practices" occurred in Alameda County.

Further, while Ms. Young vaguely alleges that the relevant "records" are maintained in Alameda County, this could only be true regarding Ms. Young's records related to her non-FEHA claims. Alleged conduct related to the non-FEHA claims does not constitute "unlawful practices" under Government Code section 12940 et seq., nor are such claims alternative theories based on the same set of facts as the FEHA claims. In reality, the records related to Ms. Young's FEHA claims are maintained by the employer, SHC, which is located in Palo Alto. Thus, the FEHA venue provision requires that Ms. Young's claims are properly heard in Santa Clara County Superior Court, not in Alameda County Superior Court.

Further, this is a true "mixed action" case, which is a lawsuit with at least two causes of action, each governed by a different statute. *Gallin v. Superior Court* (1991) 230 Cal.App.3d 541, 545. Under the mixed action rule, a lawsuit must be transferred in its entirety when any alleged claim warrants adjudication in a different court. *Id.* Otherwise, plaintiffs could assert frivolous causes of action merely to forum shop. *Jhirmack Enterprises, Inc. v. Superior Court* (1979) 96 Cal.App.3d 715, 720. Here, the mixed action rule requires a transfer of venue for the entire lawsuit to the venue in which the FEHA claims are properly heard.

Finally, pursuant to Code of Civil Procedure section 397(c), the court has discretion to transfer the case to another proper county "when the convenience of witnesses and the ends of justice would be promoted by the change." (See also Cal. Civ. Code Proc. 396b(a), 397(a).) This test is met here. The alleged FEHA violations purportedly occurred in, and the relevant records are located in, Palo Alto. Further, the relevant witnesses work in or near Palo Alto. Lastly, the transfer would not inconvenience Ms. Young because she still currently works for SHC in or near Palo Alto.

For all of these reasons, I am requesting that you let me know **by the close of business on Monday October 9th** whether you will stipulate to transfer this case to Santa Clara County Superior Court. Alternatively, we may be willing to stipulate to transfer this case to San Mateo County Superior Court, given that your client currently works at a SHC location in Redwood City and seems to allege that at least some purported "unlawful practices" under FEHA occurred there.

If you are not agreeable to either option, we will have no choice but to file a motion for transfer of venue. Pursuant to Code of Civil Procedure section 396b(b), we will also move for our reasonable expenses and attorney's fees incurred in making the motion to transfer. As you are surely aware, under that section, those expenses and fees shall be the personal liability of the attorney, not the party.

I look forward to your response by October 9th.

All the best,

Michael

---

**MICHAEL D. BRUNO** | Partner

**GORDON & REES**

**SCULLY MANSUKHANI**

275 Battery Street, Suite 2000

San Francisco, CA 94111

D: 415-875-3126 | P: 415-986-5900 | F: 415-986-8054

**mbruno@grsm.com**

Alabama | Arizona | California | Colorado | Connecticut | Florida | Georgia  
Illinois | Maryland | Massachusetts | Missouri | Nebraska | Nevada  
New Jersey | New York | North Carolina | Ohio | Oklahoma | Oregon  
Pennsylvania | Rhode Island | South Carolina | South Dakota | Texas



Utah | Virginia | Washington | Washington, D.C. | West Virginia | Wisconsin

[www.grsm.com](http://www.grsm.com)

---

Alabama \* Arizona \* California \* Colorado \* Connecticut \* Florida \* Georgia \* Illinois \* Maryland \* Massachusetts \* Missouri \* Nebraska \* Nevada \* New Jersey \*  
New York \* North Carolina \* Ohio \* Oregon \* Pennsylvania \* South Carolina \* South Dakota \* Texas \* Virginia \* Washington \* Washington, DC \* West Virginia

This email communication may contain CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you are not the intended recipient and have received this communication in error, please immediately notify us by reply email, delete the communication and destroy all copies.

**GORDON REES SCULLY MANSUKHANI LLP**

<http://www.grsm.com>

**From:** Lara Villarreal Hutner  
**Sent:** Wednesday, October 11, 2017 10:30 AM  
**To:** Michael Bruno; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed  
**Cc:** Alyson Cabrera; Pamela Ng; James Riley  
**Subject:** RE: Qiquia Young v. Chanrath Flores, Stanford University, Stanford Health Care  
**Attachments:** Young\_Stanford - FAC [File-Endorsed 2017-10-10].pdf

Michael,

I apologize for the delay – we just got back the conformed copy of the attached First Amended Complaint filed yesterday.

Best regards,  
Lara

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

---

**From:** Lara Villarreal Hutner  
**Sent:** Tuesday, October 10, 2017 4:36 PM  
**To:** 'Michael Bruno'; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed  
**Cc:** Alyson Cabrera; Pamela Ng  
**Subject:** RE: Qiquia Young v. Chanrath Flores, Stanford University, Stanford Health Care

Michael,

First, we have filed a First Amended Complaint in this action and will provide you with a copy of it shortly. After you and your clients review and consider the overwhelming facts supporting venue in Alameda County, please let us know of their decision regarding whether they will in fact attempt to transfer venue. As you know, the Complaint - and now First Amended Complaint - lists multiple grounds for proper venue in Alameda County, under the Code of Civil Procedure and the Fair Employment and Housing Act – which provides a “wide choice of venue afforded plaintiffs ... by permitting venue in a county which plaintiffs deem the most appropriate and convenient.” *Brown v. Superior Court*, 37 Cal. 3d 478, 486 (1984).

Here, the elephant in the room is your Stanford clients' transparent desire to transfer this case to Santa Clara County, where they are the 800-pound gorilla. If your clients choose to proceed with such a specious attempt at forum-shopping – in this case in which Stanford's chickens are finally coming home to roost (in Alameda, not down at "The Farm") – we will seek reimbursement for our time and costs. I sincerely hope that will not be necessary.

Best regards,  
Lara

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

---

**From:** Michael Bruno [<mailto:mbruno@grsm.com>]  
**Sent:** Wednesday, October 04, 2017 2:48 PM  
**To:** Lara Villarreal Hutner; Christopher Whelan ([Chris@WhelanLawOffices.com](mailto:Chris@WhelanLawOffices.com)) ([Chris@WhelanLawOffices.com](mailto:Chris@WhelanLawOffices.com))  
**Cc:** Alyson Cabrera; Pamela Ng  
**Subject:** Young v. SHC

Dear Lara:

I write with respect to the filing of the Young v. SHC case in Alameda County Superior Court. As you are aware, it is my client's position that this is not the proper venue for this case. As the Complaint asserts several causes of action for violation of the Fair Employment and Housing Act ("FEHA"), this action should have been filed in Santa Clara County Superior Court, the location where the "unlawful practices" alleged under FEHA purportedly occurred.

It is well established that a defendant is entitled to have an action tried in the county of his or her residence unless the action falls within some exception to the general venue rule. (Cal. Code of Civ. Proc. 395, *Brown v. Superior Court* (1984) 37 Cal.3d 477, 483 (citing *Kaluzok v. Brisson* (1946) 27 Cal. 2d 760, 763-764; *Mosby v. Superior Court*, 43 (1974) Cal.App.3d at pp. 223-224; *Holstein v. Superior Court* (1969) 275 Cal.App.2d 708, 710).) *Brown v. Superior Court* established that the FEHA venue provision under Government Code section 12965 controls over the general venue rule as to the FEHA causes of actions and also to related claims pled under alternative theories but based on the same set of facts. *Brown v. Superior Court, supra*, 37 Cal. 3d at 487, 488.

Government Code section 12965(b) states, in relevant part:

An action may be brought in any county in the state in which the unlawful practice is alleged to have been committed, in the county in which the records relevant to the practice are maintained and administered, or in the county in which the aggrieved person would have worked or would have had access to the public accommodation but for the alleged unlawful practice, but if the

defendant is not found within any of these counties, an action may be brought within the county of the defendant's residence or principal office.

The term "unlawful practice" refers to conduct in violation of Government Code section 12940 et seq., namely discrimination, harassment, and retaliation on the basis of enumerated characteristics, including race. Under this section, the proper venue should be Santa Clara County Superior Court because the unlawful practices claimed, i.e. the alleged discrimination, harassment, and retaliation, allegedly occurred in SHC's Cancer Center located in Palo Alto. None of the alleged "unlawful practices" occurred in Alameda County.

Further, while Ms. Young vaguely alleges that the relevant "records" are maintained in Alameda County, this could only be true regarding Ms. Young's records related to her non-FEHA claims. Alleged conduct related to the non-FEHA claims does not constitute "unlawful practices" under Government Code section 12940 et seq., nor are such claims alternative theories based on the same set of facts as the FEHA claims. In reality, the records related to Ms. Young's FEHA claims are maintained by the employer, SHC, which is located in Palo Alto. Thus, the FEHA venue provision requires that Ms. Young's claims are properly heard in Santa Clara County Superior Court, not in Alameda County Superior Court.

Further, this is a true "mixed action" case, which is a lawsuit with at least two causes of action, each governed by a different statute. *Gallin v. Superior Court* (1991) 230 Cal.App.3d 541, 545. Under the mixed action rule, a lawsuit must be transferred in its entirety when any alleged claim warrants adjudication in a different court. *Id.* Otherwise, plaintiffs could assert frivolous causes of action merely to forum shop. *Jhirmack Enterprises, Inc. v. Superior Court* (1979) 96 Cal.App.3d 715, 720. Here, the mixed action rule requires a transfer of venue for the entire lawsuit to the venue in which the FEHA claims are properly heard.

Finally, pursuant to Code of Civil Procedure section 397(c), the court has discretion to transfer the case to another proper county "when the convenience of witnesses and the ends of justice would be promoted by the change." (See also Cal. Civ. Code Proc. 396b(a), 397(a).) This test is met here. The alleged FEHA violations purportedly occurred in, and the relevant records are located in, Palo Alto. Further, the relevant witnesses work in or near Palo Alto. Lastly, the transfer would not inconvenience Ms. Young because she still currently works for SHC in or near Palo Alto.

For all of these reasons, I am requesting that you let me know **by the close of business on Monday October 9th** whether you will stipulate to transfer this case to Santa Clara County Superior Court. Alternatively, we may be willing to stipulate to transfer this case to San Mateo County Superior Court, given that your client currently works at a SHC location in Redwood City and seems to allege that at least some purported "unlawful practices" under FEHA occurred there.

If you are not agreeable to either option, we will have no choice but to file a motion for transfer of venue. Pursuant to Code of Civil Procedure section 396b(b), we will also move for our reasonable expenses and attorney's fees incurred in making the motion to transfer. As you are surely aware, under that section, those expenses and fees shall be the personal liability of the attorney, not the party.

I look forward to your response by October 9th.

All the best,

Michael

**GORDON & REES  
SCULLY MANSUKHANI**

275 Battery Street, Suite 2000  
San Francisco, CA 94111

D: 415-875-3126 | P: 415-986-5900 | F: 415-986-8054

[mbruno@grsm.com](mailto:mbruno@grsm.com)

Alabama | Arizona | California | Colorado | Connecticut | Florida | Georgia  
Illinois | Maryland | Massachusetts | Missouri | Nebraska | Nevada  
New Jersey | New York | North Carolina | Ohio | Oklahoma | Oregon  
Pennsylvania | Rhode Island | South Carolina | South Dakota | Texas  
Utah | Virginia | Washington | Washington, D.C. | West Virginia | Wisconsin

[www.grsm.com](http://www.grsm.com)

---

Alabama \* Arizona \* California \* Colorado \* Connecticut \* Florida \* Georgia \* Illinois \* Maryland \* Massachusetts \* Missouri \* Nebraska \* Nevada \* New Jersey \*  
New York \* North Carolina \* Ohio \* Oregon \* Pennsylvania \* South Carolina \* South Dakota \* Texas \* Virginia \* Washington \* Washington, DC \* West Virginia

This email communication may contain CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you are not the intended recipient and have received this communication in error, please immediately notify us by reply email, delete the communication and destroy all copies.

**GORDON REES SCULLY MANSUKHANI LLP**  
<http://www.grsm.com>

**From:** Michael Bruno <mbruno@grsm.com>  
**Sent:** Thursday, October 12, 2017 11:23 AM  
**To:** Lara Villarreal Hutner; Christopher Whelan (Chris@WhelanLawOffices.com)  
(Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed  
**Cc:** Alyson Cabrera; Pamela Ng; James Riley  
**Subject:** RE: Qiquia Young v. Chanrath Flores, Stanford University, Stanford Health Care

Dear Lara:

We have reviewed the FAC. Venue is still not proper under the FEHA venue statute (Government Code section 12965(b)). As noted in my prior meet and confer email, the “unlawful practices” (i.e., practices that form the basis of the FEHA claims) have to occur in Alameda County for the case to be properly venued in Alameda County. The facts in the FAC regarding events that allegedly occurred in Alameda County or about records that are allegedly maintained there are not pled in support of the FEHA claims. The FAC still makes clear that the “unlawful practices” under FEHA occurred at SHC, which is located in Santa Clara County. The records related to the FEHA claims are also located in Santa Clara County. Therefore, transfer to Santa Clara County is mandatory. Further, and as noted in my prior letter, “mixed action” cases (asserting claims that have conflicting venue provisions) such as this one must still be transferred in their entirety to the same venue where the FEHA claims are required to be heard (i.e., to Santa Clara County).

For these reasons, I am requesting that you let me know **by the close of business on Monday October 16th** whether you will stipulate to transfer this case to Santa Clara County Superior Court.

If you are not agreeable, we will move forward with filing a motion for transfer of venue. Pursuant to Code of Civil Procedure section 396b(b), we will also move for our reasonable expenses and attorney’s fees incurred in making the motion to transfer. As noted previously, under that section, those expenses and fees shall be the personal liability of the attorney, not the party.

All the best,

Michael

---

**MICHAEL D. BRUNO** | Partner

**GORDON & REES**

SCULLY MANSUKHANI

275 Battery Street, Suite 2000

San Francisco, CA 94111

D: 415-875-3126 | P: 415-986-5900 | F: 415-986-8054

mbruno@grsm.com

Alabama | Arizona | California | Colorado | Connecticut | Florida | Georgia  
Illinois | Maryland | Massachusetts | Missouri | Nebraska | Nevada  
New Jersey | New York | North Carolina | Ohio | Oklahoma | Oregon  
Pennsylvania | Rhode Island | South Carolina | South Dakota | Texas  
Utah | Virginia | Washington | Washington, D.C. | West Virginia | Wisconsin

www.grsm.com

**From:** Lara Villarreal Hutner [mailto:LHutner@vhattorneys.com]  
**Sent:** Wednesday, October 11, 2017 10:30 AM  
**To:** Michael Bruno; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed  
**Cc:** Alyson Cabrera; Pamela Ng; James Riley  
**Subject:** RE: Qiqiua Young v. Chanrath Flores, Stanford University, Stanford Health Care

Michael,

I apologize for the delay – we just got back the conformed copy of the attached First Amended Complaint filed yesterday.

Best regards,  
Lara

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

---

**From:** Lara Villarreal Hutner  
**Sent:** Tuesday, October 10, 2017 4:36 PM  
**To:** 'Michael Bruno'; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed  
**Cc:** Alyson Cabrera; Pamela Ng  
**Subject:** RE: Qiqiua Young v. Chanrath Flores, Stanford University, Stanford Health Care

Michael,

First, we have filed a First Amended Complaint in this action and will provide you with a copy of it shortly. After you and your clients review and consider the overwhelming facts supporting venue in Alameda County, please let us know of their decision regarding whether they will in fact attempt to transfer venue. As you know, the Complaint - and now First Amended Complaint - lists multiple grounds for proper venue in Alameda County, under the Code of Civil Procedure and the Fair Employment and Housing Act – which provides a “wide choice of venue afforded plaintiffs ... by permitting venue in a county which plaintiffs deem the most appropriate and convenient.” *Brown v. Superior Court*, 37 Cal. 3d 478, 486 (1984).

Here, the elephant in the room is your Stanford clients’ transparent desire to transfer this case to Santa Clara County, where they are the 800-pound gorilla. If your clients choose to proceed with such a specious attempt at forum-shopping – in this case in which Stanford’s chickens are finally coming home to roost (in Alameda, not down at “The Farm”) – we will seek reimbursement for our time and costs. I sincerely hope that will not be necessary.

Best regards,  
Lara

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

---

**From:** Michael Bruno [<mailto:mbruno@grsm.com>]  
**Sent:** Wednesday, October 04, 2017 2:48 PM  
**To:** Lara Villarreal Hutner; Christopher Whelan ([Chris@WhelanLawOffices.com](mailto:Chris@WhelanLawOffices.com)) ([Chris@WhelanLawOffices.com](mailto:Chris@WhelanLawOffices.com))  
**Cc:** Alyson Cabrera; Pamela Ng  
**Subject:** Young v. SHC

Dear Lara:

I write with respect to the filing of the Young v. SHC case in Alameda County Superior Court. As you are aware, it is my client's position that this is not the proper venue for this case. As the Complaint asserts several causes of action for violation of the Fair Employment and Housing Act ("FEHA"), this action should have been filed in Santa Clara County Superior Court, the location where the "unlawful practices" alleged under FEHA purportedly occurred.

It is well established that a defendant is entitled to have an action tried in the county of his or her residence unless the action falls within some exception to the general venue rule. (Cal. Code of Civ. Proc. 395, *Brown v. Superior Court* (1984) 37 Cal.3d 477, 483 (citing *Kaluzok v. Brisson* (1946) 27 Cal. 2d 760, 763-764; *Mosby v. Superior Court*, 43 (1974) Cal.App.3d at pp. 223-224; *Holstein v. Superior Court* (1969) 275 Cal.App.2d 708, 710).) *Brown v. Superior Court* established that the FEHA venue provision under Government Code section 12965 controls over the general venue rule as to the FEHA causes of actions and also to related claims pled under alternative theories but based on the same set of facts. *Brown v. Superior Court, supra*, 37 Cal. 3d at 487, 488.

Government Code section 12965(b) states, in relevant part:

An action may be brought in any county in the state in which the unlawful practice is alleged to have been committed, in the county in which the records relevant to the practice are maintained and administered, or in the county in which the aggrieved person would have worked or would have had access to the public accommodation but for the alleged unlawful practice, but if the defendant is not found within any of these counties, an action may be brought within the county of the defendant's residence or principal office.

The term "unlawful practice" refers to conduct in violation of Government Code section 12940 et seq., namely discrimination, harassment, and retaliation on the basis of enumerated characteristics, including race. Under this section, the proper venue should be Santa Clara County Superior Court because the unlawful practices claimed,



i.e. the alleged discrimination, harassment, and retaliation, allegedly occurred in SHC's Cancer Center located in Palo Alto. None of the alleged "unlawful practices" occurred in Alameda County.

Further, while Ms. Young vaguely alleges that the relevant "records" are maintained in Alameda County, this could only be true regarding Ms. Young's records related to her non-FEHA claims. Alleged conduct related to the non-FEHA claims does not constitute "unlawful practices" under Government Code section 12940 et seq., nor are such claims alternative theories based on the same set of facts as the FEHA claims. In reality, the records related to Ms. Young's FEHA claims are maintained by the employer, SHC, which is located in Palo Alto. Thus, the FEHA venue provision requires that Ms. Young's claims are properly heard in Santa Clara County Superior Court, not in Alameda County Superior Court.

Further, this is a true "mixed action" case, which is a lawsuit with at least two causes of action, each governed by a different statute. *Gallin v. Superior Court* (1991) 230 Cal.App.3d 541, 545. Under the mixed action rule, a lawsuit must be transferred in its entirety when any alleged claim warrants adjudication in a different court. *Id.* Otherwise, plaintiffs could assert frivolous causes of action merely to forum shop. *Jhirmack Enterprises, Inc. v. Superior Court* (1979) 96 Cal.App.3d 715, 720. Here, the mixed action rule requires a transfer of venue for the entire lawsuit to the venue in which the FEHA claims are properly heard.

Finally, pursuant to Code of Civil Procedure section 397(c), the court has discretion to transfer the case to another proper county "when the convenience of witnesses and the ends of justice would be promoted by the change." (See also Cal. Civ. Code Proc. 396b(a), 397(a).) This test is met here. The alleged FEHA violations purportedly occurred in, and the relevant records are located in, Palo Alto. Further, the relevant witnesses work in or near Palo Alto. Lastly, the transfer would not inconvenience Ms. Young because she still currently works for SHC in or near Palo Alto.

