

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 96

BC689978

ALANAH STONE VS LOS ANGELES UNIFIED SCHOOL

DISTRICT

March 14, 2023

9:30 AM

Judge: Honorable Gregory W. Alarcon

Judicial Assistant: A. Melkonian

Courtroom Assistant: R. Morales

CSR: Deborah Morin, CSR# 11558

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Mara Elizabeth Burnett, Esq. and Robert J. Mandell

For Defendant(s): Rodolfo F. Ruiz , Todd A. Picker, and Celeste S. Del Rio

NATURE OF PROCEEDINGS: Jury Trial

The Jury Trial resumes from 03/13/23 with all counsel and jurors present as heretofore, except Juror 3, Haoming Shi.

OUT OF THE PRESNECE OF THE JURY:

The Court notes that Juror 3 is out sick and Alternate 2, Taryn Bailey will replace Juror 3.

Motion in Limine No. 3 To Exclude Plaintiff's Neurologist Expert, Daniel Franc, M.D. From Testifying Regarding Advanced Imaging Techniques

The court, having considered the deposition and the additional briefing, the court will grant the motion for the following reasons: 1) The Advanced Imaging Tests are not accepted for use with individual patients, 2) There is no general acceptance in the field of radiology for the use at the individual patient level among TBI patients, 3) the court relies on the declaration of Dr. Jeffrey Silverman as additional support that Advanced Imaging Tests are not standard practice for individual patients; 4) Finally, Dr. Franc is not a radiologist.

Motion in Limine No. 4 to Exclude Plaintiff's Neurologist, Daniel Franc, M.D., from Testifying about or concerning Matters that are Outside His Area of Expertise, including (1) that plaintiff suffers from "PTSD": Granted. (2) Cost Estimates for Future Care, including a Life Care Plan: (Granted) and (3) His Interpretation or Reliance upon Advanced MRI Imaging. The ruling is the same as the ruling for Motion in Limine No. 3.

The court, having considered the deposition and the additional briefing, the court will grant the motion for the following reasons: 1) The Advanced Imaging Tests are not accepted for use with individual patients, 2) There is no general acceptance in the field of radiology for the use at the

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individual patient level among TBI patients, 3) the court relies on the declaration of Dr. Jeffrey Silverman as additional support that Advanced Imaging Tests are not standard practice for individual patients; 4) Finally, Dr. Franc is not a radiologist.

The above-mentioned rulings are provided to counsel in open court this date.

Defendant's counsel submits.

The Court hears oral argument.

The Court adopts the aforementioned tentative ruling as the Final Order of the Court.

IN THE PRESENCE OF THE JURY:

Plaintiff's counsel calls witness, Daniel Franc, M.D., who is sworn and testifies.

Exhibit 24 (Brain Lobe Diagram) is marked for identification and published in open court by Plaintiff's counsel.

Exhibit 100 (STN Nrs. Notes 12/13/16) [3] is marked for identification and published in open court by Plaintiff's counsel.

Exhibit 102 (STN Fire Dept. Records Alanah Stone) is marked for identification and published in open court by Plaintiff's counsel.

Exhibit 128 (STN Cedars Sinai Medical Alanah Stone) [35] is marked for identification and published in open court by Plaintiff's counsel.

Exhibit 129 (STN Children's Hospital LA) [8,9, and 10] is marked for identification and published in open court by Plaintiff's counsel.

Defendant's counsel cross-examines witness, Daniel Franc, M.D.

The Jury Trial recesses for lunch.

The jurors are admonished, excused, and ordered to report to Department 96 at 1:30 p.m. this date.

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OUT OF THE PRESENCE OF THE JURY:

The Court and counsel confer regarding objections raised by Plaintiff's counsel during the testimony of Daniel Franc, M.D.

IN THE PRESENCE OF THE JURY:

Defendant's counsel resumes cross-examination of Daniel Franc, M.D.

For purposes of impeachment, Defendant's counsel reads portions of the deposition transcript of Plaintiff, Alanah Stone.

Exhibit 111 (STN Palos Verdes Pen. Transcript 6-14-18) is marked for identification and published in open court by Plaintiff's counsel.

Exhibit 123 STN (Los Angeles Com. College Record) is marked for identification and published in open court by Plaintiff's counsel.

For purposes of impeachment, Defendant's counsel reads portions of the deposition transcript of Plaintiff, Alanah Stone.

Exhibit 128 (STN [Cedars Sinai Medical Alanah Stone] [49]) is marked for identification and published in open court by Plaintiff's counsel.

129 (STN Children's Hospital LA) [6] is marked for identification and published in open court by Plaintiff's counsel.

Plaintiff's counsel conducts further re-direct examination of witness, Daniel Franc, M.D.

117 (STN Torrance Unified School District Records) [12] is marked for identification and published in open court by Plaintiff's counsel.

Defendant's counsel conducts further cross-examination of witness, Daniel Franc, M.D.

Defendant's counsel plays a portion of the video deposition of Plaintiff, Alanah Stone.

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Plaintiff's counsel conducts further direct examination of witness, Daniel Franc, M.D.

The Court and counsel review questions submitted by the jurors and the questions are addressed with the witness in open court.

Defendant's counsel conducts further cross-examination of witness, Daniel Franc, M.D.

Witness, Daniel Franc, M.D., is thanked and excused from testimony, as counsel indicate having no further questions at this time.

Plaintiff's counsel calls witness, Brian Levine, who is sworn and testifies.

Plaintiff's counsel reads from the deposition transcript of witness, Brian Levine.

Defendant's counsel cross-examines witness, Brian Levine.

The Court and counsel review a question submitted by one of the jurors and the question is addressed with the witness in open court.

Witness, Brian Levine is thanked and excused from testimony, as counsel indicate having no further questions at this time.

Plaintiff's counsel calls witness, Naomi Iki, who is sworn and testifies.

Exhibit 43 (LAUSD Guidelines) [5], which was previously identified, is referenced by Plaintiff's counsel and published in open court.

Previously identified, Exhibit 49 is referenced in open court by Plaintiff's counsel.

Exhibit 46 (FHS PE Syl) is marked for identification and published in open court by Plaintiff's counsel.

Previously identified Exhibit 39 is published in open court by Plaintiff's counsel.

The jurors are admonished, excused, and ordered to report to Department 96 at 9:30 a.m. on 3/15/2023.

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Deputy Sheriff: None

The Jury Trial is continued to 3/15/2023 at 9:30 a.m. in Department 96 at Stanley Mosk Courthouse.