GEOFFREY SPELLBERG (SBN 121079)
gspellberg@publiclawgroup.com
ANASTASIA BONDARCHUK (SBN 309091)
abondarchuk@publiclawgroup.com
RENNE PUBLIC LAW GROUP
350 Sansome Street, Suite 300
San Francisco, California 94104
Telephone: (415) 848-7200
Facsimile: (415) 848-7320

Attorneys for Defendants
NATIVIDAD MEDICAL CENTER and
COUNTY OF MONTEREY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

HELEN ALBANO, RODRIGO ALCANTAR, ALFONSO ALVAREZ, SIERRA ALVAREZ-, ELENA AZMANOVA, LENA DANILYUK, JASON GARCIA, JENAE JERVIS, VANESSA KING, CHEYENNE MOSES, VIRGINIA ORTIZ, LUPE PUGA, RONALD SCHOLINK, YVETTE SULLIVAN, ANNE THOMAS, SYLVESTER YGAY,

Plaintiffs,

v.

NATIVIDAD MEDICAL CENTER, AND DOES 1-50, INCLUSIVE,

Defendants.

Case No. 22CV000215

EXEMPT FROM FEES (GOV. CODE § 6103)

Case Assigned to
The Honorable Thomas W. Wills

DEFENDANTS NATIVIDAD MEDICAL CENTER/COUNTY OF MONTEREY'S TRIAL BRIEF AND AUTHORITIES IN SUPPORT OF NON-SUIT/DIRECTED VERDICT

Date: March 25, 2024
Time: 11:30 a.m.
Dept: 15, Hon. Thomas W. Wills

Complaint Filed: January 24, 2022
Trial Date: March 25, 2024

TABLE OF CONTENTS

RENNE PUBLIC LAW GROUP
Attorneys at Law

TABLE OF AUTHORITIES

Page(s)

Cases

Statutes

TABLE OF AUTHORITIES (CONTINUED)

Page(s)

I. INTRODUCTION

After the CDPH issued its vaccine mandate on August 5, 2021, Natividad Hospital complied and issued directives requiring its approximately 1,600 employees to obtain the vaccine. It also instituted a protocol to evaluate whether to grant or deny medical and religious exemption vaccine requests.

Those employees who were granted exemptions were placed on an unpaid leave of absence (with continuing medical benefits) and Natividad located alternative work positions in the County employment system for those unvaccinated employees. Sixteen of the 58 employees who were granted exemptions have brought this lawsuit asserting multiple claims based upon alleged religious discrimination on the part of the Natividad.

Following summary judgment, just a single claim for alleged failure to provide a reasonable accommodation remains to be tried.

Under the controlling authorities cited here, the Plaintiffs will not be able to establish a sincerely held religious belief or that Natividad Hospital failed to provide a reasonable accommodation. As such, following the conclusion of Plaintiffs' case Natividad will move for non-suit as to all Plaintiffs. Natividad will move for directed verdict as to any Plaintiffs who survive the non-suit motion.

II. Controlling Legal Authorities

Initially, each Plaintiff must prove at trial that he/she had a sincerely held religious belief that conflicted with the Natividad decision that unvaccinated employees would not be permitted to continue working at the Hospital. See *Aukamp-Corcoran v. Lancaster General Hospital* (2022) Fair Empl.Prac.Cas. (BNA) 55,838, 106 Empl. Prac. Dec. P 46,940, where the court concluded the plaintiff did not demonstrate a sincerely held religious belief considering the evidence showing that plaintiff's objection to the vaccine was based upon medical concerns and not a conflict with religious beliefs. Natividad asserts that most, if not all, of the Plaintiffs will not be able to establish the requisite sincerely held religious belief.

