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**Attorneys for Defendants,**  
**RADY CHILDREN'S HEALTH ORANGE COUNTY dba**  
**CHOC, CHILDREN'S HOSPITAL OF ORANGE COUNTY**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**IN AND FOR THE COUNTY OF ORANGE**

MARAT GABDULLIN and AIGERIM  
BIMOLDINA, individually and as Parents and  
proposed Guardians ad Litem of AILIN  
MARAT GABDULLINA, a Minor,  
Plaintiffs,

v.

RADY CHILDREN'S HEALTH ORANGE  
COUNTY dba CHOC, CHILDREN'S  
HOSPITAL OF ORANGE COUNTY, and  
DOES 1 through 20, inclusive,  
Defendants.

CASE NO.: 30-2026-01580246-CL-MC-CXC

**DECLARATION OF THOMAS M.  
PEABODY, ESQ., IN OPPOSITION TO  
PLAINTIFFS' RENEWED EX PARTE  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER**

[CRC 3.1200–3.1207; CCP § 527]

Judge: Hon. Corey S. Cramin  
Date: July 1, 2026  
Dept: CX104  
Time: 9:00 a.m.

I, Thomas M. Peabody, declare:

1. I am an attorney duly licensed to practice law before all the Courts of the State of California. I am a partner with Peabody & Buccini LLP, attorneys of record for Defendant, Rady Children's Health Orange County dba CHOC, Children's Hospital of Orange County ("CHOC") in the above-captioned action. I make this declaration in opposition to Plaintiffs' renewed fourth Ex Parte Application for a Temporary Restraining Order (TRO). Except as otherwise stated, I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would competently testify thereto. Where indicated, certain facts are stated on information and belief, based on information received, in my capacity as counsel, from Hospital staff.

2. This Declaration is filed out of an abundance of caution. The Ex Parte Application

of Plaintiffs pending in this department was heard, and ruled upon, by Judge Vu on June 30, 2026. (See Minute Order of Judge Vu attached as **Exhibit “1,”** emailed to all counsel following the hearing.) It is unclear whether this court is aware that the pending Ex Parte is moot, so in the event the court is considering this *fourth* Application for the same TRO, I submit the following.

3. The factual underpinning of this Application is a tragic situation that occurred nearly one month ago, one no parent should have to endure. Late in the evening of June 8, 2026, the minor Plaintiff, Ailin Gabdullina, choked on a banana. She stopped breathing, was pulseless, and without oxygen for an extended period of time. After being transported to Hoag Hospital and resuscitated, she was then transferred to CHOC, on a ventilator and with confirmed Hypoxic Ischemic Encephalopathy (brain dysfunction from a lack of oxygen). She also developed severe brain swelling from the lack of oxygen. Her brain herniated, as confirmed by CT Scan of June 9 and MRI of June 18. She does not require any sedative medications even though she is intubated on a ventilator. She has Diabetes Insipidus, indicative of severe brain injury and loss of pituitary function.

4. In light of this information, two (2) separate pediatric neurologists were asked to performed separate Brain Death Examinations, also known as Death by Neurologic Criteria (DNC). Both physicians confirmed the devastating reality that Ailin Marat Bagdullina is brain dead.

5. Compounding this tragedy, over the past three weeks, Ailin’s parents refuse to admit this unfortunate reality. They have made daily misrepresentations regarding their deceased daughter, the need for records, the availability of other facilities to accept Ailin, and her status, all in an attempt to obtain an order from a court enjoining the cessation of ventilatory or other organ support, which the defendants are obligated to withdraw given her status. Instead, Plaintiffs are making every effort to circumvent the law and blame the providers at CHOC who continue to dutifully watch over Ailin’s body. The catastrophic loss of Ailin is felt not only by her family, but the providers who have compassionately watched over her, communicated with her family, and attempted to answer their questions.

///

1           6. Put simply, there is simply no legal basis for the requested relief, which has been  
2 addressed via 3 separate lawsuits filed by Plaintiffs, 3 previous Ex Parte Applications, and weeks  
3 of efforts by CHOC and more recently, by me, to obtain a common sense and compassionate  
4 resolution.