For all of these reasons, I am requesting that you let me know **by the close of business on Monday October 9th** whether you will stipulate to transfer this case to Santa Clara County Superior Court. Alternatively, we may be willing to stipulate to transfer this case to San Mateo County Superior Court, given that your client currently works at a SHC location in Redwood City and seems to allege that at least some purported "unlawful practices" under FEHA occurred there.

If you are not agreeable to either option, we will have no choice but to file a motion for transfer of venue. Pursuant to Code of Civil Procedure section 396b(b), we will also move for our reasonable expenses and attorney's fees incurred in making the motion to transfer. As you are surely aware, under that section, those expenses and fees shall be the personal liability of the attorney, not the party.

I look forward to your response by October 9th.

All the best,

Michael

---

**MICHAEL D. BRUNO** | Partner

**GORDON & REES**

SCULLY MANSUKHANI

275 Battery Street, Suite 2000

San Francisco, CA 94111

D: 415-875-3126 | P: 415-986-5900 | F: 415-986-8054

mbruno@grsm.com

Alabama | Arizona | California | Colorado | Connecticut | Florida | Georgia  
Illinois | Maryland | Massachusetts | Missouri | Nebraska | Nevada  
New Jersey | New York | North Carolina | Ohio | Oklahoma | Oregon  
Pennsylvania | Rhode Island | South Carolina | South Dakota | Texas  
Utah | Virginia | Washington | Washington, D.C. | West Virginia | Wisconsin

[www.grsm.com](http://www.grsm.com)

---

Alabama \* Arizona \* California \* Colorado \* Connecticut \* Florida \* Georgia \* Illinois \* Maryland \* Massachusetts \* Missouri \* Nebraska \* Nevada \* New Jersey \*  
New York \* North Carolina \* Ohio \* Oregon \* Pennsylvania \* South Carolina \* South Dakota \* Texas \* Virginia \* Washington \* Washington, DC \* West Virginia

This email communication may contain CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you are not the intended recipient and have received this communication in error, please immediately notify us by reply email, delete the communication and destroy all copies.

**GORDON REES SCULLY MANSUKHANI LLP**

**<http://www.grsm.com>**

**From:** Lara Villarreal Hutner  
**Sent:** Monday, October 16, 2017 3:33 PM  
**To:** Michael Bruno; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed  
**Cc:** Alyson Cabrera; Pamela Ng; James Riley  
**Subject:** RE: Qiqiua Young v. Chanrath Flores, Stanford University, Stanford Health Care

Michael,

The absolute nature of your statement that "[v]enue still is not proper under the FEHA statute" caused me to go back and re-read the case law you cited (which is the same case law I read in doing my due diligence before ever drafting the Complaint). Not surprisingly, the cases no more support your assertion now than they did when I initially read them.

Moreover, your Stanford clients' threat of sanctions directed at me personally for not acquiescing to their distorted view of the law is precisely the kind of bullying and intimidation tactics that underscore why justice requires Ms. Young's lawsuit remain in Alameda County, the venue she was entitled to select, and selected, as the plaintiff in this action.

Best regards,  
Lara

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

---

**From:** Michael Bruno [mailto:mbruno@grsm.com]  
**Sent:** Thursday, October 12, 2017 11:23 AM  
**To:** Lara Villarreal Hutner; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed  
**Cc:** Alyson Cabrera; Pamela Ng; James Riley  
**Subject:** RE: Qiqiua Young v. Chanrath Flores, Stanford University, Stanford Health Care

Dear Lara:

We have reviewed the FAC. Venue is still not proper under the FEHA venue statute (Government Code section 12965(b)). As noted in my prior meet and confer email, the "unlawful practices" (i.e., practices that form the basis of the FEHA claims) have to occur in Alameda County for the case to be properly venued in Alameda County. The facts in the FAC regarding events that allegedly occurred in Alameda County or about

records that are allegedly maintained there are not pled in support of the FEHA claims. The FAC still makes clear that the "unlawful practices" under FEHA occurred at SHC, which is located in Santa Clara County. The records related to the FEHA claims are also located in Santa Clara County. Therefore, transfer to Santa Clara County is mandatory. Further, and as noted in my prior letter, "mixed action" cases (asserting claims that have conflicting venue provisions) such as this one must still be transferred in their entirety to the same venue where the FEHA claims are required to be heard (i.e., to Santa Clara County).

For these reasons, I am requesting that you let me know **by the close of business on Monday October 16th** whether you will stipulate to transfer this case to Santa Clara County Superior Court.

If you are not agreeable, we will move forward with filing a motion for transfer of venue. Pursuant to Code of Civil Procedure section 396b(b), we will also move for our reasonable expenses and attorney's fees incurred in making the motion to transfer. As noted previously, under that section, those expenses and fees shall be the personal liability of the attorney, not the party.

All the best,

Michael

---

**MICHAEL D. BRUNO** | Partner

**GORDON & REES**

SCULLY MANSUKHANI

275 Battery Street, Suite 2000

San Francisco, CA 94111

D: 415-875-3126 | P: 415-986-5900 | F: 415-986-8054

[mbruno@grsm.com](mailto:mbruno@grsm.com)

Alabama | Arizona | California | Colorado | Connecticut | Florida | Georgia  
Illinois | Maryland | Massachusetts | Missouri | Nebraska | Nevada  
New Jersey | New York | North Carolina | Ohio | Oklahoma | Oregon  
Pennsylvania | Rhode Island | South Carolina | South Dakota | Texas  
Utah | Virginia | Washington | Washington, D.C. | West Virginia | Wisconsin

[www.grsm.com](http://www.grsm.com)

---

**From:** Lara Villarreal Hutner [<mailto:LHutner@vhattorneys.com>]

**Sent:** Wednesday, October 11, 2017 10:30 AM

**To:** Michael Bruno; Christopher Whelan ([Chris@WhelanLawOffices.com](mailto:Chris@WhelanLawOffices.com)) ([Chris@WhelanLawOffices.com](mailto:Chris@WhelanLawOffices.com)); Lauren Cooper; Timothy Reed

**Cc:** Alyson Cabrera; Pamela Ng; James Riley

**Subject:** RE: Qiquia Young v. Chanrath Flores, Stanford University, Stanford Health Care

Michael,

I apologize for the delay – we just got back the conformed copy of the attached First Amended Complaint filed yesterday.

Best regards,

Lara

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor

San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

---

**From:** Lara Villarreal Hutner  
**Sent:** Tuesday, October 10, 2017 4:36 PM  
**To:** 'Michael Bruno'; Christopher Whelan ([Chris@WhelanLawOffices.com](mailto:Chris@WhelanLawOffices.com)) ([Chris@WhelanLawOffices.com](mailto:Chris@WhelanLawOffices.com)); Lauren Cooper; Timothy Reed  
**Cc:** Alyson Cabrera; Pamela Ng  
**Subject:** RE: Qiquia Young v. Chanrath Flores, Stanford University, Stanford Health Care

Michael,

First, we have filed a First Amended Complaint in this action and will provide you with a copy of it shortly. After you and your clients review and consider the overwhelming facts supporting venue in Alameda County, please let us know of their decision regarding whether they will in fact attempt to transfer venue. As you know, the Complaint - and now First Amended Complaint - lists multiple grounds for proper venue in Alameda County, under the Code of Civil Procedure and the Fair Employment and Housing Act - which provides a "wide choice of venue afforded plaintiffs ... by permitting venue in a county which plaintiffs deem the most appropriate and convenient." *Brown v. Superior Court*, 37 Cal. 3d 478, 486 (1984).

Here, the elephant in the room is your Stanford clients' transparent desire to transfer this case to Santa Clara County, where they are the 800-pound gorilla. If your clients choose to proceed with such a specious attempt at forum-shopping - in this case in which Stanford's chickens are finally coming home to roost (in Alameda, not down at "The Farm") - we will seek reimbursement for our time and costs. I sincerely hope that will not be necessary.

Best regards,  
Lara

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

**From:** Michael Bruno [mailto:mbruno@grsm.com]

**Sent:** Wednesday, October 04, 2017 2:48 PM

**To:** Lara Villarreal Hutner; Christopher Whelan (Chris@WhelanLawOffices.com) (Chris@WhelanLawOffices.com)

**Cc:** Alyson Cabrera; Pamela Ng

**Subject:** Young v. SHC

Dear Lara:

I write with respect to the filing of the Young v. SHC case in Alameda County Superior Court. As you are aware, it is my client's position that this is not the proper venue for this case. As the Complaint asserts several causes of action for violation of the Fair Employment and Housing Act ("FEHA"), this action should have been filed in Santa Clara County Superior Court, the location where the "unlawful practices" alleged under FEHA purportedly occurred.

It is well established that a defendant is entitled to have an action tried in the county of his or her residence unless the action falls within some exception to the general venue rule. (Cal. Code of Civ. Proc. 395, *Brown v. Superior Court* (1984) 37 Cal.3d 477, 483 (citing *Kaluzok v. Brisson* (1946) 27 Cal. 2d 760, 763-764; *Mosby v. Superior Court*, 43 (1974) Cal.App.3d at pp. 223-224; *Holstein v. Superior Court* (1969) 275 Cal.App.2d 708, 710).) *Brown v. Superior Court* established that the FEHA venue provision under Government Code section 12965 controls over the general venue rule as to the FEHA causes of actions and also to related claims pled under alternative theories but based on the same set of facts. *Brown v. Superior Court, supra*, 37 Cal. 3d at 487, 488.

Government Code section 12965(b) states, in relevant part:

An action may be brought in any county in the state in which the unlawful practice is alleged to have been committed, in the county in which the records relevant to the practice are maintained and administered, or in the county in which the aggrieved person would have worked or would have had access to the public accommodation but for the alleged unlawful practice, but if the defendant is not found within any of these counties, an action may be brought within the county of the defendant's residence or principal office.

The term "unlawful practice" refers to conduct in violation of Government Code section 12940 et seq., namely discrimination, harassment, and retaliation on the basis of enumerated characteristics, including race. Under this section, the proper venue should be Santa Clara County Superior Court because the unlawful practices claimed, i.e. the alleged discrimination, harassment, and retaliation, allegedly occurred in SHC's Cancer Center located in Palo Alto. None of the alleged "unlawful practices" occurred in Alameda County.

Further, while Ms. Young vaguely alleges that the relevant "records" are maintained in Alameda County, this could only be true regarding Ms. Young's records related to her non-FEHA claims. Alleged conduct related to the non-FEHA claims does not constitute "unlawful practices" under Government Code section 12940 et seq., nor are such claims alternative theories based on the same set of facts as the FEHA claims. In reality, the records related to Ms. Young's FEHA claims are maintained by the employer, SHC, which is located in Palo Alto. Thus, the FEHA venue provision requires that Ms. Young's claims are properly heard in Santa Clara County Superior Court, not in Alameda County Superior Court.

Further, this is a true "mixed action" case, which is a lawsuit with at least two causes of action, each governed by a different statute. *Gallin v. Superior Court* (1991) 230 Cal.App.3d 541, 545. Under the mixed action rule, a lawsuit must be transferred in its entirety when any alleged claim warrants adjudication in a different court. *Id.* Otherwise, plaintiffs could assert frivolous causes of action merely to forum

shop. *Jhirmack Enterprises, Inc. v. Superior Court* (1979) 96 Cal.App.3d 715, 720. Here, the mixed action rule requires a transfer of venue for the entire lawsuit to the venue in which the FEHA claims are properly heard.

Finally, pursuant to Code of Civil Procedure section 397(c), the court has discretion to transfer the case to another proper county "when the convenience of witnesses and the ends of justice would be promoted by the change." (See also Cal. Civ. Code Proc. 396b(a), 397(a).) This test is met here. The alleged FEHA violations purportedly occurred in, and the relevant records are located in, Palo Alto. Further, the relevant witnesses work in or near Palo Alto. Lastly, the transfer would not inconvenience Ms. Young because she still currently works for SHC in or near Palo Alto.

For all of these reasons, I am requesting that you let me know **by the close of business on Monday October 9th** whether you will stipulate to transfer this case to Santa Clara County Superior Court. Alternatively, we may be willing to stipulate to transfer this case to San Mateo County Superior Court, given that your client currently works at a SHC location in Redwood City and seems to allege that at least some purported "unlawful practices" under FEHA occurred there.

If you are not agreeable to either option, we will have no choice but to file a motion for transfer of venue. Pursuant to Code of Civil Procedure section 396b(b), we will also move for our reasonable expenses and attorney's fees incurred in making the motion to transfer. As you are surely aware, under that section, those expenses and fees shall be the personal liability of the attorney, not the party.

I look forward to your response by October 9th.

All the best,

Michael

---

**MICHAEL D. BRUNO** | Partner

**GORDON & REES**

**SCULLY MANSUKHANI**

275 Battery Street, Suite 2000

San Francisco, CA 94111

D: 415-875-3126 | P: 415-986-5900 | F: 415-986-8054

[mbruno@grsm.com](mailto:mbruno@grsm.com)

Alabama | Arizona | California | Colorado | Connecticut | Florida | Georgia  
Illinois | Maryland | Massachusetts | Missouri | Nebraska | Nevada  
New Jersey | New York | North Carolina | Ohio | Oklahoma | Oregon  
Pennsylvania | Rhode Island | South Carolina | South Dakota | Texas  
Utah | Virginia | Washington | Washington, D.C. | West Virginia | Wisconsin

[www.grsm.com](http://www.grsm.com)

---

Alabama \* Arizona \* California \* Colorado \* Connecticut \* Florida \* Georgia \* Illinois \* Maryland \* Massachusetts \* Missouri \* Nebraska \* Nevada \* New Jersey \*  
New York \* North Carolina \* Ohio \* Oregon \* Pennsylvania \* South Carolina \* South Dakota \* Texas \* Virginia \* Washington \* Washington, DC \* West Virginia

This email communication may contain CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use,

dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you are not the intended recipient and have received this communication in error, please immediately notify us by reply email, delete the communication and destroy all copies.

**GORDON REES SCULLY MANSUKHANI LLP**

<http://www.grsm.com>



C

# Office of the CEO

September 29, 2017



**Stanford**  
HEALTH CARE

Dear Colleagues,

I am writing in relation to media coverage you may have seen this week regarding a Stanford Health Care employee. I want to ensure that you have the facts about this unfortunate situation.

A lawsuit has been filed by a current employee with allegations of racism and patient safety issues that are grossly exaggerated and largely inaccurate. SHC is fully committed to a diverse, respectful, and inclusive workplace, and not only encourages, but requires, all employees to raise concerns that they believe may affect the patient experience or the workplace.

Contrary to what you may see in the media, SHC has been extremely proactive in addressing the employee's concerns.

- Although the employee filing the suit was shown a photo of another employee covered in a sheet in 2014, all of the employees involved in that incident were terminated by SHC, including those who merely saw the photo and did not report it to management.
- I, and the Dean of the School of Medicine at Stanford, have personally met with Cancer Center leaders and faculty to deliver the broader message that, while SHC did the right thing to terminate all those involved in the 2014 incident, such behavior -- regardless of whether it is

intended as a prank or an act of hate -- will never be tolerated at SHC. I have conveyed, and will continue to convey, that SHC has zero tolerance for conduct that promotes disrespect of another's race, culture, gender or lifestyle, and anyone who learns of any behavior which is offensive, demeaning or hurtful, needs to act on it immediately using the many resources SHC has, including through HR and leadership.

- Finally, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), an independent agency that certifies and accredits health care organizations, has investigated those issues raised by the employee and found that either there was no issue, or that SHC had resolved the issue. No action has ever been taken against SHC for the purported safety issues raised by the employee. SHC is fully dedicated to patient safety and takes aggressive proactive efforts to ensure safe and quality care.

At every turn, SHC has responded proactively and lawfully when this employee raised concerns about her workplace and SHC will vigorously defend this lawsuit. Although the lawsuit also names Stanford University as a defendant, the actions the employee claims happened to her arise from her employment by SHC and do not involve the University.

I regret that it is necessary to communicate broadly about any individual SHC employee; however, the media coverage in relation to this lawsuit requires that our community receive this information.

The essential values represented throughout Stanford Medicine are important to all of us and I appreciate your continued commitment to ensuring they are upheld.

David Entwistle

President & CEO

D

1 VILLARREAL HUTNER PC  
LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
2 E-Mail: lhutner@vhattorneys.com  
LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
3 E-Mail: lcooper@vhattorneys.com  
TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
4 E-Mail: treed@vhattorneys.com  
575 Market Street, Suite 1700  
5 San Francisco, California 94105  
Telephone: 415.543.4200  
6 Facsimile: 415.512.7674

7 CHRISTOPHER H. WHELAN, INC.  
CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
8 E-Mail: chris@whelanlawoffices.com  
11246 Gold Express Drive, Suite 100  
9 Gold River, California 95670  
Telephone: 916.635.5577  
10 Facsimile: 916.635.9159

11 Attorneys for Plaintiff  
12 QIQIUIA YOUNG

13 SUPERIOR COURT OF CALIFORNIA  
14 COUNTY OF ALAMEDA  
15 RENE C. DAVIDSON COURTHOUSE  
16

17 QIQIUIA YOUNG,

18 Plaintiff,

19 v.

20 THE LELAND STANFORD JUNIOR  
UNIVERSITY, STANFORD HEALTH  
21 CARE, STANFORD HOSPITAL AND  
CLINICS, CHANRATH FLORES and DOES  
22 1 through 50, inclusive,

23 Defendants.  
24  
25

Case No. RG17877051

**PLAINTIFF QIQIUIA YOUNG'S NOTICE  
OF TAKING DEPOSITION PURSUANT  
TO SUBPOENA OF KIM F. RHOADS,  
M.D., MPH**

Action Filed: September 28, 2017  
FAC Filed: October 10, 2017  
Trial Date: None set

Date: November 27, 2017  
Time: 10:00 a.m.  
Location: Villarreal Hutner PC  
575 Market Street  
Suite 1700  
San Francisco, CA 94105

1 **TO DEFENDANTS THE LELAND STANFORD JUNIOR UNIVERSITY, STANFORD**  
2 **HEALTH CARE, STANFORD HOSPITAL AND CLINICS, CHANRATH FLORES, AND**  
3 **THEIR ATTORNEYS OF RECORD:**

4 PLEASE TAKE NOTICE that pursuant to California Code of Civil Procedure sections  
5 2025.010, *et seq.*, plaintiff Qiquia Young ("Plaintiff") through her counsel of record in this  
6 matter, shall take the deposition upon oral examination of Kim F. Rhoads, M.D., MPH, commencing  
7 on November 27, 2017 at 10:00 a.m., at Villarreal Hutner PC, 575 Market Street, Suite 1700, San  
8 Francisco, CA 94105, and continue from day to day, weekends and holidays excluded, until  
9 completed.

10 PLEASE TAKE FURTHER NOTICE that the testimony at said deposition shall be  
11 recorded by audio, videotape, stenographically, and/or in instantaneous "real time" transcription  
12 before an officer duly authorized to administer oaths at the date, time, and place set forth above.

13 Attached as Exhibit A is a true and correct copy of the Deposition Subpoena for Personal  
14 Appearance and Production of Documents and Things to KIM F. RHOADS, M.D., MPH.

15 Plaintiff reserves the right to use the videotaped recordings of said deposition at trial.

16 Dated: November 7, 2017

VILLARREAL HUTNER PC  
CHRISTOPHER H. WHELAN, INC.

17  
18  
19 By

  
LARA VILLARREAL HUTNER  
CHRISTOPHER H. WHELAN

Attorneys for Plaintiff  
QIQUIA YOUNG

Exhibit A

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Lara Villarreal Hutner, Esq. (SBN 178639); Lauren M. Cooper, Esq. (SBN 254580); Timothy L. Reed, Esq. (SBN 258034) VILLARREAL HUTNER PC 575 Market Street, Suite 1700, San Francisco, CA 94105 TELEPHONE NO.: 415.543.4200 FAX NO. (Optional): 415.512.7674 E-MAIL ADDRESS (Optional): lhutner@vhattorneys.com ATTORNEY FOR (Name): Plaintiff QIQUIA YOUNG	FOR COURT USE ONLY		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: 1225 Fallon Street CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: René C. Davidson Courthouse			
PLAINTIFF/PETITIONER: Qiquia Young DEFENDANT/RESPONDENT: The Leland Stanford Junior University, et al.			
<table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"> <b>DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS</b> </td> <td style="text-align: center;">           CASE NUMBER:  <b>RG17877051</b> </td> </tr> </table>		<b>DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS</b>	CASE NUMBER: <b>RG17877051</b>
<b>DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS</b>	CASE NUMBER: <b>RG17877051</b>		

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
 Kim Rhoads, M.D., MPH, c/o Angela Alioto Law Group, 700 Montgomery Street, San Francisco, CA 94111

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

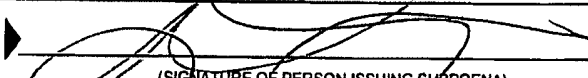
Date: Nov. 27, 2017 Time: 10:00 A.M. Address: 575 Market St., Suite 1700, San Francisco, CA 94105

- a.  As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
  - b.  You are ordered to produce the documents and things described in item 3.
  - c.  This deposition will be recorded stenographically  through the instant visual display of testimony and by  audiotape  videotape.
  - d.  This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:  
 See Attachment 3.
- Continued on Attachment 3.
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:  
 Continued on Attachment 4.
5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
6. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

**DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued: November 7, 2017

Lara Villarreal Hutner, Esq.