Merely claiming a religious belief does not make it sincerely held here; there is evidence demonstrating that a belief is actually grounded in non-religious concerns. For example, "a belief that is 'philosophical and personal rather than religious'" does not constitute a bona fide religious belief. (*Brown v. Smith* (2018) 24 Cal.App.5th 1135, 1144 (dismissing plaintiffs' claims that children should be

excused from school's mandatory inoculation requirements over claims that the children were Christians and opposed to the use of fetal cells in the vaccines).

Significantly, the EEOC has opined that a variety of factors "—either alone or in combination—might undermine an employee's credibility." (EEOC, What You Should Know About COVID-19 And The ADA, The Rehabilitation Act, and Other EEO Laws, https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws.).[1] These factors include:

> whether the employee has acted in a manner inconsistent with the professed belief (although employees need not be scrupulous in their observance); whether the accommodation sought is a particularly desirable benefit that is likely to be sought for nonreligious reasons; whether the timing of the request renders it suspect (for example, it follows an earlier request by the employee for the same benefit for secular reasons); and whether the employer otherwise has reason to believe the accommodation is not sought for religious reasons. (*Id*.)

Any Plaintiff that meets this first requirement of a sincere religious belief then must prove that Natividad's actions in placing religiously exempt employees on a leave of absence with full medical benefits and locating alternative work was not a legally reasonable accommodation. See *Soldinger v. Northwest Airlines, Inc.,* 51 Cal.App.4th 345, 370 (1996). Where an employer has provided a reasonable accommodation that action is dispositive: "'[O]nce it is determined that the employer has offered a reasonable accommodation, the employer need not show that each of the employee's proposed accommodation would result in undue hardship.'" (*Soldinger*, *supra*, 74 Cal.App.4th at 370 (quoting 1 Rossein, Employment Discrimination Law and Litigation (1996) § 3.4(1), p. 3–7).) "'[W]here the employer has already reasonably accommodated the employee's religious needs, the . . . inquiry [ends].'" (*Soldinger*, *supra*, 74 Cal.App.4th at 370 (quoting *Ansonia*, *supra,* 479 U.S at 68.)

The accommodation that each Plaintiff asserts is the required reasonable accommodation here is that each should have been permitted to continue working in their Natividad positions despite his/her unvaccinated status because that demanded accommodation would not have caused undue hardship.

[1] The EEOC is responsible for administering Title VII, the federal anti-discrimination law upon which FEHA was modelled. Courts frequently use Title VII guidance to interpret analogous provisions of the FEHA. (See, e.g., *Beyda v. City of Los Angeles* (1998) 65 Cal.App.4th 511, 517; *Okoli v. Lockheed Tech. Operations Co.*, 36 Cal.App.4th 1607, 1614, n.3; *Brooks v. San Mateo* (2000) 229 F.3d 917, 923.)

Soldinger, supra. Plaintiffs are intending to rely upon the expert deposition testimony from Dr. Barke and Dr. Lindsay to establish this lack of undue hardship, but Natividad submits that those experts should be excluded from testifying. See Defense Motions in Limine Nos. 1 and 5.

"Numerous courts have found the possibility of an unvaccinated individual getting others sick to be a non-speculative risk that a court may consider when performing an undue hardship analysis." (*Bordeaux v. Lions Gate Entertainment, Inc.* [C.D. Cal., Nov. 21, 2023, No. 222CV04244SVWPLA) ___ F.Supp.3d ___ [2023 WL 8108655, at *14, 17].) (Production company did not need to accommodate actor's requested religious exemption to vaccination mandate because, among other hardships, "[d]efendants clearly showed that accommodating Plaintiff's religious beliefs would have endangered the safety of her coworkers."); *Does 1-2 v. Hochul* (E.D.N.Y. 2022) 632 F.Supp.3d 120, 127, 145 (holding that "exempting the [healthcare worker] plaintiffs from the vaccine requirement would expose vulnerable patients and nursing home residents, as well as other healthcare workers, to the COVID-19 virus, which is obviously a significant hardship.")[2]; see also *D'Cunha v. Northwell Health Systems* (S.D.N.Y., Feb. 28, 2023), No. 1:22-CV-0988 (MKV) slip op. at *3 [WL 2266520], aff'd (2d Cir., Nov. 17, 2023, No. 23-476-CV) [2023 WL 7986441] [allowing plaintiff to remain unvaccinated at a worksite providing direct patient care posed "an unacceptable health and safety threat to patients, co-workers, and visitors" and "would have posed 'an undue hardship' for [defendant]."]