5           7. Moreover, Plaintiffs efforts to improperly “forum shop” this TRO request,  
6 through the filing of 3 separate lawsuits in Orange County, should not be allowed by this court.

7           8. On June 23, 2026, Plaintiffs filed Case No. 30-2026-01579133, Marat Gabdullin,  
8 et. al., against my client, Rady Children’s Health Orange County dba CHOC Children’s Hospital  
9 of Orange County (hereinafter “CHOC”) arising out of the same facts and circumstances as the  
10 action pending before this court. (Lawsuit #1)

11           9. That case remains pending in Department C-34 of the Orange County Superior  
12 Court, the Honorable Shaina Colover presiding.

13           10. On June 25, 2026, Plaintiffs applied, Ex Parte, for a Temporary Restraining Order  
14 enjoining the withdrawal of ventilatory and other organ support for their daughter, Plaintiff Ailin  
15 Marat Gabdullina.

16           11. This Ex Parte was **denied** by the Hon. Shawn Nelson in Department C-10.

17           12. The following day, June 26, 2026, Plaintiffs again applied, Ex Parte, for the same  
18 relief before The Hon. Shaina Colover in Department C-34, who rejected the application.

19           13. Despite the fact no TRO was in place, I reached out to Plaintiff’s counsel to see if  
20 we could reach a compassionate resolution to this tragic situation. In the afternoon of June 26,  
21 2026, I reached an agreement with Mr. Hranek, wherein CHOC agreed to accommodate  
22 Plaintiffs’ wishes to continue ventilatory and other organ support until Monday, June 29, 2026,  
23 at 1500 hours, so that family could be present for religious reasons. Plaintiffs withdrew the Ex  
24 Parte Application as result of this agreement. (See attached as **Exhibit “2”** text messages from  
25 June 26, 2026, by and between John Hranek, Esq., counsel for Plaintiffs, and me.)

26           14. Just before midnight on Sunday, June 28, less than 24 hours before the agreed  
27 upon withdrawal was to take place, Plaintiffs refused to honor the agreement, falsely claiming  
28 they have not been provided records, and after Plaintiffs’ counsel entered CHOC, without

1 authority to do so, sneaking past security. (Plaintiff's counsel attempted to trespass on CHOC  
2 property again on June 30, 2026, as have multiple other individuals affiliated with Plaintiffs,  
3 requiring a standing order that only the parents can visit. Plaintiffs also have multiple  
4 individuals calling the Pediatric Intensive Care Unit every day demanding information,  
5 impacting the providers' ability to provide care to those in need.)

6 15. On June 29, 2026, realizing Judge Colover would not re-hear their Application,  
7 Plaintiffs filed the second lawsuit, Case No. 30-2026-01580246-CL-MC-CXC. This lawsuit is  
8 before this court and based on the same facts as the initial complaint. (Lawsuit #2)

9 16. Undeterred, on June 30, 2026, Plaintiffs filed a third lawsuit on the same facts,  
10 seeking the same relief. Case 30-2026-01580738-CU-MM-NJC. Plaintiffs proceeded Ex Parte  
11 for the 4<sup>th</sup> straight day, attempting to seek a TRO. (Lawsuit #3)

12 17. Judge Nathan Vu agreed to hear the Ex Parte Application on June 30 related to  
13 Lawsuit #3. After oral argument, in which I proposed giving Plaintiffs 24 hours to find another  
14 facility that will accept Ailin's body, Judge Vu agreed, and ordered a TRO that expires July 1,  
15 2026 at 5 p.m. PDT. He also pointed out that Plaintiffs filed multiple pleadings, including  
16 Complaints, declarations and Applications, all without signatures or verification.

17 18. This current Ex Parte related to Lawsuit #2 is therefore moot.