  
 (SIGNATURE OF PERSON ISSUING SUBPOENA)  
 Attorney for Plaintiff QIQUIA YOUNG



PLAINTIFF/PETITIONER: Qiquia Young	CASE NUMBER: RG17877051
DEFENDANT/RESPONDENT: The Leland Stanford Junior University, et al.	

**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS**

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things* by personally delivering a copy to the person served as follows:

a. Person served (*name*): Steven L. Robinson, Esq., attorney for Kim Rhoads, M.D., MPH

b. Address where served:

The Law Offices of Mayor Joseph L. Alioto and Angela Alioto  
700 Montgomery Street, San Francisco, CA 94111

c. Date of delivery: November 7, 2017

d. Time of delivery:

e. Witness fees and mileage both ways (*check one*):

(1)  were paid. Amount: ..... \$ \_\_\_\_\_

(2)  were not paid.

(3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (*specify*): ..... \$ \_\_\_\_\_

f. Fee for service: ..... \$ \_\_\_\_\_

2. I received this subpoena for service on (*date*): November 7, 2017

3. Person serving:

a.  Not a registered California process server

b.  California sheriff or marshal

c.  Registered California process server

d.  Employee or independent contractor of a registered California process server

e.  Exempt from registration under Business and Professions Code section 22350(b)

f.  Registered professional photocopier

g.  Exempt from registration under Business and Professions Code section 22451

h. Name, address, telephone number, and, if applicable, county of registration and number:

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

(For California sheriff or marshal use only)  
I certify that the foregoing is true and correct.

Date: November 7, 2017

Date:

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(SIGNATURE)

1 *Qiquia Young v. The Leland Stanford Junior University, et al.*  
2 *Alameda Superior Court*  
3 *Case No. RG17877051*  
4 *Deposition Subpoena for Personal Appearance and Production of Documents and Things*  
5 *Attachment 3*

6 The records to be produced are described as follows:

7 1. All documents in Dr. Kim Rhoads' possession, custody, or control referring to or  
8 regarding discrimination, harassment, or retaliation against Qiquia Young by Stanford Health  
9 Care and/or Stanford University and any of its agents and employees.

10 2. All documents supporting Dr. Kim Rhoads' belief that Stanford Health Care and/or  
11 Stanford University engaged in unlawful discrimination or retaliation against her.

12 3. All documents referring to or reflecting the incident on or about October 31, 2014 where  
13 an employee of Stanford Health Care/Stanford University was photographed wearing a sheet and  
14 appearing to be a member of the Ku Klux Klan ("the KKK incident").

15 4. All documents referring or reflecting the incident in which Natalie Burazon photographed  
16 a patient's genitals.

17 5. All documents referring to or reflecting Kathryn Gail Bailey's knowledge of the KKK  
18 incident, including but not limited to any document referring to or reflecting Ms. Bailey's  
19 knowledge of the incident prior to it being reported by Qiquia Young in December of 2015.

20 6. All documents reflecting any retaliation by Stanford Health Care and/or Stanford  
21 University against Qiquia Young, including retaliation by anyone in the administration or  
22 management of Stanford Health Care and/or Stanford University.

23 7. All documents referring to or reflecting any failure to promote Qiquia Young by  
24 Stanford Health Care and/or Stanford University

25 8. All documents referring to or reflecting the closing of Stanford Health Care's Pelvic Floor  
26 Clinic in or around 2015.

27 9. All documents referring to or reflecting Stanford Health Care's and/or Stanford  
28 University's failure to train staff.

1 10. All documents referring to or reflecting actual or potential patient endangerment at any  
2 facility of Stanford Health Care and/or Stanford University, including but not limited to  
3 documents referring to or reflecting the failure to properly maintain, perform regular checks on,  
4 and/or ensure the proper operation of the "crash cart" formerly located in the Stanford Health  
5 Care Cancer Center and risk of patient infection.

6 11. All documents referring to or reflecting the failure of Stanford Health Care and/or  
7 Stanford University to accurately maintain log books for the "crash cart" formerly located in the  
8 Stanford Health Care Cancer Center.

9 12. All original copies of the log books used for the "crash cart" formerly located in the  
10 Stanford Health Care Cancer Center and prior to Stanford's fraudulent revisions to the logs.

11 13. All documents referring to, reflecting, or comprising any report Dr. Kim Rhoads made to  
12 the Joint Commission regarding Stanford Health Care and/or Stanford University.

13 14. All documents referring to or reflecting the risk that rubber bands on hemorrhoid ligators  
14 were being reused at any facility of Stanford Health Care and/or Stanford University.

15 15. All documents referring to or reflecting "near misses" relating to patient endangerment at  
16 any facility of Stanford Health Care and/or Stanford University, including but not limited to any  
17 "near miss" involving the reuse of dirty scopes.

18 16. All documents referring to, reflecting, or comprising any report made to Dr. Kim Rhoads  
19 by anyone regarding black mold at any facility of Stanford Health Care and/or Stanford  
20 University, including but not limited to the Stanford South Bay Cancer Center.

21 17. All documents referring to, reflecting, or comprising any report made by Dr. Kim Rhoads  
22 regarding black mold at any facility of Stanford Health Care and/or Stanford University,  
23 including any report made to Sri Seshardi and/or Stanford Health Care Chief Operating Officer  
24 James Hereford.

25 18. All documents referring to or reflecting any mold abatement effort at any facility of  
26 Stanford Health Care and/or Stanford University, including but not limited to the Stanford South  
27 Bay Cancer Center.

1 19. All documents referring to, reflecting, or comprising any complaint Dr. Kim Rhoads  
2 made to Stanford Health Care and/or Stanford University regarding race discrimination and  
3 retaliation, including but not limited to any documents referring to or reflecting any complaint  
4 made on behalf of Qiquia Young.

5 20. All documents referring to or reflecting any investigation into any complaint Dr. Kim  
6 Rhoads made to Stanford Health Care and/or Stanford University regarding race discrimination  
7 and retaliation, including but not limited to any documents referring to or reflecting any  
8 investigation into any complaint made on behalf of Qiquia Young.

9 21. All documents referring to or reflecting any retaliation against Dr. Kim Rhoads for  
10 making any complaint regarding discrimination to Stanford Health Care and/or Stanford  
11 University.

12 22. All documents referring to or reflecting any retaliation against Dr. Kim Rhoads for  
13 making any complaint regarding patient safety issues to Stanford Health Care and/or Stanford  
14 University.

15 23. All documents Dr. Kim Rhoads submitted to an investigator during the investigation of  
16 her reports of discrimination and retaliation.

17 24. Any recordings Dr. Kim Rhoads has of any conversations with any investigator who  
18 conducted an investigation into her reports of discrimination and retaliation.

19 25. Any documents Dr. Kim Rhoads received in conclusion to the investigation into her  
20 reports of discrimination and retaliation.

21 26. Any transcriptions of any recordings of conversations Dr. Kim Rhoads had with any  
22 investigator who conducted an investigation into her reports of discrimination and retaliation.

23 27. All documents referring to, reflecting, or comprising any complaint Dr. Kim Rhoads  
24 made to Stanford Health Care and/or Stanford University regarding any patient safety concern,  
25 including but not limited to any document referring to or reflecting any complaint regarding risk  
26 of infection to patients.

27

28

1 28. All documents referring to, reflecting, or comprising any complaint Dr. Kim Rhoads  
2 made to Stanford Health Care and/or Stanford University regarding any employee safety  
3 concern, including but not limited to any document referring to or reflecting any complaint  
4 regarding risk of infection to employees.

5 29. All documents referring to, reflecting, or comprising any communication between  
6 Dr. Kim Rhoads and any Stanford Health Care and/or Stanford University Patient Safety  
7 Consultant, including but not limited to Shelly Arthofer, regarding any report concerning any  
8 patient safety concern to Stanford Health Care and/or Stanford University (including but not  
9 limited to any document reflecting Stanford University's history of punitive responses to such  
10 reports).

11 30. All documents referring to, reflecting, or comprising any report made by Dr. Gilbert Chu  
12 to Stanford Health Care and/or Stanford University on behalf of Dr. Kim Rhoads regarding  
13 discrimination and/or retaliation, including but not limited to any report made to John  
14 Hennessey, John Etchemendy, and/or Angeline Covey, Esq.

15 31. All documents referring to, reflecting, or comprising any report made by Dr. Gilbert Chu  
16 to Stanford Health Care and/or Stanford University on behalf of Qiqiua Young regarding  
17 discrimination and/or retaliation, including but not limited to any report made to John  
18 Hennessey, John Etchemendy, and/or Angeline Covey, Esq.

19 32. All documents referring to, reflecting, or comprising communications involving  
20 Angeline Covey, Esq.

21 33. All documents referring to or reflecting communications regarding any mention of  
22 "bushmeat" by Dr. Brendan Visser, including emails from Dr. Visser referring to or reflecting  
23 any mention of "bushmeat" by him.

24 34. All documents referring to or reflecting the decision by Stanford Health Care and/or  
25 Stanford University to move the Cancer Center Pelvic Floor Clinic to Redwood City, including  
26 but not limited to any document referring to or reflecting the timing of that decision  
27  
28

1 35. All documents referring to, reflecting, or comprising any "climate survey" conducted by  
2 Stanford Health Care and/or Stanford University, including but not limited to any "climate  
3 survey" conducted by Stanford Health Care and/or Stanford University in response to any report  
4 made by Dr. Gilbert Chu concerning discrimination against Dr. Kim Rhoads and/or Qiqiua  
5 Young.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

E

## Lara Villarreal Hutner

---

**From:** Donna McCurdy <DMcCurdy@sheppardmullin.com>  
**Sent:** Thursday, November 09, 2017 4:35 PM  
**To:** Lara Villarreal Hutner  
**Cc:** Tracey Kennedy; Morgan Forsey; Nora Stilestein; Natasha Domek  
**Subject:** Young v. Stanford - Letter from Tracey Kennedy  
**Attachments:** 2017-11-09 Letter to Hutner from Kennedy re Representation (Young v. Stanford).PDF

Dear Ms. Hutner.

Attached please find a letter from Ms. Kennedy dated today in connection with the Young matter. A hard copy will follow in the mail.

Regards,  
Donna

Donna McCurdy  
Legal Secretary to:

Charles F. Barker  
Tracey A. Kennedy  
Daniel J. McQueen  
Matthew A. Tobias  
Brett D. Young

213.617.5523 | direct  
[DMcCurdy@sheppardmullin.com](mailto:DMcCurdy@sheppardmullin.com)

### **SheppardMullin**

Sheppard Mullin Richter & Hampton LLP  
333 South Hope Street, 43rd Floor  
Los Angeles, CA 90071-1422  
213.620.1780 | main  
[www.sheppardmullin.com](http://www.sheppardmullin.com)

**Attention:** This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.



# SheppardMullin

Sheppard Mullin Richter & Hampton LLP  
333 South Hope Street, 43rd Floor  
Los Angeles, CA 90071-1422  
213.620.1780 main  
213.620.1398 main fax  
www.sheppardmullin.com

213.617.4249 direct  
tkennedy@sheppardmullin.com

November 9, 2017

File Number: 0100-092724

## VIA E-MAIL AND U.S. MAIL

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
E-Mail: LHutner@vhattomeys.com

Re: Young v. Stanford  
Alameda County Superior Court Case No. RG17877051

Ms. Hutner:

As you know, my firm has been retained as counsel in the above-referenced matter. Despite my voicemails and emails, we have yet to connect to discuss this case. As you are aware, I am in trial, but have time tomorrow for a call. Please let me know your availability.

In advance of our call, I want to let you know that we have received the notices of deposition from your office, including the recent deposition subpoena for Ms. Rhoads to appear and produce documents on November 27, 2017, which is the first business day after the Thanksgiving holiday. Please note, my client and I are unavailable on the date that you have unilaterally selected without meeting and conferring in advance. We are happy to discuss alternative dates that work for everyone who must attend. While we intend to serve formal objections under separate cover, it would be more efficient for all concerned to simply move the date and address objections in due course.

Further, in light of the pending motion to transfer venue, and the resulting suspension of the Court's jurisdiction, we recommend a temporary stay on discovery until the venue motion is decided. Once the appropriate venue is determined, we can meet and confer regarding discovery, and the litigation can move forward in the normal course. Meanwhile, the stay allows all parties to conserve resources. The motion for change of venue hearing, presently set for November 28, 2017, will likely be rescheduled once the case is assigned to a new judge. Therefore, we suggest a stipulated stay on discovery until two weeks after the new hearing date.

I look forward to speaking with you tomorrow.

Sincerely,



Tracey A. Kennedy  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

## Lara Villarreal Hutner

---

**From:** Lara Villarreal Hutner  
**Sent:** Monday, November 13, 2017 12:17 PM  
**To:** 'Donna McCurdy'  
**Cc:** Tracey Kennedy; Morgan Forsey; Nora Stilestein; Natasha Domek; Christopher Whelan (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed  
**Subject:** RE: Young v. Stanford - Letter from Tracey Kennedy

Hi Donna,

Thank you for your email. Unfortunately, I did not see Tracey's letter until today. I have added you to my "safe senders" list, but in the future, would you please cc the other attorneys on the case, who I have cc'd here?

Thanks very much,

Lara

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

## Lara Villarreal Hutner

---

**From:** Lara Villarreal Hutner  
**Sent:** Monday, November 13, 2017 5:46 PM  
**To:** Tracey Kennedy (TKennedy@sheppardmullin.com); Morgan Forsey (mforsey@sheppardmullin.com); Nora Stilestein; Natasha Domek; Michael Bruno; Alyson Cabrera (acabrera@grsm.com); png@grsm.com  
**Cc:** Christopher Whelan (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed  
**Subject:** Young v. Stanford et al.  
**Attachments:** Young-Stanford, LVH November 13, 2017 Letter to Tracey Kennedy.pdf

Counsel:

Please see my attached correspondence.

Best regards,

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

# VILLARREAL HUTNER PC

575 Market Street, Suite 1700 San Francisco, California 94105 Phone 415.543.4200 Fax 415.512.7674 www.VHAttorneys.com

Lara Villarreal Hutner, Esq.  
Writer's Direct Line: (415) 832-4101  
lhutner@vhattorneys.com

November 13, 2017

## VIA E-MAIL AND U.S. MAIL

Tracey A. Kennedy, Esq.  
Sheppard Mullin Richter & Hampton LLP  
333 South Hope Street, 43rd Floor  
Los Angeles, CA 90071-1422

Re: Oiquia Young v. Stanford University, Stanford Health Care, Stanford Hospital and Clinics, and Chanrath Flores  
Alameda County Superior Court Case No. RG17877051

Dear Tracey:

This is in response to your letter of November 9, 2017.

We sent an email to you and counsel for Gordon & Rees on Monday, November 6<sup>th</sup> requesting comments to Ms. Young's proposed protective order (that we sent to the attorneys at Gordon & Rees on Thursday, November 2<sup>nd</sup>) and further asking for clarification regarding whom we should be directing communications to, and we received zero response.

We appreciate that you were recently retained in this case, but Gordon & Rees has been representing Stanford in this matter for more than a year, and, by our count, there are now seven attorneys defending Stanford in this matter – including two partners at Gordon & Rees and two partners at Sheppard Mullin. Under other circumstances, we would not have an issue continuing the deposition of Dr. Rhoads. However, here, Stanford's motion to transfer venue put information about Dr. Rhoads and the evidence she has at issue and, because of Stanford's own negotiated terms with Dr. Rhoads, we cannot obtain information from Dr. Rhoads absent a deposition subpoena.

Given our new hearing date, Ms. Young has until November 27<sup>th</sup> to file her opposition to Stanford's motion to transfer venue, which is the same date we subpoenaed Dr. Rhoads for deposition. If your clients are willing to stipulate to a two-week continuance of the hearing on the motion to transfer venue, we would be willing to move Dr. Rhoads' deposition to a date later the week of November 27<sup>th</sup> – perhaps even November 28<sup>th</sup>, given that all parties

# VILLARREAL HUTNER PC

Tracey A. Kennedy, Esq.

November 13, 2017

Page 2

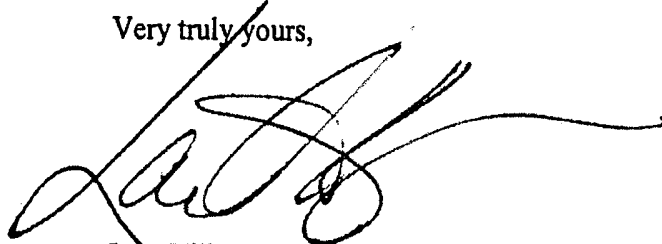
should have that date available as, until this afternoon, November 28<sup>th</sup> was the date of the hearing on the motion to transfer venue.

We are not aware of any authority for the proposition that Stanford Health Care's motion to transfer venue results in "suspension of the Court's jurisdiction," particularly as defendant Chanrath Flores is a resident of Alameda County. Please provide the authority you rely on.

Finally, regarding your request to stay discovery: if defendants agree that a stay would not impact Ms. Young's priority both with respect to the depositions she has noticed and the discovery she has propounded, and if we are able to get a protective order in place by the end of the week, we would be amenable to discussing a thoughtful plan that incorporates a stay – but such a plan has to be negotiated and in place before we can agree to a stay. (And I am happy to negotiate with your partner, Morgan Forsey, given your trial schedule.)

Please let us know by close of business tomorrow if this sounds like a workable solution.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Lara', with a long, sweeping horizontal flourish extending to the right.

Lara Villarreal Hutner, Esq.  
VILLARREAL HUTNER PC

## Lara Villarreal Hutner

---

**From:** Morgan Forsey <mforsey@sheppardmullin.com>  
**Sent:** Tuesday, November 14, 2017 11:45 AM  
**To:** Lara Villarreal Hutner  
**Cc:** Christopher Whelan (Chris@WhelanLawOffices.com); Lauren Cooper; Timothy Reed; png@grsm.com; Tracey Kennedy; Nora Stilestein; Natasha Domek; Alyson Cabrera; Michael Bruno  
**Subject:** Young v. Stanford et al.  
**Attachments:** Stanford (Young) Letter to L. Hutner (11-14-17).pdf

Lara,

I am sure we will connect by phone eventually. In the interim, please see the attached responding to your letter from yesterday.

If you have any questions or wish to discuss, feel free to give me a call.

Thanks,  
Morgan

Morgan Forsey  
415.774.3254 | direct  
415.403.6087 | direct fax  
[mforsey@sheppardmullin.com](mailto:mforsey@sheppardmullin.com) | [Bio](#)

### SheppardMullin

Sheppard Mullin Richter & Hampton LLP  
Four Embarcadero Center, 17th Floor  
San Francisco, CA 94111-4109  
415.434.9100 | main  
[www.sheppardmullin.com](http://www.sheppardmullin.com)

**Attention:** This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

# SheppardMullin

Sheppard Mullin Richter & Hampton LLP  
Four Embarcadero Center, 17th Floor  
San Francisco, CA 94111-4169  
415.434.9100 main  
415.434.3947 main fax  
www.sheppardmullin.com

415-774-3254 direct  
mforsey@sheppardmullin.com

November 14, 2017

File Number: 0100-092724

## VIA E-MAIL AND U.S. MAIL

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
E-Mail: LHutner@vhattorneys.com

Re: Young v. Stanford  
Alameda County Superior Court Case No. RG17877051

Ms. Hutner:

Thank you for your letter last evening. We have discussed your proposal regarding a short stay of discovery with our clients and they are agreeable, subject to the clarifications below.