III. Legal Analysis

A. The Plaintiffs Did Not Have Sincerely Held Religious Beliefs

The testimony by the Plaintiffs will show that they did not have sincerely held religious beliefs and they were all fully accommodated.

For example, Ms. Albano testified that she was concerned about the vaccine's effect on her health and after an unsuccessful attempt to obtain a medical exemption, she managed to find a church with which she had no association to provide a religious exemption. NMC 6-8 (Albano Depo. 24:12-26:16; 30:11-31:5; 31:6-14, 35:9-19).

[2] *Hochul* also observed that exempting healthcare workers could create legal liability for the employer "if a patient or resident treated by an unvaccinated employee were to contract COVID-19." (*Hochul*, *supra*, 632 F.Supp.3d 120, 145 fn. 28.)

Mr. Alvarez did not want the vaccine because he was worried about the physical side effects. NMC 37 (Depo. 18:8-19:3). He did not seek exemption based on religious concerns, but because the vaccine contained "neurotoxins, hazardous substances, attenuated viruses, animal parts, foreign DNA, chemical wastes and other harmful substances." NMC 56. His objection to the vaccine was clearly health based, not religious.

Ms. Moses obtained a medical exemption due to her concerns that the vaccine would impact her ongoing health issues. Only after the medical exemption was granted and she sought to join the lawsuit did she seek the religious exemption. NMC 140 (Moses Depo. 18:22-19:6; NMC 154-158; NMC 146 (Depo. 47:8-48:15).

Ms. Ortiz did not want the vaccine because it had not been proven safe. NMC 179 (Depo. 12:14-13:14).

Four Plaintiffs (Vasquez/Puga, Scholink, Moses and Jervis) claim they had conversations with God/Holy Spirit who instructed them not to take the vaccine. NMC 245 (Depo. 21:14-23:1); NMC 221 (Depo. 17:8-24); NMC 101 (Depo. 17:6-18:3); NMC 103 (Depo. 22:25-23:10) and NMC 139 (Depo. 16:22-17:22).

For example, Mr. Alcantar was concerned about the "safeness" of the vaccine because he understood that fetal cell lines, pig cell lines, mercury and other chemicals were put in the vaccine. He believed that God did not want him to put those things in his body. NMC 504 (Depo. 13:1-14:7).

Ms. Alvarez testified God spoke to her and she thought it would dishonor God if she took the vaccine because an unknown substance was entering her body and she didn't know if it would alter or affect her. NMC 545 (Depo. 14:17-15:1).

Ms. Azmanova believes her body is a temple and God created her with the ability to take care of herself. NMC 585 (Depo. 20:3-17). Her "religion" does not require her to belong to a church but instead she prays on her own. (Depo. 19:7-13.) She also is upset the vaccine "was tested on fetal cells."

Mr. Garcia objected to the "use of fetal cell lines which are dependent upon cells of murdered babies and as such is forbidden by God." NMC 615 (Depo. 24:24-25:9); NMC 635.

Ms. King rejected the vaccine because God told her the vaccination "wasn't for her" during Ms. King's daily discussions with God. NMC 661 (Depo. 14:9-15:20). She only discussed her no

vaccine decision with God and no one else. (Depo. 19:23-20:2.)

Ms. Sullivan rejected the vaccine after she researched it and concluded the contents of the vaccine included aborted fetal cell lines and carcinogens. NMC 702 (Depo. 11:13-12:6). She was shocked to learn about these contents and "was fearful that they would do more harm on my body." (Depo. 13:19-14:9.)