18 19. On information and belief, I am aware of the following facts:

19 20. Ailin Marat Babdullina was a then 22-month-old who was treated at Hoag  
20 Memorial Hospital's Emergency Department after choking on food at home. There was an  
21 unknown period of time in which she was not breathing, and without a pulse, before she was  
22 resuscitated in the Emergency Department.

23 21. On **June 8, 2026**, after resuscitation at Hoag, this child was transferred to CHOC,  
24 where she was admitted to the Pediatric Intensive Care Unit (PICU), and evaluated by a team of  
25 physicians. She had no cough/gag/corneal reflexes, all critical indicators of poor neurologic  
26 status. A Head CT scan confirmed global hypoxic-ischemic injury (brain injury caused by  
27 deprivation of oxygen and blood flow).

28 ///

22. On **June 10, 2026**, after evaluation by neurologists and critical care specialists, as well as obtaining radiologic imaging, the parents were advised via a Russian interpreter of the child's poor neurologic status, that her brain injury was irreversible, and she was at risk of brain herniation. This is a catastrophic complication whereby increased pressure in the skull compresses the brain, and disrupts blood flow, causing further neurologic impairment.

23. On the evening of **June 10, 2026**, Ailin was noted to have fixed, dilated pupils, a diagnostic sign of serious neurologic damage.

24. **Between June 10 and June 15, 2026**, The family was provided more time to consider brain death testing, also known under California law as "death by neurologic criteria." This is a diagnostic procedure that does not require informed consent of the patient's parent/guardian, but the staff wanted to accommodate the parents' request for a short delay, understanding their reluctance to accept the likely diagnosis.

25. The patient's mother requested second opinions and/or transfer requests to multiple facilities. The medical team contacted DC Children's in Washington DC and discussed the case with a pediatric neurologist. The neurologist verbally agreed with the current CHOC management and the written opinion was provided to the parents prior to the first brain death testing on **June 24, 2026**.

26. **June 16, 2026**: The PICU physician discussed anoxic injury to the brain from cardiac arrest with the parents and a family friend. The physician agreed to contact other hospitals and to order an MRI in response to the family's request.

27. **June 19, 2026**: The PICU physician met again with the family to discuss the MRI results which confirmed brain herniation and the plan to proceed with brain death testing. In response to the parents' request, further calls were also made by the PICU physicians to Children's Hospital Los Angeles, (CHLA), to determine if they would accept a transfer of the patient, but CHLA declined.

28. **June 22, 2026**: The CHOC Ethics Committee was consulted and met with the parents to discuss their concerns. The Committee determined that there were no ethical constraints to conducting brain death testing.

1           29.     **June 23, 2026**: The PICU physician made additional calls to the PICU at CHLA,  
2 (2<sup>nd</sup> request), UCLA, Long Beach Miller Children’s Hospital and DC Children’s (2<sup>nd</sup> request) to  
3 determine if they would accept a transfer of the patient. All four declined.

4           30.     **June 24, 2026**: DC Children’s issued their written opinion agreeing with CHOC’s  
5 patient management and this is provided to the mother.

6           31.     On **June 24, 2026**, The first brain death testing is completed and is consistent  
7 with brain death. The mother was informed.

8           32.     **June 25, 2026**: Consistent with current guidelines, a second brain death test,  
9 performed by a different physician, was performed. It was consistent with brain death and,  
10 pursuant to California law, Health & Saf. Code, § 7180, subd. (a), the child was **declared dead**  
11 **at 1:28 PM.**

12           33.     The mother then requested that Ochsner Medical Center in New Orleans  
13 Louisiana be contacted to determine if they would accept transfer of the patient. Ochsner  
14 declined the transfer.

15           34.     On June 30, 2026, the mother represented that Healthbridge would accept Ailin in  
16 transfer. Healthbridge refused the transfer, and reported they have advised the mother on  
17 multiple occasions they will not accept Ailin’s body.