Specifically, if Ms. Young will agree to a stay of all discovery until the venue issue is decided, my clients will agree to the discovery priority you suggest. Here are our suggested terms for the discovery stay:

1. If the court denies the motion to change venue, the stay will be lifted immediately upon issuance of the order. Responses to pending discovery will be due 2 weeks from the date the court issues the order on the motion, and previously noticed depositions may be rescheduled and re-noticed on mutually agreeable dates with priority remaining intact.
2. If the court grants the motion to change venue, the stay will be lifted upon Santa Clara County assigning this matter to a department. Responses to pending discovery will be due 2 weeks from the date the case is assigned, and previously noticed depositions may be rescheduled and re-noticed on mutually agreeable dates with priority remaining intact.
3. During the stay, neither side will propound new discovery.

While the stay is in place, we are happy to use the time to negotiate the terms of a protective order. Please note, even if we come to agreement on terms, we will not be able to have an order in place by the end of the week as you suggest. Until the venue issue is decided, we will not be able to obtain an order from the court. However, there is nothing preventing us from agreeing to terms and preparing a stipulation for filing once the case is assigned. Given the complicated issues surrounding patient health, and the anticipated requests for confidential business and employment information, having a comprehensive protective order in place is essential. Thank you for taking the first pass at the draft.

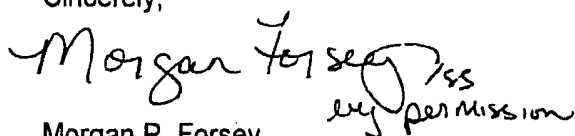
With respect to your request to continue the December 8, 2017 hearing date on the motion for change of venue, we are amenable to moving the date, but question whether that's necessary if we have a stay in place. Please let us know if you would like us to request a new date for the hearing and we can look for a date that works for everyone.

# SheppardMullin

Lara Villarreal Hutner, Esq.  
November 14, 2017  
Page 2

Please confirm by close of business tomorrow whether your client agrees to the stay as outlined above. If you have any questions, please feel free to give me a call or send an email.

Sincerely,

 *Morgan Forsey*  
*by permission*

Morgan P. Forsey  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:484682177.1



## Michelle Traina

---

**From:** Michelle Traina  
**Sent:** Tuesday, November 14, 2017 5:01 PM  
**To:** 'mforsey@sheppardmullin.com'  
**Cc:** 'tkennedy@sheppardmullin.com'; 'nstilestein@sheppardmullin.com';  
'ndomek@sheppardmullin.com'; 'mbruno@grsm.com'; 'acabrera@grsm.com';  
'png@grsm.com'; 'chris@whelanlawoffices.com'; Lara Villarreal Hutner; Lauren Cooper;  
Timothy Reed  
**Subject:** Young v. Stanford University, et al.  
**Attachments:** Young\_Stanford - 11.14.17 Letter to Morgan Forsey with Protective Order.PDF

Dear Mr. Forsey:

On behalf of Lara Villarreal Hutner, attached please find correspondence with enclosure in the above-referenced matter. The original will follow via US Mail.

Please do not hesitate to contact me should you have any questions regarding the transmittal.

Thank you.

Michelle Traina  
Legal Assistant  
Villarreal Hutner PC  
575 Market Street, Suite 1700  
San Francisco, CA 94105

[mtraina@vhattorneys.com](mailto:mtraina@vhattorneys.com)

Direct: (415) 632-4114 | Fax: (415) 512-7674

### STATEMENT OF CONFIDENTIALITY

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, be advised that you have received this message in error and that any use, dissemination, forwarding, print, or copying is strictly prohibited. Please notify me immediately if you have received this in error and destroy all copies of this message and any attachments.

### IRS CIRCULAR 230 NOTICE

In compliance with IRS requirements, we inform you that any U.S. tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of avoiding tax penalties or in connection with marketing or promotional materials.

# VILLARREAL HUTNER PC

575 Market Street, Suite 1700 San Francisco, California 94105 Phone 415.543.4200 Fax 415.512.7674 www.VHAttorneys.com

Lara Villarreal Hutner, Esq.  
Writer's Direct Line: (415) 632-4101  
lhutner@vhattorneys.com

November 14, 2017

## VIA E-MAIL AND U.S. MAIL

Morgan P. Forsey, Esq.  
Sheppard Mullin Richter & Hampton LLP  
4 Embarcadero Center, 17<sup>th</sup> Floor  
San Francisco, CA 94111-4109

Re: Qiquia Young v. Stanford University, Stanford Health Care, Stanford Hospital and Clinics, and Chanrath Flores  
Alameda County Superior Court Case No. RG17877051

Dear Morgan:

This is in response to your correspondence of this morning, November 14, 2017.

We appreciate your willingness to stipulate to a continuance on the hearing date for the motion to transfer venue; however, the purpose of the continuance is to allow for Dr. Rhoads' deposition to be rescheduled for the convenience of defendants to another date the week of November 27<sup>th</sup> (assuming that Dr. Rhoads and her counsel are available). As set forth in my November 13, 2017 correspondence, Stanford raised Dr. Rhoads as an issue in its motion to transfer venue, and per Stanford's negotiated terms with Dr. Rhoads, Ms. Young may only obtain evidence to oppose the motion from Dr. Rhoads via deposition subpoena.

Further, with respect to the protective order, given Sheppard Mullin's representation of Cedars-Sinai and Dignity Health (as well as manifold other hospitals and health care entities), and Gordon & Rees' representation of Stanford Health Care in numerous other matters, negotiating a protective order should not be time-intensive. It is understood that there will not be judicial approval of the protective order until the issue of the motion to transfer is settled; however, that should not be an impediment to the parties' negotiation and execution of a protective order, as the order can be submitted for signature as soon as the issue of the motion is resolved, which will allow defendants to comply with their document production requirements in response to previously propounded discovery.

# VILLARREAL HUTNER PC

Morgan P. Forsey, Esq.  
November 14, 2017  
Page 2

Assuming we are able to execute a protective order by the end of this week, we propose the following:

- 1) Stipulating to a two-week continuance on the motion to transfer venue to allow for the deposition of Dr. Rhoads to be rescheduled to a date the week of November 27<sup>th</sup> that works for Ms. Young's and Stanford's counsel, or, in the alternative, stipulating to a two-week continuance of the motion to transfer venue, but limiting Dr. Rhoads' deposition to 1 - 1½ hours on November 27<sup>th</sup> to address issues specific to Ms. Young's opposition to the motion to transfer venue;
- 2) Stipulating to a stay on discovery pending the outcome of the motion to transfer venue as follows:
  - a) If the court denies the motion to change venue, the stay ceases immediately and (i) the protective order will be submitted immediately for the court's signature; (ii) responses and documents from all defendants will be due two weeks from the date the court issues the order on the motion and will include a privilege log; (iii) amended responses and documents from all deponents whose depositions were previously noticed will be due two weeks from the date the court issues the order on the motion and will include a privilege log; (iv) the previously noticed depositions – of Martha Berrier, David Entwistle, Dr. Gilbert Chu, Chanrath Flores, and Dr. Kim Rhoads – will be rescheduled and re-noticed/subpoenaed on mutually agreeable dates, the order of which is to be decided by Ms. Young and with Ms. Young's priority remaining intact such that no defendant-initiated/noticed deposition will occur until after all of the five (5) depositions that have been noticed/subpoenaed have been completed; and
  - b) If the court grants the motion to change venue, the stay will cease upon Santa Clara County assigning the matter to a department and (i) the protective order will be submitted immediately for the court's signature; (ii) responses and documents from all defendants will be due two weeks from the date the court issues the order on the motion and will include a privilege log; (iii) amended responses and documents from all deponents whose depositions were previously noticed will be due two weeks from the date the court issues the order on the motion and will include a privilege log; (iv) the previously noticed depositions – of Martha Berrier, David Entwistle, Dr. Gilbert Chu, Chanrath Flores, and Dr. Kim Rhoads – will be rescheduled and re-noticed/subpoenaed on mutually agreeable dates, the order of which is to be decided by Ms. Young and with Ms. Young's priority remaining intact such that no defendant-

# VILLARREAL HUTNER PC

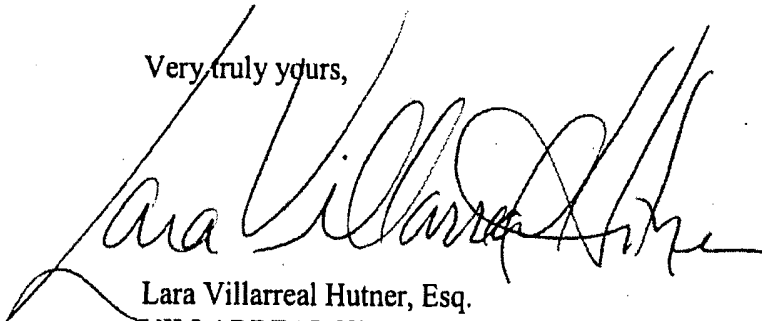
Morgan P. Forsey, Esq.  
November 14, 2017  
Page 3

initiated/noticed deposition will occur until after all of the five  
(5) depositions that have been noticed/subpoenaed have been completed.

3) During the stay, the parties will not propound new discovery.

Please let us know if this this sounds like a workable solution. Attached is the draft protective order that we sent to Gordon & Rees a couple of weeks ago, a version of which we have used in defending our joint client, Dignity Health.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Lara Villarreal Hutner', written over a horizontal line.

Lara Villarreal Hutner, Esq.  
VILLARREAL HUTNER PC

Enclosure

22946688

- 1 VILLARREAL HUTNER PC  
LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
2 E-Mail: lhutner@vhattorneys.com  
LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
3 E-Mail: lcooper@vhattorneys.com  
TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
4 E-Mail: treed@vhattorneys.com  
575 Market Street, Suite 1700  
5 San Francisco, California 94105  
Telephone: 415.543.4200 / Facsimile: 415.512.7674  
6  
CHRISTOPHER H. WHELAN, INC.  
7 CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
E-Mail: chris@whelanlawoffices.com  
8 11246 Gold Express Drive, Suite 100  
Gold River, California 95670  
9 Telephone: 916.635.5577 / Facsimile: 916.635.9159  
10 Attorneys for Plaintiff QIQIUIA YOUNG  
11 MICHAEL D. BRUNO, ESQ., Cal. Bar No. 166805  
E-Mail: mbruno@gordonrees.com  
12 ALYSON S. CABRERA, ESQ., Cal. Bar No. 222717  
E-Mail: acabrera@gordonrees.com  
13 PAMELA Y. NG, ESQ., Cal. Bar No. 273036  
E-Mail: png@gordonrees.com  
14 GORDON REES SCULLY MANSUKHANI, LLP  
Embarcadero Center West  
15 275 Battery Street, Suite 2000  
San Francisco, CA 94111  
16 Telephone: 415.986.5900 / Facsimile: 415.986.8054  
17 SHEPPARD MULLIN RICHTER & HAMPTON LLP  
A LIMITED LIABILITY PARTNERSHIP  
18 INCLUDING CORPORATIONS  
TRACEY A. KENNEDY, ESQ., Cal. Bar No. 150782  
19 E-Mail: tkennedy@sheppardmullin.com  
NORA K. STILESTEIN, ESQ., Cal. Bar No. 280692  
20 E-Mail: nstilestein@sheppardmullin.com  
NATASHA L. DOMEK, ESQ., Cal. Bar No. 314589  
21 E-Mail: ndomek@sheppardmullin.com  
333 South Hope Street, 43<sup>rd</sup> Floor  
22 Los Angeles, California 90071-1422  
Telephone: 213.620-1780/Facsimile: 213.620.1398  
23  
MORGAN P. FORSEY, ESQ., Cal. Bar No. 241207  
24 E-Mail: mforsey@sheppardmullin.com  
4 Embarcadero Center, 17<sup>th</sup> Floor  
25 San Francisco, California 94111-4109  
Telephone: 415.434.9100/Facsimile: 415.434.3947  
26  
Attorneys for Defendants  
27 THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR  
UNIVERSITY (erroneously named as THE LELAND STANFORD JUNIOR  
28 UNIVERSITY), STANFORD HEALTH CARE, STANFORD HOSPITAL AND  
CLINICS, CHANRATH FLORES

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF CALIFORNIA

COUNTY OF \_\_\_\_\_

QIQUIA YOUNG,

Plaintiff,

v.

THE LELAND STANFORD JUNIOR  
UNIVERSITY, STANFORD HEALTH  
CARE, STANFORD HOSPITAL AND  
CLINICS, CHANRATH FLORES and DOES

1 through 50, inclusive,

Defendants.

Case No. \_\_\_\_\_

**[PROPOSED] STIPULATED  
PROTECTIVE ORDER ENTERED INTO  
BY PLAINTIFF QIQUIA YOUNG AND  
DEFENDANTS BOARD OF TRUSTEES  
OF THE LELAND STANFORD JUNIOR  
UNIVERSITY, STANFORD HEALTH  
CARE, STANFORD HOSPITAL AND  
CLINICS, CHANRATH FLORES**

Complaint Filed: September 28, 2017  
FAC Filed: October 10, 2017  
Trial Date: None Set

1 **PROTECTIVE ORDER**

2 **IT IS HEREBY STIPULATED AND AGREED** by and among Plaintiff Qiqiua Young,  
3 through her counsel on the one hand, and Defendants The Board of Trustees of The Leland  
4 Stanford Junior University (erroneously sued as The Leland Stanford Junior University), Stanford  
5 Health Care, Stanford Hospital and Clinics, Chanrath Flores, through their counsel on the other  
6 that:

7 The Parties shall exchange certain responsive data, documents, and information in the  
8 Discovery Process. Such data, documents, and information that a Party considers "Confidential"  
9 shall be conspicuously marked or identified as defined below, and subject to the restrictions of this  
10 Protective Order.

11 **1. Parties.**

12 Only the following persons are "Parties" to this action: Plaintiff Qiqiua Young; and  
13 Defendants The Board of Trustees of The Leland Stanford Junior University (erroneously sued as  
14 The Leland Stanford Junior University), Stanford Health Care, Stanford Hospital and Clinics,  
15 (including all their officers, directors, and agents) and Chanrath Flores. Further Parties may be  
16 added to this action by stipulation or by order of the Court, in which case such Parties will be  
17 added to this Protective Order. For purposes of this Protective Order, the "Designating Party" is  
18 the party who produces documents and marks them as "Confidential" pursuant to this Protective  
19 Order. For purposes of this Protective Order, the "Receiving Party" is the party who receives  
20 documents marked as "Confidential" pursuant to this Protective Order.

21 **2. Confidential Documents and Information.**

22 2.1 A "Confidential Document" shall mean any document that bears the stamp  
23 or legend "Subject to Protective Order" or "Confidential," and is defined in the next paragraph and  
24 is entitled to confidentiality under established principles of law.

25 2.2 "Confidential Information," for guidance of the parties and any discovery  
26 referee or master appointed herein, is hereby found to be such documents, materials, items or  
27 information lawfully entitled to confidential treatment under existing California law, including:

28 2.2.1 Information protected under the federal Health Insurance Portability and

1 Accountability Act and the California Confidentiality of Medical Information Act, Cal. Civ. Code  
2 §§ 56 *et seq.*

3           2.2.2 Information protected by the physician-patient privilege, Cal. Evid. Code §§  
4 990, 996, 1014.

5           2.2.3 Information relating to medical board proceedings, Cal. Evid. Code §§  
6 1157, 1157.5.

7           2.2.4 Financial information of third-parties or individuals as described in *Valley*  
8 *Bank of Nevada v. Superior Court*, 15 Cal. 3d 652 (1975);

9           2.2.5 Personal information as described in *Richards v. Superior Court*, 86 Cal.  
10 App. 3d 265 (1978);

11           2.2.6 Information relating to membership in religious and political associations  
12 (*Britt v. Superior Court*, 20 Cal. 3d 844 (1978)), personal financial data (*Cobb v. Superior Court*,  
13 99 Cal. App. 3d 543 (1979)), personnel records (*Board of Trustees v. Superior Court*, 119 Cal.  
14 App. 3d 516 (1981)), and intimate facts (*Tylo v. Superior Court*, 55 Cal. App. 4th 1379 (1997));

15           2.2.7 Information otherwise protected by Article I, Section 1 of the California  
16 Constitution.

17           2.2.8 Other confidential or proprietary information, including contracts between  
18 Defendants and any third-party.

19           2.3 For purposes of this protective order ("Protective Order"), the term  
20 "document" means all written, recorded, or graphic material, whether produced or created by a  
21 party or another person, and whether produced pursuant to document request, subpoena, by  
22 agreement, or otherwise.

23           2.4 Interrogatory answers, responses to requests for admissions, deposition  
24 transcripts and exhibits, pleadings, motions, affidavits, and briefs that quote, summarize, or  
25 contain materials entitled to protection may be accorded status as a Confidential Document, but, to  
26 the extent feasible, shall be prepared in such a manner that the confidential information is bound  
27 separately from information that is not entitled to protection as a Confidential Document.

28           2.5 Any document or information mistakenly produced or disclosed without



1 designation as a Confidential Document may be subsequently designated by the producing party  
2 as "Confidential" at any time pursuant to the terms of this Protective Order without waiving the  
3 confidential nature of the document or information. In any such case, the designating party shall  
4 provide to the other party notice, either written notice or oral notice followed by written notice,  
5 within five (5) business days of the subsequent designation, as well as a copy of the document or  
6 information marked in accordance with this Protective Order.

7 **3. Declassification of Confidential Status.**

8 3.1 All Confidential Documents and Information shall be accorded confidential  
9 status pursuant to the terms of this Protective Order unless the parties formally agree in writing to  
10 the contrary or a determination is made by the Court as to confidential status and that  
11 determination has become final by expiration of the time period for which appellate review or  
12 intervention must be sought.

13 3.2 Should a Receiving Party object to the designation of Confidential  
14 Documents or Confidential Information, the Receiving Party shall provide the Designating Party  
15 with a written objection that lists by bates number and title of the documents or things which the  
16 Receiving Party seeks to have excluded from the scope of the Protective Order. Such written  
17 objection shall be delivered to the Designating Party within fourteen (14) days of the Receiving  
18 Party's receipt of the documents at issue. Within fourteen (14) days of its receipt of such  
19 objection (by mail, by telecopier or by hand-delivery), the Designating Party shall respond to the  
20 written objection with an explanation for the designation. The parties shall meet and confer in  
21 good faith to attempt to resolve the designation. Should the parties remain in disagreement over  
22 the designation, the Designating Party may file a motion with the Court seeking a determination  
23 that the designated documents are subject to the provisions of this Protective Order. At all times  
24 prior to an order from this Court removing a confidentiality designation, documents or information  
25 designated as Confidential shall remain so designated and be treated as such by the parties. This  
26 Order does not change or affect the burden by which the proponent of confidentiality must  
27 establish its entitlement to confidential or protected status for designated documents.

28 3.3 The failure of a Designating Party to file a motion confirming a designation

1 within 60 days of receipt or initial designation shall result in the subject document being subject to  
2 this Protective Order.

3 **4. Non-Disclosure of Confidential Documents.**

4 4.1 With the exception of those persons identified in Paragraph 5 below, no  
5 Confidential Document or Information may be disclosed to any person without the prior, written  
6 consent of the Designating Party, nor shall the Parties, their counsel of record, their staff, technical  
7 consultants and/or experts sell, offer, advertise, publicize or provide under any condition,  
8 Confidential Documents or Information to any entity or use Confidential Documents or  
9 Information or disclose them to anyone, for any purpose, not directly related to the conduct of this  
10 litigation.

11 4.2 All Confidential Documents shall be kept in secure facilities at the offices  
12 of persons qualified to have access thereto under Paragraph 5 below, and any person in possession  
13 of Confidential Documents under the provisions of this Protective Order shall maintain such  
14 materials in a secure and safe area and shall exercise the same standard of due and proper care  
15 with respect to the storage, custody and use of such materials as is exercised by that person with  
16 respect to his/its own confidential information.

17 4.3 No notes, lists, memoranda, index or compilation prepared based wholly or  
18 in part upon examination of Confidential Documents or Information shall be disseminated to  
19 anyone not authorized to have access to Confidential Documents or Information.

