

## Appellate Courts Case Information

CALIFORNIA COURTS  
THE JUDICIAL BRANCH OF CALIFORNIA

1st Appellate District

Change court *Court data last updated: 07/12/2016 01:40 PM***Disposition****UCSF Benioff Children's Hospital Oakland et al. v. The Superior Court  
of Alameda County****Division 1****Case Number [A147989](#)**

<b>Description:</b>	Petition summarily denied by order
<b>Date:</b>	07/12/2016
<b>Status:</b>	Final BY THE COURT: In the underlying case, plaintiffs and real parties in interest Latasha Nailah Spears Winkfield, Marvin Winkfield, Sandra Chatman, Milton McMath and Jahi McMath (Jahi), by and through her Guardian Ad Litum, Latasha Nailah Spears Winkfield, brought suit against defendants and petitioners UCSF Children's Hospital Oakland (UCSF) and Dr. Frederick Rosen for personal injury, and, in the alternative, wrongful death. Petitioners ask this court to issue a writ of mandate directing the trial court to sustain demurrers by UCSF and Dr. Rosen to Jahi's first cause of action for personal injury, asserting that it is precluded by the collateral estoppel effect of the probate court's earlier finding that Jahi had suffered brain death. Because the trial court found the record at the pleading stage was inadequate for a collateral-estoppel determination and "may require a more developed factual record," we conclude, under these circumstances, that this matter should not be resolved at the pleading stage. (See Babb v. Superior Court (1971) 3 Cal.3d 841, 851 [writ relief at pleading stage generally disfavored].) The petition for writ of mandate or other appropriate relief is denied. Before Humes, P.J., Margulies, J., and Banke, J.
<b>Publication Status:</b>	
<b>Author:</b>	
<b>Participants:</b>	
<b>Case Citation:</b>	none

**Click here** to request automatic e-mail notifications about this case.Careers | [Contact Us](#) | [Accessibility](#) | [Public Access to Records](#) | [Terms of Use](#) | [Privacy](#) © 2016  
Judicial Council of California

