

01  
812

1 Christopher B. Dolan (SBN 165358)  
2 Ethan P. Niedermeyer (SBN 300244)  
3 **THE DOLAN LAW FIRM**  
4 1438 Market Street  
5 San Francisco, CA 94102  
6 Tel: (415) 421-2800  
7 Fax: (415) 421-2830

8 J. Michael Brown  
9 **LAW OFFICE OF J. MICHAEL BROWN**  
10 2678 Bishop Drive, Ste. 205  
11 San Ramon, CA 94583  
12 Tel: (925) 484-2200

13 Attorneys for Petitioner ANAHITA MESHKIN by and  
14 Through her father MOHAMMAD MESHKIN

15  
16 **IN THE SUPERIOR COURT OF CALIFORNIA**  
17 **IN AND FOR THE COUNTY OF CONTRA COSTA**  
18 **UNLIMITED CIVIL JURISDICTION**

19 ANAHITA MESHKIN, by and through her  
20 father MOHAMMAD MESHKIN

21 Petitioner,

22 v.

23 JOHN MUIR MEDICAL CENTER,

24 Respondent

25 Case No. *N15-0668*

26 **DECLARATION OF CHRISTOPHER B**  
27 **DOLAN IN SUPPORT OF RESTRAINING**  
28 **ORDER/INJUNCTION: REQUEST FOR**  
**ORDER OF INDEPENDENT**  
**NEUROLOGICAL EXAM; REQUEST**  
**FOR ORDER TO MAINTAIN LEVEL OF**  
**MEDICAL CARE**

7815  
C. R. K...  
COUNTY OF CONTRA COSTA, CA  
BY: *[Signature]*  
D. WEBER

*Filed unserved on request of submitting attorney*

*150504  
0664  
435*

29 I, Christopher B. Dolan, hereby declare and state: I am an attorney at law licensed to practice in  
30 the State of California. I am over the age of 18 years old and the Owner of The Dolan Law

1 Firm acting on behalf of Petitioner ANAHITA MESHKIN by and through her father  
2 MOHAMMAD MESHKIN.

- 3 1. Pursuant to the request of the Petitioner, and by Court Order, on May 1, 2015, an  
4 independent medical examination was performed on Anahita Meshkin by Dr. Wade  
5 Smith M.D., and Anthony Josephson, M.D. from UCSF. These physicians had been  
6 located by Respondents and consented to by Mr. Dolan, Petitioner's attorney. Dr.  
7 Calixto, Machado was present to observe the examination as were representatives of  
8 John Muir.  
9  
10 2. Drs. Josephson and Smith determined that Anahita Meshkin had residual brain stem  
11 function and, therefore did not meet the clinical criteria for brain death. They  
12 determined that no further examination was indicated.  
13  
14 3. Attached to this Declaration as Exhibit A is a true and correct copy of the  
15 neurological examination redacted to protect patient privacy such as date of birth,  
16 medical record, etc.

17  
18 I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct. Executed on April 27, 2015 in Oakland, California.  
20

21  
22  
23 Christopher B. Dolan  
24  
25  
26  
27  
28



DATE TIME NOTE PROGRESS OF CASE, COMPLICATIONS, CONSULTATIONS, ETC. PHYSICIAN MUST SIGN EACH ENTRY.

error 483  
4/20/07 10:00 AM  
5/1/2015

### Neurocritical Care Consult Note

Dr. Josephson and I (Wade Smith) were asked by Max Reynolds (Chief Council of John Muir Medical Center) and by court appointment to examine Anahita Meshkin for potential brain death.

Under video taping, we examined her in her ICU bed. She has a tracheostomy in place and is ventilated at a rate of 10 and PEEP 5 on FiO<sub>2</sub> 100% with O<sub>2</sub> sats. Her blood pressure increased to 20-22 torr on stimulation from 138 systolic to 158 by my view of the monitor. She does not open her eyes to voice or painful stimulation. She does not blink to threat. Her pupils are 8-10mm in size and NR to light direct, or consensually. Corneal reflexes are absent to cotton. Both eyes are absent to oculoccephalic maneuvers. Caloric not tested. Deep suctioning of tracheostomy does not cause cough or grimace.

Painful stimuli applied to trap/supra-orbital region does not cause motor movement. However, painful pinch to both hands/nail-bed, produce flexion at the elbow and head turning toward the painful stimulus.  
No painful response to stimuli of the feet  
Abnormally

(cont)

CHART - 01 (4/20/07)



PROGRESS RECORD

Meshkin, Anahita Sex: F  
[Redacted] (29 yrs)  
[Redacted] MD





DATE TIME NOTE PROGRESS OF CASE, COMPLICATIONS, CONSULTATIONS, ETC. PHYSICIAN MUST SIGN EACH ENTRY.