20 **5. Permissible Disclosures.**

21 Notwithstanding the terms of Paragraph 4 above, Confidential Documents may be  
22 disclosed to the following persons without the prior, written consent of the Designating party:

23 5.1 Counsel for the parties in this action, including, but not limited to, attorneys  
24 and employees of such counsel's law firms, to the extent reasonably necessary to render  
25 professional services in connection with this action;

26 5.2 Parties to this action, only to the extent necessary for such parties to see  
27 Confidential Documents for the purposes of this action;

28 5.3 Third-party contractors (and their employees) involved in the organizing,

1 filing, coding, converting, storing, or retrieving data or designing programs for handling data  
2 connected with this action, including the performance of such duties in relation to a computerized  
3 litigation support system;

4           5.4 Other persons not covered by Paragraphs 5.1 through 5.3 above, who are  
5 employed by a party or their attorneys of record to assist in the preparation of this action for trial,  
6 such as independent experts and consultants, and the employees of such experts and consultants.

7           5.5 Court officials involved in this action, including court reporters, persons  
8 operating video recording equipment at depositions, and any special master or referee appointed  
9 by the Court;

10           5.6 Witnesses at deposition and trial (if any Confidential Information will be  
11 disclosed in open court, the disclosing party shall first reasonably inform the opposing party, so  
12 that such opposing party may request that the disclosure be made *in camera*);

13           5.7 Any other person designated by the Court in the interest of justice, and on  
14 such terms that the Court may deem just and proper.

15           **6. Acknowledgment of Protective Order.**

16           Before any Confidential Document or Information may be disclosed to persons described  
17 in Paragraphs 5.2. through 5.7 above, each person to whom such Confidential Documents and  
18 Information are disclosed shall be provided with a copy of this Protective Order and shall sign a  
19 written certification in the form of the undertaking attached as Attachment A to this Stipulated  
20 Protective Order certifying the following:

- 21           a. that s/he has read the Protective Order and understands its terms;  
22           b. that s/he understands that unauthorized disclosures of Confidential  
23 Documents constitute contempt of court; and  
24           c. that s/he consents to the exercise of personal jurisdiction by this Court with  
25 respect to any dispute concerning an alleged violation of this Protective Order.

26           Such written certifications shall be maintained by the disclosing party and, upon  
27 reasonable advance request by the Designating Party, shall be produced for inspection, provided  
28 that in no event shall the disclosing party be required to reveal information protected by the

1 attorney-client privilege, the work product doctrine, or any other legally-recognized privilege of  
2 non-disclosure, including, but not limited to, the disclosure of the identity of the disclosing party's  
3 expert consultants who have not been identified as expert witnesses in this action.

4 **7. Use at Trial or Hearing.**

5 This Protective Order is to facilitate exchange of records and information in discovery. It  
6 does not govern sealing records as defined in California Rules of Court, Rules 2.550-2.551 for  
7 submission to the court for trial or for adjudication, but governs other disclosures to third-parties  
8 or disclosure of records for discovery motions and discovery proceedings. Filing records for trial  
9 or adjudication under seal is governed by California Rules of Court, Rules 2.550-2.551 which  
10 requires that the "party requesting that a record be filed under seal must file a noticed motion." In  
11 order to facilitate prompt exchange of records and information, however, this Protective Order  
12 imposes an interim stay on filing records in Court of thirty (30) days from the date of production  
13 of the records, during which time it is expected that the Designating Party shall make such motion  
14 under Rule 2.551 for those records for which Designating Party requests that court filings be made  
15 under seal. During the said thirty (30) days, however, the receiving party may provide the  
16 Designating Party written notice by email service of three (3) business days of its intent to file  
17 items designated as Confidential Documents or Information with the Court. The Designating  
18 Party must then serve a Notice of Intent to Protect within the said three (3) days and within ten  
19 (10) days file and serve by email a motion to have the Confidential Documents or Information  
20 filed under seal, pursuant to California Rules of Court, Rules 2.550 and 2.551, in order to require  
21 those documents be sealed or filed under seal. If and when the Designating Party files such  
22 motion to have the Confidential Documents or Information filed under seal, and during the  
23 pendency of such motion, the receiving party will refrain from filing such materials or shall lodge  
24 such materials with the Court under seal in a manner consistent with California Rules of Court,  
25 Rule. 2.551, until such time as the Court can conduct a hearing and determination on the  
26 Designating Party's motion. If no Notice of Intent to Protect or motion is served after the said  
27 notice, such documents may be used for any purpose and are exempt from the stay.

28 ///

1           **8. Non-termination.**

2           8.1     At the conclusion of this litigation, all Confidential Documents shall be  
3 returned to counsel of record for the Designating Party. All notes, lists, memoranda, appendices  
4 or other writings that reveal Confidential Information shall be destroyed, except that only  
5 attorneys of record shall be entitled to retain pleadings, memoranda, declarations or affidavits,  
6 written responses to discovery requests, responses to request for admission, or deposition  
7 transcripts that contain or refer to any Confidential Information to the extent necessary to preserve  
8 a litigation file in this case. Confidential Information in such litigation files shall remain sealed  
9 and disclosed only in accordance with the terms of this Stipulation and Order.

10          8.2     All obligations and duties arising under this Protective Order shall survive  
11 the termination of this action and, in addition, shall be binding upon the Parties to this action, their  
12 successors and assigns (whether in whole or in part), affiliates, subsidiaries, their officers, agents,  
13 representatives and employees.

14          8.3     This Court shall retain jurisdiction indefinitely with respect to any dispute  
15 regarding the improper use of Confidential Documents or Information, to modify the terms of this  
16 Protective Order, or to enter further Orders respecting Confidential Information, as may be  
17 necessary.

18           **9. Additional Provisions.**

19          9.1     This Order shall not be construed as waiving any right to assert any defense  
20 or objection, including but not limited to the defense or objection to the discovery or production of  
21 data, documents, and information, and to the use, relevancy or admissibility at trial or at any  
22 hearing of any evidence. This Order also shall not be construed as waiving any claims of privacy,  
23 privilege, relevance, overbreadth, burdensomeness, or other grounds for not producing materials  
24 sought in this action, and access to such materials shall be only as otherwise provided by the  
25 discovery rules and other applicable law. Nothing in this Stipulated Protective Order shall be  
26 construed to be an admission against a party or to constitute evidence of any fact or issue in this  
27 action.

28          9.2     If another court, an administrative agency, or tribunal or arbitrator

1 subpoenas or orders production of Confidential Documents or information contained therein,  
2 which a party or other person has obtained under this Protective Order, such party or person shall  
3 as soon as practicable and within five (5) business days notify the Designating Party and its/her  
4 counsel of such subpoena or order and shall provide a copy of such subpoena or order to the  
5 Designating Party by the most rapid means of transmission available.

6 IT IS SO STIPULATED:

7  
8 Dated: November \_\_, 2017

VILLARREAL HUTNER PC  
CHRISTOPHER H. WHELAN, INC.

9  
10  
11 By \_\_\_\_\_

LARA VILLARREAL HUTNER  
CHRISTOPHER WHELAN

12  
13 Attorneys for Plaintiff  
14 QIQUIA YOUNG

15 Dated: November \_\_, 2017

GORDON REES SCULLY MANSUKHANI, LLP  
SHEPPARD MULLIN LLP

16  
17  
18 By \_\_\_\_\_

19  
20 Attorneys for Defendants  
21 THE BOARD OF TRUSTEES OF THE LELAND  
22 STANFORD JUNIOR UNIVERSITY, STANFORD  
23 HEALTH CARE, STANFORD HOSPITAL AND  
24 CLINICS, and CHANRATH FLORES  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT A**

**CONFIDENTIALITY ACKNOWLEDGEMENT AND AFFIRMATION**

I acknowledge that I have read and understand the Stipulated Protective Order governing the confidentiality of data, documents, and information, which was entered into by and among Plaintiff Qiqiua Young and The Board of Trustees of The Leland Stanford Junior University (erroneously sued as The Leland Stanford Junior University), Stanford Health Care, Stanford Hospital and Clinics, and Chanrath Flores, on \_\_\_\_\_, 2017, in the matter of QIQIUA YOUNG V. THE LELAND STANFORD JUNIOR UNIVERSITY, *ET AL.*, Case Number \_\_\_\_\_, in the Superior Court of California, County of \_\_\_\_\_.

I qualify under its provisions as a person who may have access to data, documents, and information deemed Confidential under the Stipulated Protective Order. I will abide by the terms and provisions set forth in the Stipulated Protective Order, understand that unauthorized disclosure of Confidential Documents constitutes contempt of Court, and subject myself to the personal jurisdiction of this Court to enforce its terms.

Date: \_\_\_\_\_

\_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROPOSED ORDER**

The Court, having read and considered the [Proposed] Stipulated Protective Order regarding the protection of Confidential Information, finds good cause appearing in that discovery in this action will be facilitated and thereby,

IT IS HEREBY ORDERED that the Stipulated Protective Order is entered in this action without prejudice to any motion for modification.

Dated: \_\_\_\_\_, 2017 By \_\_\_\_\_

SUPERIOR COURT JUDGE



**Lara Villarreal Hutner**

---

**From:** Morgan Forsey <mforsey@sheppardmullin.com>  
**Sent:** Friday, November 17, 2017 3:55 PM  
**To:** Lara Villarreal Hutner  
**Cc:** Tracey Kennedy; Nora Stilestein; Natasha Domek; mbruno@grsm.com; acabrera@grsm.com; png@grsm.com; chris@whelanlawoffices.com; Lauren Cooper; Timothy Reed; Michelle Traina; Morgan Forsey  
**Subject:** Re: Young v. Stanford University, et al.

Counsel,

We have reviewed your November 14, 2017 letter regarding a possible stay of discovery and the deposition of Dr. Rhoads, currently noticed for November 27, 2017. It appears the parties are at impasse regarding a stay on discovery, as we cannot agree to the conditions Plaintiff requires for the stipulation.

As for the deposition of Dr. Rhoads, even if the deposition were limited to 1 1/2 hours to obtain testimony limited to venue as you suggest, as we have stated multiple times, our clients are unavailable to attend the unilaterally noticed deposition of Dr. Rhoads on November 27, the first business day after the Thanksgiving holiday. Further, as you know, counsel is unavailable. Tracey is in trial and is not expected to be done by that date. So, even a shortened deposition will not work that day.

While it is unclear what testimony Dr. Rhoads can provide that might impact the motion to transfer venue, we may be willing to stipulate to certain facts in an effort to obviate the purported immediate need for the deposition. For example, if Plaintiff seeks to establish that Dr. Rhoads is a resident of Alameda County, we would be willing to stipulate to that fact. Please advise, what facts pertaining to venue Plaintiff hopes to obtain from Dr. Rhoads and perhaps this can be resolved without the need to burden Dr. Rhoads and everyone else with potentially two days of deposition.

Lastly, we are currently reviewing the draft protective order and will respond shortly. In the future, please refrain from referencing documents or forms used by "joint clients." I do not believe any of our clients would appreciate their documents or practices being referenced in separate litigation.

Thank you,  
Morgan

Sent from my iPhone

## Lara Villarreal Hutner

---

**From:** Lara Villarreal Hutner  
**Sent:** Monday, November 20, 2017 8:12 AM  
**To:** Morgan Forsey  
**Cc:** Tracey Kennedy; Nora Stilestein; Natasha Domek; mbruno@grsm.com; acabrera@grsm.com; png@grsm.com; chris@whelanlawoffices.com; Lauren Cooper; Timothy Reed; Michelle Traina  
**Subject:** Re: Young v. Stanford University, et al.

Morgan,

Your clients filed a motion to transfer venue and for sanctions against me personally, so I'm sure how anyone came to have the impression that gathering evidence from Dr. Rhoads to oppose their motion would be a collaborative effort between the parties, or that we would be looking for Stanford's permission to obtain the same.

Having worked with Tracey when I was at Sheppard Mullin, I think it would be great if she could attend Dr. Rhoads' deposition (despite that any of the other 6 attorneys representing Stanford in this case could do so) and I have offered to move the deposition to November 28th - our prior hearing date to accommodate her schedule, as well as that of your clients. While it's inconceivable that none of defendants' 7 attorneys who had November 28th on their calendar last week as the date for the hearing still has that date available, I also offered to move the deposition to another date next week, if that worked for everyone. Those offers still stand, but, of course, only if the hearing is continued, as there there obvious can be no rescheduling of Dr. Rhoads' deposition from November 27th with our opposition due on the same date.

Please let us know when we can expect your comments on the protective order and please provide dates in December for the depositions that we noticed in October for Martha Berrier, David Entwistle, Dr. Gilbert Chu, and Chanrath Flores.

Look forward to hearing from you.

Best,  
Lara

Sent from my iPhone

## Lara Villarreal Hutner

---

**From:** Tracey Kennedy <TKennedy@sheppardmullin.com>  
**Sent:** Monday, November 20, 2017 8:36 AM  
**To:** Lara Villarreal Hutner  
**Cc:** Morgan Forsey; Nora Stilestein; Natasha Domek; mbruno@grsm.com; acabrera@grsm.com; png@grsm.com; chris@whelanlawoffices.com; Lauren Cooper; Timothy Reed; Michelle Traina  
**Subject:** Re: Young v. Stanford University, et al.

Lara

I am still in trial and I hope to be done by next week. Let's talk as soon as I am done. I am sure we can work this out. We will need to get a mutually agreeable date and time for depositions and Work on a mutually agreeable discovery schedule.

Tracey,  
From iPhone

## Lara Villarreal Hutner

---

**From:** Morgan Forsey <mforsey@sheppardmullin.com>  
**Sent:** Monday, November 20, 2017 12:13 PM  
**To:** Lara Villarreal Hutner  
**Cc:** Tracey Kennedy; Nora Stilestein; Natasha Domek; mbruno@grsm.com; acabrera@grsm.com; png@grsm.com; chris@whelanlawoffices.com; Lauren Cooper; Timothy Reed; Michelle Traina  
**Subject:** RE: Young v. Stanford University, et al.

Lara,

Although Dr. Rhoads deposition was noticed to take place on a date after Plaintiff's opposition to the motion for change of venue was originally due, our clients are willing to continue the hearing date on the motion to allow time for Plaintiff to take a short deposition of Dr. Rhoads limited to information pertaining to venue.

We are available December 4, 2017 starting at 11 am.

To accommodate Plaintiff's request that the deposition take place before her opposition is due, Defendants would request the Court hear the motion for change of venue on December 21 or 22, or mid-January depending upon the Court's availability.

This agreement is contingent on the following:

1. By close of business today, Plaintiff withdraw the pending subpoena and request for documents served on Dr. Rhoads in its entirety.
2. Plaintiff serve a new subpoena for 12/4/17 at 11 am limited solely to venue.
3. Dr. Rhoads' attorneys agreeing to produce her for a second deposition later in the case.

Please let us know if this agreement is acceptable.

Thank you,

Morgan Forsey  
415.774.3254 | direct  
415.403.6087 | direct fax  
[mforsey@sheppardmullin.com](mailto:mforsey@sheppardmullin.com) | [Bio](#)

### **SheppardMullin**

Sheppard Mullin Richter & Hampton LLP  
Four Embarcadero Center, 17th Floor  
San Francisco, CA 94111-4109  
415.434.9100 | main  
[www.sheppardmullin.com](http://www.sheppardmullin.com)

## Lara Villarreal Hutner

---

**From:** Lauren Cooper  
**Sent:** Tuesday, November 21, 2017 4:14 PM  
**To:** Morgan Forsey; Lara Villarreal Hutner  
**Cc:** Tracey Kennedy; Nora Stilestein; Natasha Domek; mbruno@grsm.com; acabrera@grsm.com; png@grsm.com; chris@whelanlawoffices.com; Timothy Reed; Michelle Traina  
**Subject:** RE: Young v. Stanford University, et al.

Morgan,

Following up on my prior correspondence, the below terms are acceptable so long as the hearing date is continued before we withdraw the pending subpoena, and Dr. Rhoads' deposition is rescheduled to a date on which Dr. Rhoads and her counsel are available. Dr. Rhoads and her counsel are not available on December 4, but are available for deposition on December 8, as are we.

Please confirm that you will continue the hearing date before we withdraw the subpoena. Once we have confirmation that the hearing date has been continued, we will withdraw and reissue for a later date prior to Plaintiff's new opposition deadline.

Look forward to hearing from you.

Kind Regards,  
Lauren

Lauren M. Cooper, Esq.  
Villarreal Hutner PC  
575 Market Street, Suite 1700  
San Francisco, California 94105  
Telephone 415.632.4111 Fax 415.512.7674  
[lcooper@vhattorneys.com](mailto:lcooper@vhattorneys.com)  
[www.vhattorneys.com](http://www.vhattorneys.com)

## Lara Villarreal Hutner

---

**From:** Lara Villarreal Hutner  
**Sent:** Wednesday, November 22, 2017 1:16 PM  
**To:** Lauren Cooper; Morgan Forsey  
**Cc:** Tracey Kennedy; Nora Stilestein; Natasha Domek; mbruno@grsm.com; acabrera@grsm.com; png@grsm.com; chris@whelanlawoffices.com; Timothy Reed; Michelle Traina  
**Subject:** RE: Young v. Stanford University, et al.

Morgan,

We have not heard back from you in response to our offer to withdraw the subpoena for Dr. Rhoads' deposition currently set for Monday, November 27<sup>th</sup> on the condition that you continue the hearing on the motion to transfer venue and for sanctions. Please let us know if your client is willing to continue the hearing on the motion to transfer venue and for sanctions in order to allow the parties to reschedule Dr. Rhoads' deposition for a mutually convenient date in advance of the opposition being due, whether it is December 8 or some other date that works for everyone.

Thanks much,  
Lara

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

## Lara Villarreal Hutner

---

**From:** Morgan Forsey <mforsey@sheppardmullin.com>  
**Sent:** Wednesday, November 22, 2017 3:27 PM  
**To:** Lara Villarreal Hutner; Lauren Cooper  
**Cc:** Tracey Kennedy; Nora Stilestein; Natasha Domek; mbruno@grsm.com; acabrera@grsm.com; png@grsm.com; chris@whelanlawoffices.com; Timothy Reed; Michelle Traina  
**Subject:** RE: Young v. Stanford University, et al.

Lara,

December 8, 2017 does not work on our end. I have not been able to reach consensus on any other options – as not everyone has been available since yesterday afternoon to review and discuss this last minute proposal.

At this point, we will have to maintain the hearing date for the change of venue.

Thanks,  
Morgan

Morgan Forsey  
415.774.3254 | direct  
415.403.6087 | direct fax  
[mforsey@sheppardmullin.com](mailto:mforsey@sheppardmullin.com) | [Bio](#)

### **SheppardMullin**

Sheppard Mullin Richter & Hampton LLP  
Four Embarcadero Center, 17th Floor  
San Francisco, CA 94111-4109  
415.434.9100 | main  
[www.sheppardmullin.com](http://www.sheppardmullin.com)

## Lara Villarreal Hutner

---

**From:** Lara Villarreal Hutner  
**Sent:** Wednesday, November 22, 2017 4:36 PM  
**To:** 'Morgan Forsey'; Lauren Cooper  
**Cc:** Tracey Kennedy; Nora Stilestein; Natasha Domek; mbruno@grsm.com; acabrera@grsm.com; png@grsm.com; chris@whelanlawoffices.com; Timothy Reed; Michelle Traina  
**Subject:** RE: Young v. Stanford University, et al.

Morgan,

Based on your motion to quash that my co-counsel received at 4:15 p.m. (and that I have yet to receive), this is to confirm that: 1) you are preventing the deposition of Dr. Rhoads on Monday, November 27<sup>th</sup>, the date our opposition to the motion to transfer venue and for sanctions is due; and 2) you are refusing to continue the hearing on the motion.

In light of the above, I am following up on your offer to stipulate to basic facts regarding Dr. Rhoads that are relevant to venue. I will be preparing the stipulation and will get it to you shortly.

Best,  
Lara

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.



## Lara Villarreal Hutner

---

**From:** Morgan Forsey <mforsey@sheppardmullin.com>  
**Sent:** Wednesday, November 22, 2017 4:38 PM  
**To:** Lara Villarreal Hutner; Lauren Cooper; Timothy Reed; Michelle Traina  
**Cc:** Tracey Kennedy; Nora Stilestein; Natasha Domek; mbruno@grsm.com; acabrera@grsm.com; png@grsm.com; chris@whelanlawoffices.com  
**Subject:** Young v. The Leland Stanford Junior University, et al.  
**Attachments:** Covey Declaration.pdf; Kennedy Declaration.pdf; Separate Statement iso Motion to Quash.pdf; Objections to Notice of Depo of Rhoads.pdf; Proposed Order re Motion to Quash.pdf; Notice of Motion and Motion to Quash.pdf; Declaration of Morgan Forsey iso Motion to quash.pdf

To the Villarreal Hutner Firm:

Attached are copies of documents that we attempted to serve on your office today during business hours (at approximate 3:15 pm). The security guard at your building informed the server that your offices were "closed" (we received no notice of unavailability). The guard would not let the server into the building to leave the documents at your office, or at the office door. The guard informed the server there was no mailbox nor mailroom and that he would throw the papers "in the garbage" if the server left them at the desk. Upon receipt, we will forward a declaration from the server. Pursuant to CCP section 1011(a) you will receive these documents by mail.

