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General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 17-17153 Nature of Suit: 3440 Other Civil Rights Jonee Fonseca, et al v. Karen Smith, et al Appeal From: U.S. District Court for Eastern California, Sacramento Fee Status: Paid	Docketed: 10/23/2017
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Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:**District:** 0972-2 : [2:16-cv-00889-KJM-EFB](#)**Court Reporter:** Catherine E.F. Bodene**Trial Judge:** Kimberly J. Mueller, District Judge**Date Filed:** 04/28/2016**Date Order/Judgment:**
09/25/2017**Date Order/Judgment EOD:**
09/25/2017**Date NOA Filed:**
10/19/2017**Date Rec'd COA:**
10/20/2017

- 10/23/2017 [1](#) DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 10/30/2017. Transcript ordered by 11/20/2017. Transcript due 12/18/2017. Appellants Jonee Fonseca and Life Legal Defense Foundation opening brief due 01/29/2018. Appellees Does and Karen Smith answering brief due 02/26/2018. Appellant's optional reply brief is due 21 days after service of the answering brief. [10627276] (HC) [Entered: 10/23/2017 10:32 AM]
- 10/27/2017 [2](#) Filed (ECF) Appellants Jonee Fonseca and Life Legal Defense Foundation Mediation Questionnaire. Date of service: 10/27/2017. [10634049] [17-17153] (Snider, Kevin) [Entered: 10/27/2017 10:44 AM]

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UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office
Phone (415) 355-7900 Fax (415) 355-8566
<http://www.ca9.uscourts.gov/mediation>

MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	17-17153		
District Court/Agency Case Number(s):	2:16-cv-00889-KJM-EFB		
District Court/Agency Location:	Eastern District of California		
Case Name:	Fonseca	v.	Smith
If District Court, docket entry number(s) of order(s) appealed from:	88 and 89		
Name of party/parties submitting this form:	Jonee Fonseca		

Please briefly describe the dispute that gave rise to this lawsuit.

This lawsuit originated when the original defendant hospital attempted to remove life support from the two-year-old child of the Plaintiff, Jonee Fonseca. Emergency motions and appeals were filed which allowed the child to be moved to another facility to receive treatment. He subsequently died, and the Plaintiff is now suing the state of California, challenging the constitutionality of the statutes under which the hospitals sought to end his life.

Briefly describe the result below and the main issues on appeal.

Following the death of the child, the district court permitted an Amended Complaint. The district court then granted the State's motion to dismiss without leave to amend, primarily on the basis that the Plaintiff could not establish a causal link between the statutes and the death of her child. The issues on appeal include both Article III standing of the Plaintiff and a non-profit organization that joined the suit, as well as the constitutionality of the State's procedures for declaring brain death and terminating life support against a parent's or patient's wishes.

Describe any proceedings remaining below or any related proceedings in other tribunals.

None

Provide any other thoughts you would like to bring to the attention of the mediator.

This case is not suitable for mediation because the Plaintiff is challenging the constitutionality of State statutes, and the State has vigorously defended those statutes.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses
 is attached (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and
 service list may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.

Re: Fonseca v. Smith
Case Number: 2:16-cv-00889-KJM-EFB

SERVICE LIST

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