18           35.     In sum:

19           A.     6 hospitals or care facilities were contacted between 6/15/26 and 6/30/26 at  
20 the mother’s request – in some cases multiple times, to request transfer of the  
21 patient from CHOC. All six declined:

- 22           •     DC Children’s (also provided 2<sup>nd</sup> opinion)
- 23           •     CHLA
- 24           •     UCLA
- 25           •     Miller Children’s Long Beach
- Ochsner
- Healthbridge

26           B.     The patient was declared legally dead by a Pediatric Neurologist on  
27 6/25/26. Given the delay related to the parents’ dispute related to the brain death  
28 testing, she likely would have met the criteria for brain death on 6/10/26 had the

testing been done in a timely manner. **That would mean she has been dead for 19 days while remaining in the ICU.**

36. **Effect of providing another 2-week delay:** The family has now had three weeks to receive information, ask questions, and process the devastating loss of their child. Throughout this time, the medical and nursing teams have remained committed to supporting the family, providing ongoing communication, and allowing reasonable time for them to understand their daughter's diagnosis and prognosis. The care team has also made every reasonable effort to complete the appropriate evaluations and diagnostic testing to provide the family with as much information as possible.

37. Based on the clinical findings to date, there is no indication that an additional two-week delay would provide new diagnostic information or alter the medical conclusions regarding Ailin's condition. In fact, Judge Vu agreed this was unnecessary, but on behalf of CHOC and out of an abundance of compassion, we offered another 24 hours to reach closure on this issue.

38. CHOC and its providers have accommodated Ailin's parents' requests, including several "second opinion" consultations to determine if there is any possibility of recovery; seeking Ailin's transfer to 6 different hospitals as the family has demanded, and continuing to provide ventilatory and other organ saving support while Ailin's grandmother from Kazakhstan could reach the United States and participate in a religious service.

39. Sadly, every physician who has provided an opinion on Ailin's status has confirmed she is brain dead.

40. Moreover, every hospital contacted has declined to accept Ailin as a patient, given her status.

41. Ailin Marat Gabdullina ("Patient") has been examined and determined, in accordance with accepted medical standards, to be "brain dead." Under California law, an individual who has sustained such an irreversible cessation of all brain function "is dead," and "[a] determination of death must be made in accordance with accepted medical standards." (Health & Saf. Code, § 7180, subd. (a).) While tragic, this patient's death by neurological criteria

has already occurred as a matter of law.

42. **Independent confirmation through multiple second-opinion consultations.**

Health and Safety Code Section 7181 provides that “[w]hen an individual is pronounced dead by determining that the individual has sustained an irreversible cessation of all functions of the entire brain, including the brain stem, there shall be independent confirmation by another physician.” Consistent with that statutory requirement, this child’s determination of death by neurological criteria has been independently confirmed by second-opinion consultations. Each examining or consulting physician independently concluded that Patient meets the accepted medical and legal criteria for death by neurological criteria.

43. **CHOC’s statutory accommodation obligation is limited, and has been exceeded.** Health and Safety Code section 1254.4 requires a general acute care hospital to adopt a policy “for providing family or next of kin with a **reasonably brief** period of accommodation ... from the time that a patient is declared dead by reason of irreversible cessation of all functions of the entire brain ... through discontinuation of cardiopulmonary support,” during which the hospital “is required to continue only previously ordered cardiopulmonary support,” and “[n]o other medical intervention is required.” (Health & Saf. Code, § 1254.4, subd. (a).) A “reasonably brief period” is defined as “an amount of time afforded to gather family or next of kin at the patient’s bedside.” (Id., subd. (b).) The statute further provides that “[t]here shall be no private right of action to sue pursuant to this section.” (Id., subd. (e).)

44. Notwithstanding the absence of any further legal obligation to do so, CHOC has voluntarily accommodated Patient’s family well beyond the period contemplated by the statute, as stated previously. In fact, CHOC has continued to provide that support while the patient’s grandmother could travel from Kazakhstan, as requested, and to allow them to exhaust their legal remedies, which was finalized yesterday.

45. No further extension is warranted. CHOC respectfully submits that the relief Plaintiffs seek — an open-ended or two-week extension of ventilatory and cardiopulmonary support — exceeds any accommodation required or permitted under Health and Safety Code section 1254.4, and that the stipulated extension through 1700 hours today represents the full

1 extent of the accommodation CHOC is willing to provide.