Ms. Thomas testified she is opposed to mRNA technology and the use of fetal cells to test the vaccine conflicts with her pro-life religious belief. NMC 725 (Depo. 23:6-27:6).

Natividad submits that claiming a discussion with God without more corroboration cannot qualify as a sincere bona fide belief. Otherwise, any plaintiff could establish a triable issue of fact by citing to an unverifiable "discussion with God."

B. Natividad Will Demonstrate a Good Faith Effort to Accommodate the Plaintiffs

So long as an employer offers a reasonable accommodation, "the employer need not adopt the *most* reasonable accommodation nor must the employer accept the remedy preferred by the employee." (*Soldinger v. Nw. Airlines, Inc.* (1996) 51 Cal.App.4th 345, 370; *Hanson v. Lucky Stores, Inc.* (1999) 74 Cal.App.4th 215, 228 (same); *see also Achal v. Gate Gourmet, Inc.* (N.D. Cal. 2015) 114 F.Supp. 781, 799 ("An employee seeking reasonable accommodation cannot, however, make an employee provide one specific accommodation if another is provided instead . . . ."); *Ansonia Board of Education v. Philbrook* (1986) 479 U.S. 60, 68 (FEHA's federal analog, Title VII "directs that any reasonable accommodation by the employer is sufficient to meet its accommodation obligation.") The duty to explore possible accommodations is bilateral and, "[e]mployees also have the obligation to make a good faith effort to explore alternatives" to their preferred accommodation. (*Soldinger*, *supra*, 74 Cal.App.4th at 370.) The reasonableness of an accommodation is determined on a case-by-case basis and "[w]hat is reasonable for one employee may not be reasonable for another." (*Id.*)

An employer's provision of a reasonable accommodation is dispositive: "'[O]nce it is determined that the employer has offered a reasonable accommodation, the employer need not show that each of the employee's proposed accommodation would result in undue hardship.'" (*Soldinger*, *supra*, 74 Cal.App.4th at 370 (quoting 1 Rossein, Employment Discrimination Law and Litigation (1996) § 3.4(1), p. 3–7).) "'[W]here the employer has already reasonably accommodated the employee's religious needs,

the . . . inquiry [ends].'" (*Soldinger*, *supra*, 74 Cal.App.4th at 370 (quoting *Ansonia*, *supra,* 479 U.S at 68.)

FEHA defines permissible accommodations to include both unpaid leaves of absence and job reassignments. The statute's implementing regulations define "reasonable accommodation" to include temporary "unpaid leaves of absence" where "the leave is likely to be effective in allowing the employee to return to work at the end of the leave." (Cal Code Reg. § 11068(b).); *cf Ansonia Board of Education v. Philbrook* (1986) 479 U.S. 60, 71 ("unpaid leave is not a reasonable accommodation when paid leave is provided for all purposes except religious ones.") Additionally, FEHA specifically includes "[j]ob restructuring, part-time or modified work schedules, [and] reassignment to a vacant position" within the definition of "reasonable accommodation." (Cal. Gov. Code § 12926(p)(2).)

The evidence will show that Natividad offered at least one and generally multiple reasonable accommodations to each Plaintiff. It is undisputed that, upon receiving Plaintiffs' requests for exemption from the Hospital's vaccination requirements, Defendant provided each plaintiff with an unpaid leave of absence with medical benefit continuation—the same accommodation provided to employees requesting a medical exemption. It is also undisputed that Human Resources promptly met with all employees requesting an alternative accommodation and offered those employees temporary reassignments to vacant positions with the County that did not require close interaction with patients. Indeed, every plaintiff who requested reassignment was offered at least one.

Both the leave and reassignment accommodations were temporary. Once the COVID-related deaths dropped and the CDPH revised its restrictions for unvaccinated employees in Fall 2022, the Hospital reevaluated its safety protocols and all plaintiffs then employed with the hospital were invited back to their prior positions.