While not required to do so, we are providing courtesy copies of Defendants' motion to quash and objections to the subpoena of Dr. Rhoads. Pursuant to CCP section 2015.410(c) the deposition of Dr. Rhoads is stayed pending a decision on the motion.

Morgan Forsey  
415.774.3254 | direct  
415.403.6087 | direct fax  
[mforsey@sheppardmullin.com](mailto:mforsey@sheppardmullin.com) | [Bio](#)

### SheppardMullin

Sheppard Mullin Richter & Hampton LLP  
Four Embarcadero Center, 17th Floor  
San Francisco, CA 94111-4109  
415.434.9100 | main  
[www.sheppardmullin.com](http://www.sheppardmullin.com)

Note: All attachments to this email were filed with the Court on 11/22/2017. They have been omitted from this exhibit for space considerations.

## Lara Villarreal Hutner

---

**From:** Lara Villarreal Hutner  
**Sent:** Wednesday, November 22, 2017 5:21 PM  
**To:** 'Morgan Forsey'; Lauren Cooper  
**Cc:** 'Tracey Kennedy'; 'Nora Stilestein'; 'Natasha Domek'; 'mbruno@grsm.com'; 'acabrera@grsm.com'; 'png@grsm.com'; 'chris@whelanlawoffices.com'; Timothy Reed; Michelle Traina  
**Subject:** RE: Young v. Stanford University, et al.  
**Attachments:** 2946860\_1.DOCX

Morgan,

As referenced below, attached is the Stipulation regarding information from and about Dr. Rhoads relevant to Defendants' motion to transfer venue and for sanctions.

Please let us know by close of business Friday, November 24, 2017 if your clients will stipulate to these basic facts.

Best regards,  
Lara

Lara Villarreal Hutner, Esq.  
Villarreal Hutner PC  
575 Market Street, 17th Floor  
San Francisco, California 94105  
Direct 415.632.4101 Fax 415.512.7674  
[www.vhattorneys.com](http://www.vhattorneys.com)

This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient or authorized to receive for the recipient, please contact me by reply email and delete all copies of this message.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this document (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

1 VILLARREAL HUTNER PC  
LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
2 E-Mail: lhutner@vhattorneys.com  
LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
3 E-Mail: lcooper@vhattorneys.com  
TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
4 E-Mail: treed@vhattorneys.com  
575 Market Street, Suite 1700  
5 San Francisco, California 94105  
Telephone: 415.543.4200 / Facsimile: 415.512.7674

6 CHRISTOPHER H. WHELAN, INC.  
7 CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
E-Mail: chris@whelanlawoffices.com  
8 11246 Gold Express Drive, Suite 100  
Gold River, California 95670  
9 Telephone: 916.635.5577 / Facsimile: 916.635.9159

10 Attorneys for Plaintiff QIQIUIA YOUNG

11 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
A Limited Liability Partnership  
12 Including Professional Corporations  
TRACEY A. KENNEDY, Cal. Bar No. 150782  
13 tkennedy@sheppardmullin.com  
NORA K. STILESTEIN, Cal. Bar No. 280692  
14 333 South Hope Street, 43<sup>rd</sup> Floor  
Los Angeles, California 90071-1422  
15 Telephone: 213.620.1780; Facsimile: 213.620.1398

16 MORGAN P. FORSEY, Cal. Bar No. 241207  
Four Embarcadero Center, 17<sup>th</sup> Floor  
17 San Francisco, California 94111-4109  
Telephone: 415.434.9100; Facsimile: 415.434.3947

18 MICHAEL D. BRUNO, ESQ., Cal. Bar No. 166805  
19 E-Mail: mbruno@gordonrees.com  
ALYSON S. CABRERA, ESQ., Cal. Bar No. 222717  
20 E-Mail: acabrera@gordonrees.com  
PAMELA Y. NG, ESQ., Cal. Bar No. 273036  
21 E-Mail: png@gordonrees.com  
GORDON REES SCULLY MANSUKHANI, LLP  
22 Embarcadero Center West  
275 Battery Street, Suite 2000  
23 San Francisco, CA 94111  
Telephone: 415.986.5900 / Facsimile: 415.986.8054

24  
25 Attorneys for Defendants THE LELAND STANFORD JUNIOR UNIVERSITY,  
26 STANFORD HEALTH CARE AND CHANRATH FLORES  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

RENE C. DAVIDSON COURTHOUSE

QIQUIA YOUNG,

Plaintiff,

v.

THE LELAND STANFORD JUNIOR  
UNIVERSITY, STANFORD HEALTH  
CARE, STANFORD HOSPITAL AND  
CLINICS, CHANRATH FLORES and DOES  
1 through 50, inclusive,

Defendants.

Case No. RG17877051

**STIPULATION REGARDING  
DR. KIM RHOADS**

Complaint Filed: September 28, 2017

FAC Filed: October 10, 2017

Trial Date: None Set



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS SO STIPULATED:

Dated: November \_\_\_\_, 2017

VILLARREAL HUTNER PC  
CHRISTOPHER H. WHELAN, INC.

By

\_\_\_\_\_  
LARA VILLARREAL HUTNER  
CHRISTOPHER WHELAN

Attorneys for Plaintiff  
QIQIUA YOUNG

Dated: November \_\_\_\_, 2017

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By

\_\_\_\_\_  
MORGAN FORSEY

Attorneys for Defendants  
THE LELAND STANFORD JUNIOR  
UNIVERSITY, STANFORD HEALTH CARE  
AND CHANRATH FLORES

F





1 OF 1 RECORD(S)

FOR INFORMATIONAL PURPOSES ONLY  
Copyright 2017 LexisNexis  
a division of Reed Elsevier Inc. All Rights Reserved.

Date:10/14/2017

**Full Name**

RHOADS, KIM DIANE

**Address**

[REDACTED]  
OAKLAND, CA 94618-1841  
ALAMEDA COUNTY

**County**

ALAMEDA

**Phone**

(510) [REDACTED]

**ADDITIONAL PERSONAL INFORMATION**

**SSN**

**DOB**

**Gender**

**LexID(sm)**

**Email**

**Name Variations**

- 1: FELDER, KIM D
- 2: FELDER, KIM DIANE
- 3: FELDER, RHOADS K
- 4: FELDER, RHOADS KIM



Search: Public Records : Comprehensive Person Report  
Terms: first-name(cindy) last-name(deporte) state(CA) radius(30)

<u>No.</u>	<u>Full Name</u>	<u>Address/Phone</u>	<u>SSN</u>
1.	DEPORTE, CINDY L DEPORTE, CYNTHIA DEPORTE, CYNTHIA L DEPORTE, CYNTHIA LYNN	[REDACTED] FREMONT, CA 94536-2823 ALAMEDA COUNTY (10/1987-Current) 510-	[REDACTED]XXXX



1 OF 1 RECORD(S)

FOR INFORMATIONAL PURPOSES ONLY  
Copyright 2017 LexisNexis  
a division of Reed Elsevier Inc. All Rights Reserved.

Date: 10/14/2017

**Full Name**  
GIZAW, ESTEDAR G

**Address**  
[REDACTED]  
OAKLAND, CA 94611-1830  
ALAMEDA COUNTY

**County**  
ALAMEDA

**Phone**  
(510) [REDACTED]

**ADDITIONAL PERSONAL INFORMATION**

**Gender**      **LexID(sm)**      **Email**

1: ESTEDAR, GIZAM



1 OF 1 RECORD(S)

FOR INFORMATIONAL PURPOSES ONLY  
Copyright 2017 LexisNexis  
a division of Reed Elsevier Inc. All Rights Reserved.

Date:10/14/2017

Full Name	Address	County	Phone
SUGUITAN, WINNIE RAMIL	[REDACTED] HAYWARD, CA 94544-3511 ALAMEDA COUNTY	ALAMEDA	(510) [REDACTED]

**ADDITIONAL PERSONAL INFORMATION**

SSN	DOB	Gender	LexID(sm)	Email
-----	-----	--------	-----------	-------

**Name Variations**

- 1: SUGUITAN, R V
- 2: SUGUITAN, WINNIE
- 3: SUGUITAN, WINNIE R
- 4: SUGUITAN, WINNIE RAMIL
- 5: SUGUTAN, WINNIE
- 6: WINNIE, SUGUITAN



**Search:** Public Records : Comprehensive Person Report  
**Terms:** first-name(Madonna) last-name(Paulin) state(CA) radius(30)  
**Find:** madonna

<u>No.</u>	<u>Full Name</u>	<u>Address/Phone</u>	<u>SSN</u>
1.	HEBRONPAULIN, MADONNA CHION PAULIN, MADONNA PAULIN, MADONNA C PAULIN, MADONNA H PAULIN, MADONNA HEBRON (Gender: Female)	[REDACTED] UNION CITY, CA 94587-1808 ALAMEDA COUNTY (02/2007-Current)	[REDACTED]

Date/Time: Saturday, October 14, 2017 5:34 PM



**Search:** Public Records : Comprehensive Person Report  
**Terms:** first-name(Leah) last-name(Lillard) state(CA) radius(30)  
**Find:** oakland

<u>No.</u>	<u>Full Name</u>	<u>Address/Phone</u>	<u>SSN</u>
1.	LILLARD, L LILLARD, LEA LILLARD, LEAH LILLARD, LEAH A LILLARD, LEAH ALEA LILLARD, LEAH ALECHIA LILLERD, LEAH ALECHIA	[REDACTED] OAKLAND, CA 94603-2640 ALAMEDA COUNTY (12/2014-Current)	[REDACTED]XXXX
2.	LILLARD, LEAH (Gender: Female)	[REDACTED] OAKLAND, CA 94603-3322 ALAMEDA COUNTY (11/2016-Current)	



Search: Public Records : Comprehensive Person Report  
Terms: first-name(Odalicia) last-name(Benavidez) state(CA) radius(30)

<u>No.</u>	<u>Full Name</u>	<u>Address/Phone</u>	<u>SSN</u>
1.	BENAVIDEZ, ODALI BENAVIDEZ, ODALICIA [REDACTED]	[REDACTED] HAYWARD, CA 94544-4616 ALAMEDA COUNTY (04/2015-Current)	[REDACTED]XXXX

Search: Public Records : Comprehensive Person Report  
Terms: first-name(Odalicia) last-name(Benavidez) state(CA) radius(30)  
Date/Time: Thursday, November 02, 2017 11:42 AM

G



1 VILLARREAL HUTNER PC  
LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
2 E-Mail: lhutner@vhattorneys.com  
LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
3 E-Mail: lcooper@vhattorneys.com  
TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
4 E-Mail: treed@vhattorneys.com  
575 Market Street, Suite 1700  
5 San Francisco, California 94105  
Telephone: 415.543.4200  
6 Facsimile: 415.512.7674

7 CHRISTOPHER H. WHELAN, INC.  
CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
8 E-Mail: chris@whelanlawoffices.com  
11246 Gold Express Drive, Suite 100  
9 Gold River, California 95670  
Telephone: 916.635.5577  
10 Facsimile: 916.635.9159

11 Attorneys for Plaintiff  
12 QIQUIA YOUNG

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ALAMEDA  
RENE C. DAVIDSON COURTHOUSE

16 QIQUIA YOUNG,

17 Plaintiff,

18 v.

19 THE LELAND STANFORD JUNIOR  
UNIVERSITY, STANFORD HEALTH  
20 CARE, STANFORD HOSPITAL AND  
CLINICS, CHANRATH FLORES, and DOES  
21 1 through 50, inclusive,

22 Defendants.

Case No. RG17877051

**DECLARATION OF  
CYNTHIA DEPORTE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, Cynthia Deporte, declare:

1. I am over 18 years of age and I make this declaration based upon personal knowledge. If called as a witness, I could and would testify competently to the facts set forth below.

2. I am not a party to this lawsuit, and I am not an employee of Stanford Health Care or Stanford University.

3. Attending a trial in this case in Alameda County would be convenient for me, as I live in Alameda County.

4. I am the prior Director of Stanford's Cancer Center in Palo Alto. I have a Bachelor of Science (B.S.) in Nursing and a Master of Science (M.S) in Nursing Administration, and I worked for Stanford for over 25 years. If I am called to testify at trial in this lawsuit, I will testify that I was brought to the Stanford Cancer Center as its Director in order to develop processes and protocols and to stabilize the work environment, including identifying areas of opportunity for improvement and developing proper onboarding/cross-training protocol. I also will testify to a number of patient safety issues that I became aware of while Qiquia Young worked in the Cancer Center that resulted from subsequent management not following the onboarding/cross-training protocol I developed, including with regard to the Cancer Center crash cart not being properly checked.

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

Dated: November \_\_, 2017

---

Cynthia Deporte

H

SELECT A CITY ~

INDUSTRIES & TOPICS



NEWS

LISTS & AWARDS

PEOPLE & COMPANIES

EVENTS

MORE...



From the Silicon Valley Business Journal:

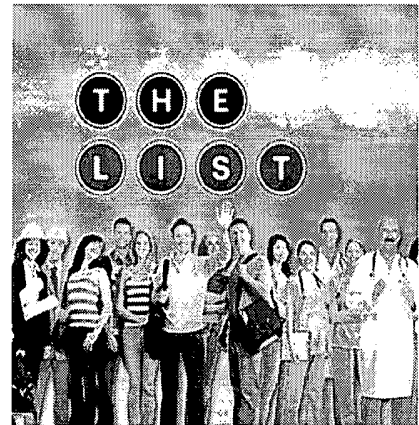
<https://www.bizjournals.com/sanjose/news/2013/07/18/the-list-top-100-silicon-valley.html>

## Silicon Valley's 10 largest employers - who made the list?

Jul 19, 2013, 6:34am PDT

Silicon Valley is home to some of the nation's largest companies - and employers. In fact, if you added up the number of full-time local staff at the 100 largest employers in Silicon Valley, you'd have the population of Newark, New Jersey. Or Toledo. That's 284,513 people.

In this week's paper, you'll see all 100 of the largest employers, ranked by full-time staff. They range from tech giants and sprawling health care systems, to massive universities and municipalities.



Click above to see the top 10 Silicon Valley employers.

Related: See the 25 highest paid CEOs in Silicon Valley

In the slideshow, get a sneak peek at the 10 biggest. Then turn to the July 19 issue to see them all, including the 26 companies debuting on this year's list.

Information for this year's list was obtained from employer representatives, Business Journal research, city or county financial reports.

Subscribers can see the more detailed top 100 list. [Click here to find out more.](#)



## Silicon Valley's 10 largest employers - who made the list?



No. 6: Stanford University

Address: 450 Serra Mall, Stanford 94305

FTE employees in Silicon Valley: 11,442

SHARE f in w

Silicon Valley Newsletters and Alerts  
Morning Edition >> Afternoon Edition >> Breaking News  
Enter your email address

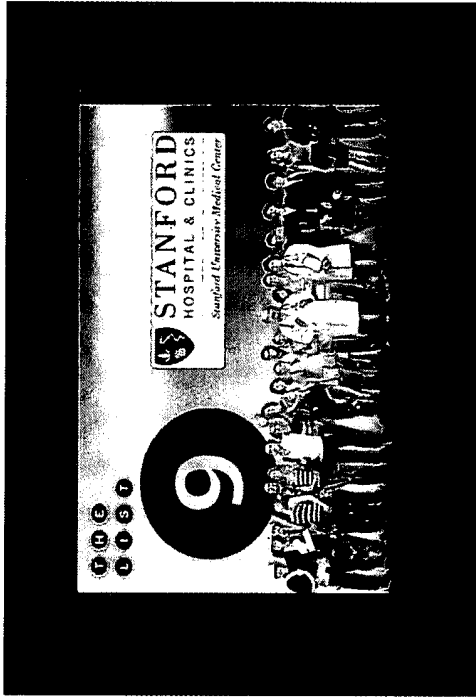
**HOUSING DEVELOPMENT OPPORTUNITY**  
Approximately 46 acres of Prime Silicon Valley Property

**REQUEST FOR PROPOSALS**  
Development, Construction, and Management of multi-residential rental housing located at NASA Ames Research Center, Moffett Field, CA

[LEARN MORE](#)

**SPONSORED CONTENT BY ESR**  
Prepping for Amazon pitch yields key hyperlocal market insights

## Silicon Valley's 10 largest employers - who made the list?



No. 9: Stanford Hospital & Clinics

Address: 300 Pasteur Drive, Stanford 94305

FTE employees in Silicon Valley: 8,451

SHARE f in v

Silicon Valley Newsletters and Alerts  
Morning Edition >> Afternoon Edition >> Breaking News

Enter your email address  
  
Sign Up

**SKB**  
Create and Retain Wealth  
Real Estate Merchant Banking  
Learn More

SPONSORED CONTENT BY ESO  
Convenient transit access  
doesn't mean it's easy to  
take it to work



1 VILLARREAL HUTNER PC  
 2 LARA VILLARREAL HUTNER, ESQ., Cal. Bar No. 178639  
 3 E-Mail: lhutner@vhattorneys.com  
 4 LAUREN M. COOPER, ESQ., Cal. Bar No. 254580  
 5 E-Mail: lcooper@vhattorneys.com  
 6 TIMOTHY L. REED, ESQ., Cal. Bar No. 258034  
 7 E-Mail: treed@vhattorneys.com  
 8 575 Market Street, Suite 1700  
 9 San Francisco, California 94105  
 10 Telephone: 415.543.4200  
 11 Facsimile: 415.512.7674

12 CHRISTOPHER H. WHELAN, INC.  
 13 CHRISTOPHER H. WHELAN, ESQ., Cal. Bar No. 080823  
 14 E-Mail: chris@whelanlawoffices.com  
 15 11246 Gold Express Drive, Suite 100  
 16 Gold River, California 95670  
 17 Telephone: 916.635.5577  
 18 Facsimile: 916.635.9159

19 Attorneys for Plaintiff  
 20 QIQIUIA YOUNG

21 SUPERIOR COURT OF CALIFORNIA  
 22 COUNTY OF ALAMEDA  
 23 RENE C. DAVIDSON COURTHOUSE

24 QIQIUIA YOUNG,

25 Plaintiff,

26 v.

27 THE LELAND STANFORD JUNIOR  
 28 UNIVERSITY, STANFORD HEALTH  
 CARE, STANFORD HOSPITAL AND  
 CLINICS, CHANRATH FLORES, and DOES  
 1 through 50, inclusive,

Defendants.