5/1/2015

(Cont) From prev page.  
Impressions:

The motor responses to pain we see in her upper extremities, although possibly mediated by spinal reflexes, may also indicate some residual brainstem or cortical function. Therefore, she does not meet the clinical criteria for brain death. No further testing is indicated.

*[Signature]*  
WADE S. SMITH, MD, PhD  
Ca Lic #G71583

*[Signature]*  
S. Andrew Josephson MD  
Ca Lic #A81308

CHART - 01 (4/20/07)



JOHN MUIR HEALTH

PROGRESS RECORD

Meshkin, Anahita Sex: F

*[Redacted]* (yrs)  
*[Redacted]* MD



# mainenewsonline.com

[Home](#) | [Auburn](#) | [Augusta](#) | [Bangor](#) | [Portland](#) | [Maine](#) | [United States](#)**Recently Reported:** [NASA](#) | [NASA](#) | [NASA](#) | [NASA](#) | [Google](#) | [Technology](#)

## Health | United States

# Girl again put on life support after father proves she's not brain-dead: Report

Written by Tanya Campbell on 19 May 2016



A man was not ready to accept that his daughter could not be treated when doctors diagnosed her as brain-dead. The father's will to keep his daughter alive pushed two neurologists from UC San Francisco School of Medicine to discover that she was actually not brain-dead.

Anahita Meshkin, 29, was initially diagnosed brain-dead by doctors at John Muir Medical Center in Walnut Creek, California. But, her father was not ready to accept and he continued to support her daughter even after doctors had refused to continue treating her for ethical reasons.

Anahita had been in coma since 2007 following a seizure during her battle with anorexia. She was recently being treated for her infected, fractured hip. But instead of continuing her treatment, doctors told Anahita's father, Mohammed Meshkin, that they no longer want to treat his daughter due to ethical reasons.

When doctors let him down, Meshkin turned to lawyer Chris Dolan who filed a temporary restraining order, which prevented the hospital from refusing treatment to Anahita. But, later a Contra Costa Superior Court judge reportedly requested an independent test to prove that Anahita was beyond treatment to take treatment privileges from her.

At this time, the two neurologists found that Anahita could move her head and elbow after being pinched. This proved she is not brain-dead. While others believed that she has recovered from brain dead condition, Meshkin believed that she never was a brain dead.

Now Meshkin has right to get his daughter treated at the hospital and keep her on life support. The hospital did the surgery on Anahita's hip that was left undone after announcing her brain-dead. Now she is in long-term care facility where she earlier was, but she still is in coma.



"I'm getting calls from people who have a strong feeling that the doctors can't be trusted and may be seeking to cover something up or put an end to it," Dolan said this week," according to a news report published by Seattle Times.

"There is what you could call the Jahi McMath shadow effect," **Pope** said. "It's casting a shadow; it has had some impact. I don't know how to quantify it, but based on my discussion with physicians at a number of hospitals, it does seem there's an uptick."

"I've created a set of pleadings that people can use to put the brakes on and go to court so they can have some decision time," the lawyer said. "I also talk to them about (Jahi's mother's) experience, about how this has turned her whole life upside down, and how she's given up everything."

According to a story published on the topic by OC Register, "A year ago, four John Muir Medical Center doctors told Mohammad Meshkin that his daughter was brain-dead. The hospital refused to operate on Anahita Meshkin's infected, fractured hip because it said it would not be ethical to treat a dead person. The Walnut Creek facility told the father they wanted to pull the plug on the then-29-year-old woman, who had been in a coma since 2007 after suffering a massive seizure while battling anorexia. But he wasn't ready to give up."

"She does not meet the clinical criteria for brain death," wrote physicians Wade Smith and Andrew Josephson, according to court records. They noted that she moved her head and elbow when they pinched her hands.

"This is their job, to clear beds, and our job is to fight back," Meshkin said Tuesday as he stood beside his daughter in a Walnut Creek care center. "Mr. Dolan saved Jahi. He saved (Anahita) too. He's my hero and Anahita's savior."

A report published in CBS Local revealed, "It's a renewed sense of hope for a Vacaville family whose toddler son was declared brain dead; a woman in the Bay Area was found to be alive a year after she was pronounced dead. Two San Francisco neurologists determined Anahita Meshkin did not meet the clinical criteria for brain death. Now the parents of 2-year-old Israel Stinson have

hope for their son, who was determined brain dead by two hospitals."

But time is running out for the Stinsons. They have until Friday to have their appeal heard or find a new hospital. "Just been calling hospitals every day, praying like crazy that a hospital will accept us." Israel was being treated for an asthma attack in early April when he went into