Plaintiffs contend that neither the leave of absence nor the offers of alternative work assignments constitute reasonable accommodation, but they cannot show that the statutory and regulatory framework and well-established case law demonstrating that such accommodations are invalid.

The CDPH Order does not provide guidance regarding accommodating religious objections to the vaccination and it could not. The CDPH is the state department responsible for public health in California. It lacks purview over interpretation of the FEHA, which is administered by the California

Department of Civil Rights. Moreover, the CDPH Mandate established minimum safety standards for how unvaccinated employees may safely work in a hospital setting during this particular phase of the pandemic. But the order specifically acknowledged that these alternative safety measures were not as effective as vaccination, explaining that "[u]nvaccinated persons are more likely to get infected and spread the virus" and that "[v]accination against COVID-19 is the most effective means of preventing infection with the COVID-19 virus, and subsequent transmission and outbreaks." *Ibid.*

Moreover, Plaintiffs' contention that the Hospital was obligated to accommodate each of the Plaintiffs, regardless of their specific work assignments, skill sets, and other factors, constitutes a take-it-or-leave it approach contrary to well-established guidance that employers need not choose the best accommodation or the accommodation the employee seeks or that accommodations must be tailored individually to each employee.

The leave and alternative work assignments the Hospital provided to Plaintiffs squarely meet FEHA's definition of a reasonable accommodation—and this is not disputed by Plaintiffs. Accordingly, because Defendant "has already reasonably accommodated the employee[s'] religious needs, the. . . . inquiry ends." (*Soldinger*, *supra*, 74 Cal.App.4th at 370 (quoting *Ansonia*, *supra,* 479 U.S at 68).)

The facts related to each Plaintiff's accommodations are set forth in the Garza Declaration and are not challenged at all by the declarations each Plaintiff submitted.

- Two Plaintiffs initially spoke with Ms. Garza but then almost immediately retired which prevented Ms. Garza from placing them into alternative County positions. See Albano Depo. 57:5-20, 60:10-61:22; Vasquez/Puga Depo. 26:6-27:24, 28:14-29:3.

- Two Plaintiffs met with Ms. Garza to discuss alternative positions but then almost immediately advised Ms. Garza they were not interested in any alternative positions. Danilyuk Depo. 35:22-37:14; 38:3-40:24; Ortiz Depo. 27:20-29:10; 30:1-35:9. (Ortiz then turned down an accommodating position offered to her. Depo. 35:10-36:13.)

- One Plaintiff expressed interest in alternative County positions but very quickly found other significantly higher paying work and so did not take a County accommodation. Jervis Depo. 31:6-13, 52:7-11; 53:5-15; 55:5-15.

- Two Plaintiffs were offered alternative full-time work and refused to accept those positions. Mr. Scholink refused due to his unwillingness to commute 45 minutes to the alternative position and Ms. Moses refused because she did not want to work full-time. Moses Depo. 22:25-25:12; Scholink Depo. 37:33.

- One Plaintiff accepted the alternative work offered which was full time at full pay, and the County permitted him to work remotely. When that position concluded, Mr. Alvarez found a non-County position and so did not seek further accommodation. Alvarez Depo. 48:4-7; 53:3-57:15, 61:2-5; 72:6-24.

➢ When she was put on leave of absence, Ms. Azmanova immediately claimed she had a medical problem and was able to obtain 12 weeks of paid medical leave. She then retired when the paid leave ran out. NMC 604, 606, 608; NMC 592 (Depo. 49:23-50:8; 60:2-21); NMC 609A. She twice rejected Natividad's efforts to locate an accommodating position for her. Garza Decl. ¶ 22.

➢ Ms. Sullivan did not participate in the process to find her an accommodating position because she retired five days after her exemption request was granted because she wanted to receive a monthly retirement check. NMC 717-718; NMC 706 (Depo. 28:1-29:7.)