Case No. RG17877051

*[Assigned For All Purposes To  
 Hon. Ronni B. MacLaren, Department 25]*

**PLAINTIFF QIQIUIA YOUNG'S  
 MEMORANDUM IN OPPOSITION TO  
 DEFENDANT STANFORD HEALTH  
 CARE'S MOTION TO TRANSFER  
 VENUE AND MOTION FOR  
 SANCTIONS; AND REQUEST FOR  
 SANCTIONS**

*[Declarations and Request for Judicial Notice  
 filed concurrently]*

Reservation Number: R-1899966  
 Date: December 8, 2017  
 Time: 9:00 a.m.  
 Dept.: 25

**FILED**  
**ALAMEDA COUNTY**

NOV 27 2017

CLERK OF THE SUPERIOR COURT  
 By *B. Oliver*  
 B. OLIVER, Deputy

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
I. Summary of facts, allegations and evidence relevant to this motion. ....	6
A. Undisputed matters. ....	6
B. Stanford’s “evidence,” and the lack thereof, and its CEO’s poisoning of the Santa Clara County jury pool. ....	7
C. Plaintiff’s substantial evidence demonstrating venue is proper and the ends of justice demand this action remain in Alameda County, particularly in light of Stanford’s willful suppression of evidence at the outset of litigation. ....	8
II. Plaintiff was entitled to choose, and has chosen, a proper forum. ....	9
A. This venue is proper pursuant to Code of Civil Procedure section 395(a). ....	9
B. This venue also is proper pursuant to Code of Civil Procedure section 393. ....	10
C. This venue is proper pursuant to Code of Civil Procedure section 395.5. ....	10
D. This venue is proper pursuant to Government Code section 12965(b). ....	11
E. Government Code section 12965(b) does not require this action to be tried in Santa Clara County. ....	12
1. The FEHA venue provision does not govern venue over an action involving an individual co-defendant who is sued on non-FEHA claims; venue for this entire action is proper in Alameda as the county of defendant Flores’s residence. ....	12
2. The FEHA venue provision does not govern venue over an action involving claims, as here, to which other special venue provisions apply. ....	14
F. Stanford’s “mixed action” argument is equally meritless. ....	15
III. The Court should deny Stanford’s motion to transfer venue based on the convenience of witnesses and the “ends of justice.” ....	16
A. The convenience of witnesses and ends of justice will not be promoted by a change of venue, but rather would be thwarted. ....	16
B. The ends of justice will not be promoted by a change of venue, and Stanford has not satisfied its burden to show that they would. ....	18
IV. The Court should award Plaintiff expenses in opposing the motion. ....	20
V. Conclusion. ....	20



TABLE OF AUTHORITIES

Page(s)

CASES

*Arntz Builders v. Superior Court*,  
122 Cal.App.4th 1195 (2004) .....10

*Battaglia Enters., Inc. v. Superior Court*,  
215 Cal.App.4th 309 (2013) .....9

*Brown v. Superior Court*,  
37 Cal.3d 477 (1984) .....12, 14, 15

*California State Parks Foundation v. Superior Court*,  
150 Cal.App.4th 826 (2007) .....10

*Corfee v. Southern Cal. Edison Co.*,  
202 Cal.App.2d 473 (1962) .....16, 17, 18

*Cubic Corp v. Superior Court*,  
186 Cal.App.3d 622 (1986) .....13

*Dennis v. Overholtzer*,  
143 Cal.App.2d 606 (1956) .....13

*Edwards v. Pierson*,  
156 Cal.App.2d 72 (1957) .....17

*Flanagan v. Flanagan*,  
175 Cal.App.2d 641 (1959) .....18

*Fontaine v. Superior Court*,  
175 Cal.App.4th 830 (2009) .....9, 14

*Hamilton v. Superior Court*,  
37 Cal.App.3d 418 (1974) .....16

*Hecker v. Ross*,  
183 Cal.App.2d 30 (1960) .....17

*La Mirada Community Hosp. v. Superior Court*,  
249 Cal.App.2d 39 (1967) .....13, 14

*Mettler v. Hedley*,  
170 Cal.App.2d 277 (1959) .....17

1	<i>Minatta v. Crook,</i>	
	166 Cal.App.2d 750 (1959) .....	18
2	<i>Mission Imports, Inc. v. Superior Court,</i>	
3	31 Cal.3d 921 (1982) .....	10, 15
4	<i>Pearson v. Superior Court,</i>	
5	199 Cal.App.2d 69 (1962) .....	16, 18
6	<i>Sea World, Inc. v. Superior Court,</i>	
7	13 Cal.App.3d 100 (1970) .....	10
8	<i>Shida v. Japan Food Corp.,</i>	
9	185 Cal.App.2d 443 (1960) .....	9, 14
10	<i>Smith v. Stanford Research Institute,</i>	
	212 Cal.App.2d 750 (1963) .....	9, 15
11	<i>Stoneham v. Rushen,</i>	
12	137 Cal.App.3d 729 (1982) .....	10
13	<i>Tutor-Saliba-Perini Joint Venture v. Superior Court,</i>	
14	233 Cal.App.3d 736 (1991) .....	13
15	<i>Union Trust Life Ins. Co. v. Superior Court,</i>	
16	259 Cal.App.2d 23 (1968) .....	16
17	<i>Wirta v. Vergona,</i>	
	155 Cal.App.2d 29 (1957) .....	16, 17
18	<i>Wood v. Silvers,</i>	
19	35 Cal.App.2d 604 (1939) .....	16
20	<b><u>STATUTES</u></b>	
21	Cal. Code Civ. Proc. § 51.7 .....	10
22	Cal. Code Civ. Proc. § 52 .....	10
23	Cal. Code Civ. Proc. § 393 .....	10, 11, 12, 14
24	Cal. Code Civ. Proc. § 395(a) .....	9, 10, 13, 14
25	Code of Civil Procedure § 395.5 .....	10, 11, 13, 14
26	Cal. Code Civ. Proc. § 396b(b) .....	19
27	Cal. Code Civ. Proc. § 397 .....	16
28		

1 Cal. Lab. Code § 226 .....10  
2 Cal. Lab. Code § 226.7 .....10  
3 Cal. Lab. Code § 558 .....10  
4 Cal. Gov. Code § 12965(b).....11, 12, 14  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Plaintiff Qiquia Young (“Plaintiff”) opposes Stanford Health Care’s (“Stanford Health Care”  
2 or “Stanford”) motion to transfer venue and for sanctions. Moreover, as the motion is wholly without  
3 merit, and Stanford has thwarted Plaintiff’s efforts to obtain and submit evidence to oppose the  
4 motion, Plaintiff further seeks sanctions. Stanford’s transparent goal here is to force Plaintiff to  
5 litigate her case in Stanford’s “home court” after Stanford poisoned the jury pool: the day after  
6 Plaintiff filed her lawsuit, Stanford Health Care’s CEO David Entwistle sent an email to potentially  
7 20,000 Stanford employees in Santa Clara County - *i.e.*, potential Santa Clara jurors - alerting them  
8 to this lawsuit and characterizing Plaintiff as a liar and her claims as “highly exaggerated.”

9 Plaintiff filed this action in Alameda County because she had every right to do so. This  
10 forum is proper on several statutory grounds – including under the Code of Civil Procedure and the  
11 Government Code – and Plaintiff properly exercised her right to choose it. Stanford’s contention that  
12 Plaintiff is improperly “forum shopping” by choosing a venue she has a right to choose under all  
13 applicable law, and where she believes she is most likely to have a fair and impartial trial, is absurd.  
14 It is Stanford that is improperly “forum shopping” by seeking transfer to the County where it  
15 exercises vast power and influence, despite any legal support for its position, and despite its utter  
16 failure to proffer admissible evidence to support its motion. Stanford’s main argument – that the  
17 FEHA venue provision trumps all other applicable venue provisions – is meritless. Not only does it  
18 ignore pertinent facts and allegations in the Complaint, it is *unsupported by any law* and  
19 *misrepresents what the caselaw says*. Such a blatant attempt to mislead the Court to the prejudice of  
20 Plaintiff’s rights is sanctionable. Moreover, Stanford failed to satisfy its burden on proving  
21 “convenience of witnesses and the ends of justice,” require transfer; in contrast, Plaintiff’s evidence  
22 demonstrates that a transfer of venue would fly in the face of the convenience witnesses and the ends  
23 of justice. Plaintiff respectfully requests the Court deny this meritless motion and award sanctions  
24 against Stanford for having brought it.

25 **I. Summary of facts, allegations and evidence relevant to this motion.**

26 **A. Undisputed matters.**

27 It is undisputed that: 1) Plaintiff asserts causes of action against an individual defendant,  
28 Chanrath Flores, she is properly joined as a defendant, and she is an Alameda County resident;

1 2) Plaintiff's claims for statutory penalties arose in Alameda County; 3) Stanford Health Care is a  
2 California corporation (*see* Request for Judicial Notice ("RJN"), Exh. A); and 4) Plaintiff has  
3 asserted several causes of action against Stanford Health Care that arose in Alameda County.  
4 Further, the undisputed evidence shows that records pertinent to Plaintiff's causes of action under  
5 FEHA are maintained and administered in two locations in Alameda County.

6 **B. Stanford's "evidence," and the lack thereof, and its CEO's poisoning of the**  
7 **Santa Clara County jury pool.**

8 The woefully inadequate evidence Stanford relies on is the Harris Declaration.<sup>1</sup> Relating to  
9 the issue of witness convenience, Ms. Harris proffers *no evidence* identifying where the witnesses  
10 *reside* (the pertinent question when asserting convenience of witnesses) and further proffers no  
11 evidence showing *when* any of the witnesses works, whether and how any of them would be  
12 *inconvenienced* by attending trial in Alameda County. Moreover, there is no evidence, as there must  
13 be, of the *substance* of any witness' testimony, nor of whether it would be favorable to Stanford.

14 Moreover, in claiming that the "ends of justice" would be served by transferring the case to  
15 Santa Clara County, Stanford proffers *no evidence at all*; rather, Ms. Harris simply asserts that  
16 Stanford Health Care's administrative policies and procedures, complaints and investigations, and  
17 personnel files are located in Santa Clara County. (Harris Decl. ¶¶ 2-3.)

18 Stanford's only other "evidence" is the subject of its request for judicial notice, and a  
19 declaration of its lawyer; however, these do not relate to any material issue. As is obvious from the  
20 Complaint, Plaintiff does not have a claim against Ms. Flores under FEHA, nor does she have to for  
21 venue to be proper against Ms. Flores, an Alameda County resident. Stanford's attorney's  
22 declaration then supplies correspondence among counsel, demonstrating that Stanford has  
23 knowingly taken positions herein that are unsupported by law. Stanford's attorney also proffers a  
24 media article in support of its frivolous attempt to spin as improper "forum shopping" Plaintiff's  
25

26  
27 <sup>1</sup> Concurrently herewith, Plaintiff is filing objections to Stanford's evidence, and respectfully  
28 requests that the Court sustain those objections and disregard Stanford's purported evidence entirely.

1 (i) exercise of her right to choose from any proper venue fully available to her pursuant to applicable  
2 law, and (ii) her choice, already proven wise, not to select venue in Santa Clara County because of  
3 the very real and unfair bias she is likely to suffer there in light of Stanford's overwhelming  
4 influence in and ties to that community. Regardless, the proffered article and its characterization of a  
5 statement allegedly made by Plaintiff's attorney – which is not even a quote – is inadmissible  
6 hearsay, and is immaterial: afforded the choice under applicable law to sue elsewhere, only a fool  
7 would needlessly choose to sue Stanford on its "home court," where its vast power and influence  
8 provide its CEO with the audacity to publically retaliate against an employee and malign her  
9 credibility, thereby poisoning the jury pool in Santa Clara County, where his email reached the  
10 greatest number of Stanford employees. (Decl. of Plaintiff Qiquia Young ¶ 18, Ex A.)

11  
12 **C. Plaintiff's substantial evidence demonstrating venue is proper and the ends of**  
13 **justice demand this action remain in Alameda County, particularly in light of**  
14 **Stanford's willful suppression of evidence at the outset of litigation.**

15 Plaintiff's evidence shows conclusively that venue for this action is proper in Alameda  
16 County – including under the FEHA provisions – and that the convenience of witnesses and the ends  
17 of justice demand that this action remain before this Court. (See Decls. of Plaintiff Qiquia Young,  
18 Neelam Sharma, Salma Morales, Shaniqua Geegan, and Lara Villarreal Hutner, *generally*.)  
19 The last business day before Plaintiff was to depose Dr. Kim Rhoads – a key witness whom Stanford  
20 (wrongly and baselessly) claims lacks evidence of Plaintiff's FEHA claims at her place of residence  
21 in Alameda County – to obtain evidence to oppose this motion, Stanford filed a frivolous motion to  
22 quash the deposition subpoena to prevent Plaintiff from obtaining evidence to refute its patently  
23 wrong assertions. And Stanford did so after offering to continue the hearing on this motion such that  
24 the deposition could occur at a time more convenient for Stanford. Then, with no warning, at 3:30  
25 p.m. the day before Thanksgiving, Stanford reneged on its offer, and further failed to even mention  
26 that it had filed a surreptitious motion to quash the deposition subpoena in order to suppress  
27 evidence. The sense of impunity evidenced by this type of chicanery underscores that the ends of  
28 justice require that Stanford not be allowed to transfer this case to Santa Clara County where it  
wields even more power and influence. (Hutner Decl. ¶¶ 6-7, Ex. E.)

1 **II. Plaintiff was entitled to choose, and has chosen, a proper forum.**

2 “There is a presumption that the county in which the plaintiff chose to file the action is the  
3 proper county.” *Battaglia Enters., Inc. v. Superior Court*, 215 Cal.App.4th 309, 313-14 (2013);  
4 *Shida v. Japan Food Corp.*, 185 Cal.App.2d 443, 447 (1960) (plaintiff’s choice of venue “is  
5 regarded as presumptively correct”); *Smith v. Stanford Research Institute*, 212 Cal.App.2d 750, 754  
6 (1963). “The burden rests on the party seeking a change of venue to defeat the plaintiff’s  
7 presumptively correct choice of court.” *Battaglia Enters.*, 215 Cal.App.4th at 314. As set forth in  
8 *Fontaine v. Superior Court*, 175 Cal.App.4th 830, 836 (2009) (citations omitted) (emphasis added):

9 The court may, on timely motion, order transfer of an action “[w]hen the court  
10 designated in the complaint is not the proper court.” The moving party must  
11 overcome the presumption that the plaintiff has selected the proper venue. Thus, “[i]t  
12 is the moving defendant’s burden to demonstrate that the plaintiff’s venue selection is  
13 not proper under any of the statutory grounds.” In opposing the motion to change  
14 venue, “[t]he plaintiff may bolster his or her choice of venue with counter affidavits  
15 consistent with the complaint’s theory of the type of action but amplifying the  
16 allegations relied upon for venue.”

17 Venue may be proper, as it is here, in more than one county; it depends on the facts. *See*  
18 *Battaglia Enters.*, 215 Cal.App.4th at 313. When that is so, it is the plaintiff’s prerogative to select  
19 the venue for the case from all available alternatives. “[W]hen multiple venues are proper pursuant  
20 to the legislature’s determination, the plaintiff’s choice of venue in filing the lawsuit would prevail.”  
21 *Id.* at 314. Here, Plaintiff’s choice of venue in Alameda County is proper under several statutes.

22 **A. This venue is proper pursuant to Code of Civil Procedure section 395(a).**

23 Section 395(a) sets forth the general venue provision under California law: “Except as  
24 otherwise provided by law and subject to the power of the court to transfer actions or proceedings as  
25 provided in this title, the superior court in the county where the defendants or some of them reside at  
26 the commencement of the action is the proper court for the trial of the action.”

27 Defendant Flores is an Alameda County resident. (FAC ¶ 40.) Therefore, venue in Alameda  
28 County is proper pursuant to section 395(a), unless an exception applies; *i.e.*, unless it is “otherwise  
provided by law” that venue is not proper in the county where Ms. Flores resides. *See generally*  
*Arntz Builders v. Superior Court*, 122 Cal.App.4th 1195, 1203-04 (2004).

///

1 Stanford argues that the FEHA venue provision is an exception to the general rule in this  
2 case. Stanford is wrong. While the FEHA venue provision can be a basis to transfer venue in *some*  
3 cases, it is not an exception applicable in *this* case – as set forth *infra* – because a defendant does not  
4 have such a right to transfer under FEHA where a plaintiff properly files a lawsuit asserting claims  
5 arising from facts not pertaining to the FEHA claims, against another defendant, in the county of that  
6 defendant’s residence. In short, the FEHA venue provisions do not trump the Code of Civil  
7 Procedure; therefore venue is proper in Alameda County for this entire action under section 395(a).

8 **B. This venue also is proper pursuant to Code of Civil Procedure section 393.**

9 Section 393 sets forth a special venue provision, as follows: “Subject to the power of the  
10 court to transfer actions and proceedings as provided in this title, the county in which the cause, or  
11 some part of the cause, arose, is the proper county for the trial of the following actions: (a) For the  
12 recovery of a penalty or forfeiture imposed by statute. . . .” And, unlike section 395(a), section 393 is  
13 not subject to exceptions “as otherwise provided by law.” The sole exception to section 393 is  
14 specifically identified in the statute, and as it concerns a penalty or forfeiture relating to “an offense  
15 committed on a lake, river, or other stream of water, situated in two or more counties,” is irrelevant.

16 In this action, Plaintiff seeks the recovery of penalties imposed by statute. (FAC ¶¶ 280-287,  
17 300-303, 317-318, 323-325; *see* Cal. Civ. Code §§ 51.7, 52; Cal. Lab. Code §§ 226, 226.7, 558.)  
18 Plaintiff’s causes of action for recovery of these statutory penalties arose where the injury occurred  
19 which gives rise to those penalties: in Alameda County. (FAC ¶¶ 50, 299, 309; Young Decl. ¶ 3; *see*  
20 *Mission Imports, Inc. v. Superior Court*, 31 Cal.3d 921, 929 (1982); *Sea World, Inc. v. Superior*  
21 *Court*, 13 Cal.App.3d 100, 104 (1970); *California State Parks Foundation v. Superior Court*, 150  
22 Cal.App.4th 826, 834 (2007); *Stoneham v. Rushen*, 137 Cal.App.3d 729, 733-34 (1982)). Therefore,  
23 venue also is proper in Alameda County pursuant to the special venue rule set forth in section 393.

24 **C. This venue is proper pursuant to Code of Civil Procedure section 395.5.**

25 Section 395.5 sets forth another special venue provision (emphasis added): “A corporation or  
26 association may be sued in the county where the contract is made or is to be performed, *or where the*  
27 *obligation or liability arises*, or the breach occurs . . .” Like section 393, and unlike section 395(a),  
28



1 section 395.5 is not subject to exceptions “as otherwise provided by law.” As Stanford’s statutory  
2 liability to Plaintiff arose, in part, in Alameda County, (FAC ¶¶ 50, 299, 309; Young Decl. ¶ 3),  
3 venue is proper in Alameda County pursuant to section 395.5.

4 **D. This venue is proper pursuant to Government Code section 12965(b).**

5 Government Code section 12965(b) sets forth yet another special venue provision, providing  
6 a FEHA claim “may be brought in any county in the state in which the unlawful practice is alleged  
7 to have been committed, in the county in which the records relevant to the practice are maintained  
8 and administered, or in the county in which the aggrieved person would have worked or would have  
9 had access to the public accommodation but for the alleged unlawful practice, but if the defendant is  
10 not found within any of these counties, an action may be brought within the county of the  
11 defendant’s residence or principal office.” Like section 395.5, this provision is couched in  
12 permissive terms – “may” – not mandatory terms as in section 393 (“is the proper county”).

13 Plaintiff alleges “records relevant to the practice” of Stanford’s violating FEHA are  
14 maintained and administered in two locations in Alameda County. (FAC ¶ 51.) Stanford somehow  
15 contends that because *other* records identified in the FAC are in Alameda County, records relevant  
16 to the FEHA claims *ipso facto* must not exist. (Memo. at 11:4-14.) The existence of other records  
17 does not prove the non-existence of the FEHA records, and the undisputed evidence shows they are  
18 in Alameda County. (Young Decl. ¶¶ 2, 8, 18, 20, Exh. A; Sharma Decl. ¶ 6.)

19 Moreover, the first person who Plaintiff knows to have received the CEO’s retaliatory email  
20 against her – and who informed Plaintiff of the email before she (Plaintiff) saw it – works for  
21 University HealthCare Alliance, a Stanford Health Care affiliate in Alameda County, and received  
22 the email at work in Alameda County. (Sharma Decl. ¶ 5, Exh. A; Young Decl. ¶ 18, Exh. A.) As a  
23 result, Plaintiff’s most recent retaliation claim based on the CEO’s email maligning her – arose first  
24 in Alameda County. (See DFEH Charge attached as Exhibit B to Young Decl.)

25 ///

26 ///

27 ///

28 ///

1           **E. Government Code section 12965(b) does not require this action to be tried in**  
2           **Santa Clara County.**

- 3           1. The FEHA venue provision does not govern venue over an action involving  
4           an individual co-defendant who is sued on non-FEHA claims; venue for this  
5           entire action is proper in Alameda as the county of defendant Flores's  
6           residence.

7           Stanford argues that "Defendant Flores' place of residence [is] irrelevant because, per *Brown*,  
8           the FEHA venue statute controls over the Code of Civil Procedure's general venue statute." (Memo.  
9           at 11:1-3.) This is Stanford's entire argument as to why venue is not proper where Ms. Flores  
10          resides. But Stanford's argument is absolutely wrong. Ample and applicable law demonstrates that  
11          venue is indeed proper in the county of Ms. Flores's residence.