2 I declare under penalty of perjury under the laws of the State of California that the  
3 foregoing is true and correct. Executed on June 30, 2026, in Encinitas, California.

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6 THOMAS M. PEABODY, ESQ.  
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# **EXHIBIT “1”**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE**

North Justice Center  
1275 N. Berkeley Ave  
Fullerton , CA 92838

**SHORT TITLE:** Gabdullin vs. Rady Children's Health Orange County

**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC  
SERVICE**

**CASE NUMBER:**  
**30-2026-01580738-CU-MM-NJC**

I certify that I am not a party to this cause. I certify that that the following document(s), Minute Order dated 06/30/26, was transmitted electronically by an Orange County Superior Court email server on June 30, 2026, at 3:24:04 PM PDT. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

JOHN T HRANEK  
LAWYERJTH@GMAIL.COM

THOMAS PEABODY  
TPEABODY@PBLPLAW.COM

Clerk of the Court, by:



, Deputy

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**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
NORTH JUSTICE CENTER**

**MINUTE ORDER**

DATE: 06/30/2026                      TIME: 02:30:00 PM              DEPT: N15

JUDICIAL OFFICER PRESIDING: Nathan Vu  
CLERK: R. Castro  
REPORTER/ERM: None  
BAILIFF/COURT ATTENDANT: J. Campirano

CASE NO: **30-2026-01580738-CU-MM-NJC**    CASE INIT.DATE: 06/30/2026  
CASE TITLE: **Gabdullin vs. Rady Children's Health Orange County**  
CASE CATEGORY: Civil - Unlimited    CASE TYPE: Medical Malpractice

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EVENT ID/DOCUMENT ID: 74891089

**EVENT TYPE:** Ex Parte  
MOVING PARTY: Marat Gabdullin  
CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 06/30/2026

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EVENT ID/DOCUMENT ID: 74891088

**EVENT TYPE:** Ex Parte  
MOVING PARTY: Marat Gabdullin  
CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 06/30/2026

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**APPEARANCES**

John T Hranek, counsel, present for Plaintiff, Defendant(s) remotely.  
Aigerim Bimoldina, Plaintiff, present remotely.  
Marat Gabdullin, Plaintiff, present remotely.

Attorney Thomas Peabody present for the Defendants remotely.

**Plaintiffs Ex-Parte Application for Temporary Restraining Order.**

Plaintiffs Ex-Parte Application is read and considered.

In open court at 2:33 PM. Counsel for the Plaintiff and the Plaintiffs are present remotely.

Upon inquiry of the Court, Counsel for the Plaintiff confirms there is only one Ex-Parte Application.

Court notes there is no declaration regarding the efforts to give notice to Defendants.

Court hears from Counsel for the Plaintiff regarding the notice provided to Defendants and the exigent circumstances for the application.

At 2:38 PM Counsel for the Defendants Thomas Peabody appears remotely.

Court advises Counsel for the Defendants of today's proceedings.

Court hears from Counsel for the Defendants regarding the status and recent history of this matter.

Court hears further from Counsel for the Plaintiff regarding the attempted stipulation between the parties

and the issues surrounding this matter.

Court hears from Counsel for the Defendant regarding the proposed stipulation Counsel for the Plaintiff provided and proposes a 24 hour extension to remove life support.

Plaintiffs Ex-Parte Application for Temporary Restraining Order is GRANTED as follows:

The Court GRANTS a one day extension.

Defendants are **ORDERED** not to withdraw any life sustaining support or any current treatment for the child until 07/01/2026 at 5:00 PM. At that time this temporary restraining order will expire.

Counsel for the Plaintiff requests a hearing be set on 07/01/2026 at 4:00 PM regarding any further issues.

Court declines to set a further hearing and directs Counsel for the Plaintiff to file further Ex-Parte Application with further evidence.