➢ Mr. Alcantar was offered an accommodating position at the County Health Department, but he declined it and instead found his own alternative job. NMC 508 (Depo. 29:9-30:20; 33:21-37:10.) Garza Decl. ¶ 12.

➢ Ms. Alvarez was offered a full-time accommodating nursing position which she turned down. NMC 550 (Depo. 36:9-25; 52:21-54:9.) She instead took a higher paying position at Watsonville Community Hospital. NMC 551 (Depo. 39:7-41:9.)

➢ Ms. Thomas immediately claimed a medical disability when her exemption was granted. She declined the offer of two full time accommodating nursing positions, Instead, she took a position at Watsonville Community Hospital. NMC 758; NMC 731 (Depo. 53:19-54:14; 59:14-60:21; 74:2-75:10.) Garza Decl. ¶s 39-40.

➢ Mr. Ygay was offered an accommodating position at the County Health Department, but effectively declined it. Instead, he found and accepted a non-County position. NMC 774 (Depo. 37:7-38:21); Garza Decl. ¶ 44

➢ Ms. King claimed she injured herself the day she was put on leave of absence and stretched that paid medical leave for three months. When her PTO ran out, she refused to participate in Natividad's efforts to find an accommodating position and instead found a non-County alternative position. NMC 665 (Depo. 32:9- 33:18; 38:4-39; Garza Decl. ¶s 29-31.

➢ Mr. Garcia accepted an accommodating full time position at his full salary and benefits until he returned to his regular position. Garcia Depo. 43:4-44:13; 55:11-56:18; 61:20-64:3.

Natividad anticipates that the Plaintiffs will testify consistently with their above deposition testimony and on that testimony Natividad will be entitled to non-suit or directed verdict.

C. Plaintiffs Cannot Defeat Natividad's Evidence of Undue Hardship

The undue hardship prong of the Natividad defense will be established the testimony from Dr. Harris and expert Dr. Reingold. That hardship is allowing unvaccinated employees to have patient contact and potentially pass the disease to the vulnerable Natividad patient population.

"Numerous courts have found the possibility of an unvaccinated individual getting others sick to be a non-speculative risk that a court may consider when performing an undue hardship analysis." (*Bordeaux v. Lions Gate Entertainment, Inc.* [C.D. Cal., Nov. 21, 2023, No. 222CV04244SVWPLA) ___ F.Supp.3d ___ [2023 WL 8108655, at *14, 17].) (Production company did not need to accommodate actor's requested religious exemption to vaccination mandate because, among other hardships,

"[d]efendants clearly showed that accommodating Plaintiff's religious beliefs would have endangered the safety of her coworkers."); *Does 1-2 v. Hochul* (E.D.N.Y. 2022) 632 F.Supp.3d 120, 127, 145 (holding that "exempting the [healthcare worker] plaintiffs from the vaccine requirement would expose vulnerable patients and nursing home residents, as well as other healthcare workers, to the COVID-19 virus, which is obviously a significant hardship.")[3]; see also *D'Cunha v. Northwell Health Systems* (S.D.N.Y., Feb. 28, 2023), No. 1:22-CV-0988 (MKV) slip op. at *3 [WL 2266520], aff'd (2d Cir., Nov. 17, 2023, No. 23-476-CV) [2023 WL 7986441] [allowing plaintiff to remain unvaccinated at a worksite providing direct patient care posed "an unacceptable health and safety threat to patients, co-workers, and visitors" and "would have posed 'an undue hardship' for [defendant]."]