12          *Brown v. Superior Court*, 37 Cal.3d 477 (1984), does *not* establish what Stanford contends.  
13          *Brown* addressed whether "the FEHA venue statute applies to *non-FEHA claims which arise from*  
14          *the same facts as a FEHA claim* alleged in the same complaint." *Id.* at 484 (emphasis added). *Brown*  
15          acknowledged the limited reach of its holding: "In order for the FEHA venue provision to control,  
16          the non-FEHA claims must rest on similar factual allegations as the FEHA count." *Id.* at 487 & fn.9.  
17          Thus *Brown* held "that the special provisions of the FEHA venue statute control in cases involving  
18          FEHA claims joined with non-FEHA claims *arising from the same facts.*" *Id.* at 487 (emphasis  
19          added). *Brown* did *not* hold that the FEHA venue statute controls where, as here, a plaintiff alleges  
20          non-FEHA claims arising from *different facts*. No statute, and no caselaw, so holds.

21          *Brown* is further inapposite because it did not address a case, as here, involving multiple  
22          defendants and non-FEHA claims arising from different facts alleged against a *different defendant*.  
23          In *Brown*, all defendants were sued as the plaintiffs' co-employers on the same facts as the FEHA  
24          claim. *See id.* at 480-81. Moreover, *none* of the *Brown* defendants resided in the county where suit  
25          was filed (*see id.* at 481, 482 fn.6), so whether residence could supply a basis for venue in that forum  
26          was not at issue. Again, no statute, and no caselaw, holds that the FEHA venue provision controls  
27          venue for an entire action where non-FEHA causes of action are alleged against a resident defendant.

28          No law so holds because such a concept is contrary to a well-established rule of venue.  
Whether or not certain claims against *one* defendant would otherwise be subject to a special venue  
rule – for example, to Code of Civil Procedure section 393 or 395.5, or Government Code section

1 12965(b) – venue always remains proper *in the county of an individual co-defendant's residence*  
2 against whom *other* claims are asserted. “Where an action is brought against both corporate and  
3 individual defendants, *venue is proper for the action as a whole if it is correct as to any defendant.*  
4 Venue is correct at the residence of any individual defendant, and in fact, is controlling, at the option  
5 of that defendant.”

6 This rule properly reflects the relationship between principles of joinder and venue:

7 A number of causes of action may be joined in the same complaint. (Code Civ.Proc.,  
8 § 427.10.) It is not necessary that each defendant be included in every cause of action.  
9 (Code Civ.Proc., § 379, subd. (b).) *Where venue is proper in the county in which one*  
10 *of the defendants resides, as to one cause of action, venue is proper in that county as*  
11 *to all properly joined causes of action and defendants.* Plaintiff's selection of venue  
12 may not be defeated even if all the defendants concur in a motion to change venue to  
a county in which another defendant resides. [Citation.] This rule is applicable even if  
some of the causes of action name only nonresidents, although a resident defendant is  
named in others.

13 *Tutor-Saliba-Perini Joint Venture v. Superior Court*, 233 Cal.App.3d 736, 742 (1991) (emphasis  
14 added); *see Dillman v. Superior Court*, 205 Cal.App.2d 769, 772 (1962) (“The general rules  
15 governing joinder of defendants and the effect of such joinder on venue apply whether the  
16 defendants are individuals or corporations ... if a cause of action is stated against both, and the  
17 joinder is in conformity with the statutes, the plaintiff may fix the venue at the residence of either the  
18 individual or the corporation”); *Dennis v. Overholtzer*, 143 Cal.App.2d 606, 607 (1956) (“where a  
19 defendant is properly named in one cause of action and he is a resident of the county where the  
20 action is brought, the venue for the entire action is in that county”).<sup>2</sup>

21 Several opinions illustrate this legal principle's application in cases involving a special venue  
22 provision (*i.e.*, an exception to section 395(a); *see infra*) that would otherwise apply. In *Cubic Corp*  
23 *v. Superior Court*, 186 Cal.App.3d 622, 624-25 (1986), the plaintiff asserted causes of action  
24 sounding in contract and tort against two corporations, and asserted the one or both of the torts  
25

26 <sup>2</sup> The other defendants' joinder in the motion is irrelevant. *See La Mirada*, 249 Cal.App.2d at  
27 43. But it is curious that Defendant Flores has joined in a motion which, if granted, would only cause  
28 inconvenience to her; her rationale can only be that proceeding in Santa Clara County, with its  
strong pro-Stanford bias in the community jury pool, would make the inconvenience worth it.

1 against two individuals. Despite that venue was otherwise proper in Alameda County as to all causes  
2 of action involving the corporate defendants pursuant to section 395.5, the Court of Appeal ordered  
3 the action transferred to San Diego County, because venue there was proper under section 395 as to  
4 one of the individuals. In *La Mirada Community Hosp. v. Superior Court*, 249 Cal.App.2d 39, 41  
5 (1967), the corporate defendant and the individual defendants moved for a change of venue, but they  
6 did not identify the residence of the individual defendants. While noting that the rule now codified in  
7 section 395.5 “specifies the proper county for commencement of actions against a corporation,” the  
8 court stated, “Where a corporation and individuals ... are joined as defendants the action is  
9 commenced properly in the county in which any of the defendants is a resident.” *Id.* (emphasis  
10 added). The *La Mirada* court concluded that the motion to transfer venue could not be granted in the  
11 absence of a showing that no individual defendant resided in the county where the plaintiff filed suit.  
12 *La Mirada*, 249 Cal.App.2d at 42-44. Likewise, in *Shida, supra*, 185 Cal.App.2d at 444, 447-48,  
13 after observing that “the rights of the corporate defendant ... are governed by” the special venue rule  
14 now codified in section 395.5, the court observed that it remained the burden of the corporate  
15 defendant seeking a change of venue to prove “that no defendant was a resident of the County of Los  
16 Angeles ... in which venue was originally laid by the filing of plaintiff’s complaint.” *Id.* at 447-48.

17           2.       The FEHA venue provision does not govern venue over an action involving  
18                   claims, as here, to which other special venue provisions apply.

19           Stanford argues that “the recovery of a ‘penalty or forfeiture’ for Plaintiff’s unpaid wages  
20 and reimbursement of business expenses . . . [is] irrelevant because, per *Brown*, the FEHA venue  
21 statute controls over the Code of Civil Procedure’s general venue statute.” (Memo. at 10:28-11:3.)  
22 Stanford’s argument is patently meritless, and it intentionally misrepresents the law.

23           The “general venue statute” is, and is only, Code of Civil Procedure section 395(a). *Fontaine*,  
24 175 Cal.App.4th at 837; *Brown*, 37 Cal.3d at 483. Stanford’s argument is meritless because  
25 Plaintiff’s claim for recovery of statutory penalties against Stanford is governed by the special venue  
26 rule set forth in Code of Civil Procedure section 393, not the general venue rule set forth in section  
27 395. The *Brown* case in no way addressed the propriety of venue under section 393, or the  
28 relationship between the FEHA venue provision any venue provision other than section 395. *See*

1 *Brown*, 37 Cal.3d at 482-87. And Stanford knows its argument is meritless – which means it is  
2 frivolous. *Brown* expressly acknowledged that section 393 is a “specific venue provision” that has  
3 been held to be an exception to section 395, just like *Brown* found section 12965(b) to be. *See id.* at  
4 484 (citing *Tharp v. Superior Court*, 32 Cal.3d 496 (1982)). Moreover, in correspondence sent  
5 before filing this motion, which Stanford has filed (Ng Decl., Exh. 1), Stanford’s attorney referred to  
6 “the general venue rule” and cited section 395, not any other statute. Realizing that its position has  
7 no support in the law, Stanford has instead elected to try to mislead the Court about what the law is.

8 Neither *Brown*, nor any other caselaw or statute, addresses whether one special venue  
9 provision controls over any other, where more than one such venue provision is applicable to any  
10 action or any cause of action; nor does *Brown* or any other law directly address the circumstances  
11 under which one may or may not control over another. We say “directly” because the law of  
12 “plaintiff’s choice,” *supra*, should indeed apply: pursuant to that law, where more than one venue  
13 such provision is applicable, venue should be proper pursuant to *any* of them. All three statutes allow  
14 a plaintiff to sue where a cause of action arises, and sections 395.5 and 12965(b) are equally  
15 intended to *broaden* plaintiffs’ options for venue. *See Brown*, 37 Cal.3d at 486 (“Section 12965,  
16 subdivision (b) affords a wide choice of venue to persons who bring actions under the FEHA. This  
17 choice maximizes the ability of persons aggrieved by employment discrimination to seek relief from  
18 the courts, and it facilitates the enforcement of the FEHA”); *Mission Imports*, 31 Cal.3d at 928 (“The  
19 purpose of the section [395.5] is to permit a wider choice of venue in suits against a corporation than  
20 is permitted in suits against an individual defendant”); *Smith*, 212 Cal.App.2d at 752-53. There is no  
21 reason in law, fact, or policy why section 12965(b) does or should supersede section 393 or section  
22 395.5 in this case. As for section 393, as is noted *supra*, that statute is couched in mandatory terms,  
23 whereas section 12965(b) is couched in permissive terms. There is simply no reason why the  
24 permissive should supersede the mandatory.

25 **F. Stanford’s “mixed action” argument is equally meritless.**

26 As shown above, venue over this entire action is proper in Alameda County. The “mixed  
27 action” rule Stanford attempts to invoke therefore does not apply. The “mixed action” rule serves  
28 only to support the point Plaintiff made *supra*: that venue over this action in its entirety is proper in

1 the county of defendant Flores's residence. This is because, as indicated in *Brown* – and as  
2 overlooked by Stanford – “the mixed action rule recognizes a preference for trial in the county of a  
3 defendant's residence,” and it only arises in cases where an action is commenced in a “non-residence  
4 county,” *i.e.*, where no defendant resides; where that rule applies, “the entire action will be  
5 transferred on motion to the county of a defendant's residence, because the entire action, being a  
6 mixed action, is not within any statutory exception authorizing venue *elsewhere than in a residence*  
7 *county.*” *Brown*, 37 Cal.3d at 488 & fn.10 (emphasis added).

8 **III. The Court should deny Stanford's motion to transfer venue based on the convenience of**  
9 **witnesses and the “ends of justice.”**

10 “The burden rests on one who seeks a change of venue under [Cal. Civ. Proc. Code § 397] to  
11 prove that *both* the convenience of witnesses *and* ends of justice will be promoted thereby, and this  
12 he must do through *affidavits that contain more than generalities and conclusions.*” *Hamilton v.*  
13 *Superior Court*, 37 Cal.App.3d 418, 424 (1974) (emphasis added). “The last mentioned statute  
14 contains conjunctive conditions both of which must occur, and before the motion can be granted  
15 there must be some showing not only that the convenience of witnesses but that the ends of justice  
16 will be promoted by the change.” *Pearson v. Superior Court*, 199 Cal.App.2d 69, 77 (1962); *Corfee*,  
17 202 Cal.App.2d at 479. “The burden of making a sufficient showing is on the moving party, and he  
18 must stand upon the strength of his showing rather than upon the weakness, if any, of the  
19 opposition.” *Union Trust Life Ins. Co. v. Superior Court*, 259 Cal.App.2d 23, 28 (1968).

20 **A. The convenience of witnesses and ends of justice will not be promoted by a**  
21 **change of venue, but rather would be thwarted.**

22 “The affidavit or affidavits supporting [this] motion ‘must set forth the names of the  
23 witnesses, the nature of the testimony expected from each, and the reasons why the attendance of  
24 each would be inconvenient’ . . . ‘[I]t must appear that the witnesses involved will testify as to  
25 relevant and material facts.’ [Citations.] *Convenience of witnesses is shown by the fact that the*  
26 *residence of all the witnesses is in the county to which the transfer of the cause is requested.*”  
27 *Pearson*, 199 Cal.App.2d at 77 (emphasis added).

1           “A mere numerical majority of witnesses on one side or the other does not necessarily  
2 determine the merits of the motion.” *Wirta v. Vergona*, 155 Cal.App.2d 29, 32 (1957); *Wood v.*  
3 *Silvers*, 35 Cal.App.2d 604, 607 (1939) (“It is apparent that in determining the convenience of  
4 witnesses the evidence of one or more of them may be more important in deciding the issues  
5 involved than a greater number of other witnesses”). That is why the *nature* and *materiality* of the  
6 testimony expected from each witness must be demonstrated in the affidavits. *See Pearson*, 199  
7 Cal.App.2d at 77; *Dillman*, 205 Cal.App.2d at 773 (the nature of the expected testimony from each  
8 witness must be shown because “it must be shown that their proposed testimony is admissible,  
9 relevant and material to some issue in the case”). Demonstrating this nature and materiality generally  
10 requires that not only the *subjects* but also the *substance* of a witness’ testimony be identified, as  
11 well as whether the testimony is expected to be *favorable or unfavorable* to the party purporting to  
12 claim a change of venue will promote that witness’ convenience. *See Edwards v. Pierson*, 156  
13 Cal.App.2d 72, 75 (1957); *Chaffin Constr.*, 155 Cal.App.2d at 663.

14           Furthermore, “Ordinarily only convenience to third-party disinterested witnesses will be  
15 considered. Convenience to the parties or their agents or employees may not be considered.” *Corfee*  
16 *v. Southern Cal. Edison Co.*, 202 Cal.App.2d 473, 478 (1962); *Mettler v. Hedley*, 170 Cal.App.2d  
17 277, 282 (1959); *Dillman*, 205 Cal.App.2d at 773-74 (concluding based on these rules, “Since the  
18 only witnesses mentioned in these declarations are Mr. Caldwell, a party to the litigation, and Mr.  
19 Dendinger, his employee, there is no basis whatever therein for change of venue grounded upon  
20 convenience of witnesses”).

21           Stanford has wholly failed to satisfy this burden: the Harris declaration fails to show where  
22 any witness resides, that attendance at trial in Alameda County would be inconvenient for any  
23 witness, or why. It further fails to show the expected substance of any witness’ testimony, or  
24 whether it would be favorable to Stanford. Furthermore, it fails to identify any witness who is not a  
25 party to this lawsuit or an employee of Stanford who would be inconvenienced.

26           Moreover, Stanford has made no showing that the ends of justice would be served by  
27 transferring the case to Santa Clara, and Plaintiff’s has presented admissible evidence of the opposite  
28 – that the ends of justice would be hopelessly thwarted by such a transfer following the CEO’s

1 retaliatory email to 1000's of its Santa Clara-resident employees proclaiming Plaintiff a liar. This  
2 inexplicable act of retaliation could serve only two purposes: (1) to precondition thousands of  
3 potential jurors in Santa Clara County, made up of Stanford employees, their families and friends, to  
4 perceive Plaintiff as dishonest and a liar; and (2) to make Plaintiff's continued employment at  
5 Stanford even more difficult through isolation, shunning and distrust.

6 Plaintiff further submits declarations herewith showing that her witnesses, including key  
7 witnesses – all of whom are Alameda County residents – would be inconvenienced by a trial in  
8 Santa Clara County. “If the affidavits of plaintiff in opposition to the motion for change of venue  
9 show that his witnesses also will be inconvenienced by the change to another county as is requested  
10 by defendant,” the Court may properly deny the motion. *Hecker v. Ross*, 183 Cal.App.2d 30, 33  
11 (1960). Among other grounds of inconvenience set forth in Plaintiff's evidence are the *residences* of  
12 her witnesses, from which fact alone inconvenience resulting from a transfer of venue can be  
13 inferred. *See Corfee*, 202 Cal.App.2d at 478. *See Young, Sharma, Morales, and Geegan*  
14 *Declarations, generally*. Thus, even if any balancing of conveniences were appropriate, the Court  
15 should deny the motion.

16 **B. The ends of justice will not be promoted by a change of venue, and Stanford has**  
17 **not satisfied its burden to show that they would.**

18 “The affidavit or affidavits supporting [this] motion . . . must set forth facts from which the  
19 conclusion can be drawn that the ends of justice will be promoted. . . . A conclusion that the ends of  
20 justice are promoted can be drawn from the fact that by moving the trial closer to *the residence* of  
21 the witnesses, delay and expense in court proceedings are avoided and savings in the witnesses' time  
22 and expense are affected.” *Pearson*, 199 Cal.App.2d at 77 (emphasis added); *Flanagan v. Flanagan*,  
23 175 Cal.App.2d 641, 646 (1959). Here, Stanford's evidence is woefully deficient, as it fails to  
24 identify where any of the witnesses resides. The only remotely relevant fact Stanford proffers any  
25 evidence of is the location of its books and records: “such facts may be considered on the question  
26 whether the ends of justice will be served by making more expeditious the production of records.”  
27 *Minatta v. Crook*, 166 Cal.App.2d 750, 756 (1959). However, the evidence shows that records  
28 relevant to Plaintiff's claims also are maintained in two locations in Alameda County, including by a



1 non-party witness. Further, unlike when the *Minatta* opinion issued in 1959, documents are likely to  
2 be produced electronically in this action, and Alameda County is not so far that Stanford's  
3 production of records there is likely to be delayed or more costly in any event.

4 Stanford's argument is similarly deficient: it contends, without any evidentiary support, that  
5 the ends of justice will be served because its employees work for it and therefore "are more easily  
6 able to serve the needs of the hospital's patients and families" if the trial were held closer to where  
7 they work. (Memo. at 15:6-10.) Three problems with this are (1) Stanford does not address the  
8 residence of any witness, (2) Stanford really is arguing its *own* convenience, not the convenience of  
9 any witness, and the administration and scheduling of its employees is irrelevant to whether the  
10 "ends of justice" would be served by a transfer of this lawsuit, and (3) Stanford does not proffer any  
11 evidence to show when its employees do or do not work, or the flexibility they have in their  
12 schedules, or that Stanford somehow cannot manage its own employees in order to ensure coverage  
13 at its hospital or administrative centers. Indeed, as Plaintiff is well aware, Stanford employees –  
14 including its surgeons and oncologists – have scheduled days off. (Young Decl. ¶ 16.) Moreover, the  
15 distance at issue is merely 16 miles, as a quick Google search shows that it is 33 miles from  
16 Palo Alto to Oakland versus 17 miles from Palo Alto to San Jose. (RJN, Exh. B.)

17 Plaintiff's evidence also shows that the "ends of justice" would be thwarted a transfer to  
18 Santa Clara County given the CEO's massive email distribution to thousands of Santa Clara County  
19 potential jurors accusing Plaintiff of untrustworthiness and dishonesty and calling her claims  
20 "grossly exaggerated." (See Young Decl. ¶ 18, Ex A; Hutner Decl. ¶ 3, Exh. C; Sharma Decl. ¶ 5,  
21 Exh. A.) The Stanford defendants collectively are the largest employer of any kind in Santa Clara  
22 County. (RJN, Exh. C.) CEO Entwistle emailed all employees of the Stanford Defendants, including  
23 those of its affiliates – which now appear to number more than 20,000 persons in Santa Clara County  
24 (RJN, Exh. C) – and based on Stanford's contentions most of those employees must be employed in,  
25 and may very well reside in, Santa Clara County. By overtly poisoning opinion against Plaintiff  
26 among a vast percentage of potential jurors among the Santa Clara County jury pool, Stanford  
27 confuses "*ending justice*" with the very different goal of serving "*the ends of justice.*"

28 ///

1 **IV. The Court should award Plaintiff expenses in opposing the motion.**

2 Plaintiff chose venue in good faith and based on the facts and law. Plaintiff respectfully  
3 requests the Court deny Stanford's motion and request for sanctions, *see* Cal. Civ. Proc. Code §  
4 396b(b), and instead order it (or its attorneys) to pay to Plaintiff \$23,250.00 for her reasonable  
5 expenses incurred in resisting the motion. (*See* Hutner Decl., Ex. B and ¶¶ 12-14.) The evidence  
6 shows (1) Stanford's demand to stipulate to Santa Clara County was not "reasonably made," and (2)  
7 it did not make its motion "in good faith given the facts and law" it "knew or should have known" –  
8 the two relevant factors under § 396b(b). Stanford's motion is devoid of legal and evidentiary  
9 support; it has ignored and misrepresented the law; and it has needlessly put Plaintiff and her counsel  
10 to great burden and cost to oppose. Stanford has proceeded in bad faith and it can and should be held  
11 responsible for the resulting costs.

12 **V. Conclusion.**

13 As Stanford's motion is wholly without merit, Plaintiff respectfully asks the Court to deny  
14 the motion and to further order Stanford and/or its counsel to pay to Plaintiff \$23,250.00 for her  
15 reasonable expenses incurred in resisting the motion.

16  
17 Dated: November 27, 2017

VILLARREAL HUTNER PC  
CHRISTOPHER H. WHELAN, INC.

18  
19  
20  
21 By 

LARA VILLARREAL HUTNER  
CHRISTOPHER H. WHELAN  
Attorneys for Plaintiff  
QIQUIA YOUNG