Court notes the Complaint and the declaration are not signed and little evidence was provided.

Court clerk is directed to email a copy of this minute order to counsel.

IT IS SO ORDERED:



Hon. Nathan Vu  
Judge of the Superior Court

## **EXHIBIT “2”**

+1 (714) 768-0162

Send me a text.

Tom Peabody. Attorney for  
CHOC. Want to see if we  
can work something out to  
avoid the TRO hearing.

Is the hearing at 1:30  
today?

[Tpeabody@obllplaw.com](mailto:Tpeabody@obllplaw.com)

Absolutely  
I'll prepare a stipulation.  
Have your email already,  
above.

We have an agreement.  
Maintain life support until  
Monday, June 29, 2026, at  
1700 hours (5 p.m. PDT) at  
which time all support will  
end. Are you going to  
request the court sign an

2:03

Absolutely

Signal, Wi-Fi, and battery icons

Compare a stipulation.  
your email address.  
above.



+1 (714) 768-0162

We have an agreement.  
Maintain life support until  
Monday, June 29, 2026, at  
1700 hours (5 p.m. PDT) at  
which time all support will  
end. Are you going to  
request the court sign an  
order confirming then  
stipulation, or is the  
stipulation alone sufficient?  
I ask because I need to  
know if I need to drive up  
to Santa Ana, or if I can  
attend virtually. I need to  
leave now if I am going in  
person

I'll check with the clerk to  
see if there's a status and  
get the final ok, husband is  
checking with his wife.



Tom

My clients confirmation not

+ Confirming the  
proposal.

2:04



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**+1 (714) 768-0162** ›

I'll check with the clerk to see if there's a status and get the final ok, husband is checking with his wife.



Tom

My clients confirmed our agreement regarding the proposal.

I will withdraw the request, it is NOT on calendar for today.

A stipulation will follow later today.

John

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I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 527 Encinitas Blvd., Suite 100 Encinitas, CA 92024. On **June 30, 2026**, I served a true and correct copy of the following document **Declaration of Thomas M. Peabody, Esq., in Opposition to Plaintiffs' Ex Parte Application for TRO**, on the list of interested parties below:

☐ **By United States Mail (CCP §§1013a, et seq.):** I enclosed said document(s) in a sealed envelope or package to each addressee. I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, with postage fully prepaid.

☐ **By Overnight Delivery/Express Mail (CCP §§1013(c)(d), et seq.):** I enclosed said document(s) in a sealed envelope or package provided by an overnight delivery carrier to each addressee. I placed the envelope or package, delivery fees paid for, for collection and overnight delivery at an office or at a regularly utilized drop box maintained by the express service carrier.

☐ **By Fax Transmission (CRC 2.306):** Based on a written agreement of the parties to accept service by fax transmission, I faxed said document(s) to each addressee's fax number. The facsimile machine that I utilized, complied with California Rules of Court, Rule 2.301(3), and no error was reported by the machine. Pursuant to Rule 2.306(h)(4), I caused the machine to print a record of the transmission, a copy of which is attached to the original of this proof of service.

☐ **By Messenger Service:** I enclosed said document(s) in a sealed envelope or package to each addressee. I provided them to a professional messenger service for service. An original proof of service by messenger will be filed pursuant to California *Rules of Court*, Rule 3.1300(c).

☒ **Electronic Mail.** I caused the document to be sent to the person(s) at the email addresses shown above, pursuant to California *Rules of Court*, Rule 2.251. I did not receive an electronic message or other indication that the transmission was unsuccessful, within a reasonable time after the transmission.

Executed on June 30, 2026, at Encinitas, California.

Ann Buerster  
ANN BUERSTER

MARAT GABDULLIN, ET AL. v. RADY CHILDREN'S HEALTH ORANGE COUNTY  
*Case No.: 30-2026-01580246-CL-MM-CXC*

**Proof of Service List**

John Hranek, Esq.  
31165 Temecula Parkway, Ste 351  
Temecula, CA 92592  
Served via Email to: lawyerjth@gmail.com