Similar hardships are present here as demonstrated by the CDPH Mandate which states: "[u]nvaccinated persons are more likely to get infected and spread the virus, which is transmitted through the air." Dr. Charles Harris, Natividad's CEO, testified that he stayed abreast of current studies and journal articles about the efficacy of the vaccines. "Studies from the fall of 2021 suggested that while 'breakthrough' SARS-CoV-2 infections occur, the virus load of a vaccinated, infected individual was substantially less than an unvaccinated individual infected with SARS-CoV-2." Dr. Harris also testified that "Natividad's patient population is at extremely high risk of contracting the virus due to their lower socio-economic status and increased rate of complex medical issues" including a significant number of immune-compromised patients.

Assuming the plaintiff experts are excluded from testifying as they were in the *Araujo* case, the undue hardship evidence will be undisputed. Even if the experts Barke and Lindsay are permitted to testify, neither has any expertise operating or working at a County hospital. Neither Dr. Lindsay nor Dr. Barke are familiar with the particular risks of patients and employees at Natividad Hospital. Indeed, typographical errors in their expert declarations demonstrate that both Linday and Barke did not even bother to evaluate Natividad Hospital.

Plaintiffs also contend that their unvaccinated status did not create a hardship because "masking

[3] *Hochul* also observed that exempting healthcare workers could create legal liability for the employer "if a patient or resident treated by an unvaccinated employee were to contract COVID-19." (*Hochul*, *supra*, 632 F.Supp.3d 120, 145 fn. 28.)

and testing could easily be accommodated because Natividad used testing and mask wearing safety protocols for its employees for many months before the Orders went into effect." But this argument ignores the fact that these protocols were ineffective. During the period leading up to the August 5, 2021, CDPH Mandate: "California experienced the fastest increase in COVID-19 cases during the entire pandemic with 18.3 new cases per 100,000 people per day, with case rates increasing ninefold within two months." During this period, CDPH observed an uptick in outbreaks in healthcare settings, which were "frequently [] traced to unvaccinated staff members."

Allowing Plaintiffs to continue working in their patient care roles would have presented an undue hardship for Natividad. The evidence adduced at trial will establish the undue hardship.

IV. CONCLUSION

The trial evidence will demonstrate that Natividad is entitled to either non-suit or directed verdict.

Dated: March 8, 2024

RENNE PUBLIC LAW GROUP

By: _____
Geoffrey Spellberg

Attorneys for Defendants
NATIVIDAD MEDICAL CENTER/
COUNTY OF MONTEREY

PROOF OF SERVICE

I, the undersigned, am employed by RENNE PUBLIC LAW GROUP. My business address is 350 Sansome Street, Suite 300, San Francisco, California 94104. I am readily familiar with the business practices of this office. I am over the age of 18 and not a party to this action.

On March 8, 2024, I served the following document(s):

DEFENDANTS NATIVIDAD MEDICAL CENTER/COUNTY OF MONTEREY'S TRIAL BRIEF AND AUTHORITIES IN SUPPORT OF NON-SUIT/DIRECTED VERDICT

by the following method(s):

☒ **Electronic Mail.** Based on an agreement of the parties to accept service by e-mail, copies of the above document(s) in PDF format were transmitted to the e-mail addresses of the parties on the below Service List.

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Daniel R. Watkins Scott W. Lee WATKINS & LETOFSKY, LLP 2900 S. Harbor Blvd., Suite 240 Santa Ana, CA 92704 Telephone: (949) 476-9400 Facsimile: (949) 476-9407 Emails: dw@wl-llp.com slee@wl-llp.com ehipsman@wl-llp.com *Attorneys for Plaintiffs* HELEN ALBANO, RODRIGO ALCANTAR, ALFONSO ALVAREZ, SIERRA ALVAREZ, ELENA AZMANOVA, LENA DANILYUK, JASON GARCIA, JENAE JERVIS, VANESSA KING, CHEYENNE MOSES, VIRGINIA ORTIZ, LUPE PUGA, RONALD SCHOLINK, YVETTE SULLIVAN, ANNE THOMAS, SYLVESTER YGAY	

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 8, 2024 at San Francisco, California.

Bobette T. Bramer