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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

LATASHA WINKFIELD, an individual  
parent and guardian of Jahi McMath, a minor,

Plaintiff,

vs.

CHILDREN’S HOSPITAL OAKLAND, Dr.  
David Durand M.D. and DOES 1 through 10,  
inclusive,

Defendants.

Case No: C 13-5993 SBA

**ORDER DENYING MOTION FOR  
PRELIMINARY INJUNCTION AS  
MOOT AND VACATING MOTION  
HEARING**

Dkt. 2 and 12

On January 2, 2014, Plaintiff filed a motion for preliminary injunction<sup>1</sup> which seeks an order requiring Defendant Children’s Hospital Oakland (“CHO”) to maintain Plaintiff’s daughter, Jahi McMath (“Jahi”), on a ventilator and to insert a gastric tube and a tracheostomy tube to allow her to be transferred to another facility. Dkt. 12. On the same date, the Court referred this matter to a Magistrate Judge of this Court for an emergency mandatory settlement conference to take place on January 3, 2014, at 11:00 a.m. Dkt. 10, 11.

Early in the day on January 3, 2014, the parties reached an agreement in Plaintiff’s parallel state court action, Alameda County Case No. RP-13-707598, under which custody of Jahi was to be transferred to Plaintiff. Later that morning, the parties appeared before the Magistrate Judge to begin their settlement conference. After working with the Magistrate Judge in excess of seven hours, the parties were able to reach an agreement to effectuate the transfer of Jahi from CHO. The Court has been advised that, pursuant to the

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<sup>1</sup> Plaintiff styled her motion as a Motion to Compel Further Life Support and the Installation of a Tracheotomy Tube and Gastric Feeding Tube to Allow Transportation of Jahi McMath.


1 parties' agreement, Jahi was moved from CHO on the evening of January 5, 2014, at which  
2 time Plaintiff accepted sole responsibility for Jahi. Dkt. 16.

3 The parties' agreement and their consummation thereof moots the requests set forth  
4 in Plaintiff's motion for preliminary injunction. The Court appreciates the efforts of the  
5 Magistrate Judge in conducting the settlement conference, and lauds the parties for their  
6 willingness to set aside their differences in this extraordinarily difficult case to reach a  
7 mutually acceptable agreement regarding the transfer of Jahi. Accordingly,

8 IT IS HEREBY ORDERED THAT Plaintiff's motion for preliminary injunction is  
9 DENIED as moot. The hearing scheduled for January 7, 2014, at 1:00 p.m. is VACATED.  
10 This Order terminates Docket 2 and 12.

11 IT IS SO ORDERED.

12 Dated: January 6, 2014

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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