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In the
United States Court of Appeals
for the
Ninth Circuit

MICHELLE HIMES; MARCIA BENJAMIN; and
DANIEL BENJAMIN;

Plaintiffs-Appellants,

vs.

SOMATICS, LLC,

Defendant-Respondent.

Appeal from an Order of the United State District Court for the Central
District of California, Case No. 2:17-cv-06686-RGK- JcX
Hon. R. Gary Klausner

**APPELLANTS' EXCERPTS OF RECORD
VOLUME 6 OF 6**

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1 78. RIERA, HIMES, SCURRAH, and CHASE, as well as all other
2 members of the putative class, underwent ECT shock treatment delivered by ECT
3 shock devices placed into the stream of commerce by Defendants after May 28,
4 1982.

5 79. RIERA, HIMES, SCURRAH, and CHASE, as well as all other
6 members of the putative class, have suffered, and/or continue to suffer permanent
7 brain damage, cognitive impairment, severe permanent retrograde and anterograde
8 amnesia, and acute and/or chronic organic brain syndrome and related injuries
9 following ECT shock treatment. This harm is of the type sought to be prevented by
10 the passage of the FDCA, MDA, and SMDA.

11 80. Had Defendants complied with their state law duties to give a post-sale
12 warning to the FDA of all information the manufacturer becomes aware of, from
13 any source, that reasonably suggests that its device may have caused or contributed
14 to a serious injury (as was required by the FDCA), ECT in its current form would
15 not have been marketed to the medical providers of members of the putative class.
16 Accordingly, the negligent conduct of MECTA, SOMATICS, and DOES 1-10
17 actually caused, proximately caused, and was a substantial factor in causing the
18 harm suffered by members of the putative class. Accordingly, compensatory
19 damages are appropriate.

20 81. Alternatively, had Defendants complied with their state law duties to
21 give a post-sale warning to the FDA of all information the manufacturer becomes
22 aware of, from any source, that reasonably suggests that its device may have caused
23 or contributed to a serious injury (as was required by the FDCA), this information
24 would have appeared prominently and accessibly in the FDA's MAUDE database
25 and in medical journals and the FDA would have promulgated a warning to the end
26 users of ECT shock devices within the medical profession, who would have been on
27 constructive notice of the latent dangers inherent in providing ECT shock treatment
28 to members of the putative class in time to prevent their injuries.

1 Accordingly, the negligent conduct of MECTA, SOMATICS, and DOES 1-10
2 actually caused, proximately caused, and was a substantial factor in causing the
3 harm suffered by members of the putative class. Accordingly, compensatory
4 damages are appropriate.

5 82. Alternatively, Defendants had a duty not to market their defective,
6 adulterated, and misbranded devices after failing to comply with their reporting
7 requirements.

8 83. Defendants acted with oppression, fraud and malice. As such, punitive
9 damages are appropriate.

10 **SECOND CLAIM FOR RELIEF**

11 **Strict Product Liability**

12 **Marketing and Information Defect– Failure to Warn**

13 **(By Plaintiffs against all Defendants)**

14 84. Plaintiffs hereby re-allege, and incorporate by reference as though fully
15 set forth herein, paragraphs 1 through 83 of this Complaint.

16 85. Defendants MECTA, SOMATICS, and DOES 1-10 manufactured,
17 distributed, and sold their ECT devices in the stream of commerce within the
18 United States, knowing that it was to be used without inspection for defect.

19 86. The ECT devices, at all times relevant to the causes of action alleged in
20 this Complaint, caused and continue to cause permanent brain damage, severe
21 permanent retrograde and anterograde amnesia, and acute and/or chronic organic
22 brain syndrome, and these facts were both known and knowable in light of the
23 scientific and medical knowledge available in the scientific community.
24 Defendants' failure to adequately warn plaintiffs and medical providers by warning
25 the FDA of these latent dangers renders the devices adulterated, misbranded, and
26 defective with respect to the marketing and information provided to the members of
27 the putative class alleged herein.

28 ///

1 87. Permanent brain damage, cognitive impairment, severe permanent
2 retrograde and anterograde amnesia, and acute and/or chronic organic brain
3 syndrome present a substantial danger to patients when “electroconvulsive therapy”
4 devices are used as intended or misused in a foreseeable way.

5 88. Ordinary consumers would not recognize these potential risks inherent
6 to ECT devices.

7 89. MECTA, SOMATICS, and DOES 1-10 failed to investigate and
8 provide adequate warnings of these risks.

9 90. RIERA, HIMES, SCURRAH, and CHASE, as well as all other
10 members of the putative class, suffer permanent brain damage, severe permanent
11 retrograde and anterograde amnesia, and acute and/or chronic organic brain
12 syndrome as a direct result of administration of ECT shock treatment. Plaintiffs
13 and members of the putative class, had they been properly warned about the true
14 nature of ECT shock devices, would not have received ECT shock treatment.

15 91. Had Defendants complied with their state law duties to give a post-sale
16 warning to the FDA of all information the manufacturer becomes aware of, from
17 any source, that reasonably suggests that its device may have caused or contributed
18 to a serious injury (as was required by the FDCA), ECT shock devices in their
19 current form would not have been marketed to the medical providers of members of
20 the putative class. Accordingly, the conduct of MECTA, SOMATICS, and DOES
21 1-10 actually caused, proximately caused, and was a substantial factor in causing
22 the harm suffered by members of the putative class. Accordingly, compensatory
23 damages are appropriate.

24 92. Alternatively, had Defendants complied with their state law duties to
25 give a post-sale warning to the FDA of all information the manufacturer becomes
26 aware of, from any source, that reasonably suggests that its device may have caused
27 or contributed to a serious injury (as was required by the FDCA), this information
28 would have appeared prominently in the FDA’s MAUDE database and in medical

1 journals and the FDA would have promulgated a warning to the end users of ECT
2 shock devices within the medical profession, who would have been on constructive
3 notice of the latent dangers inherent in providing ECT shock treatment to members
4 of the putative class in time to prevent their injuries. Accordingly, the conduct of
5 MECTA, SOMATICS, and DOES 1-10 actually caused, proximately caused, and
6 was a substantial factor in causing the harm suffered by members of the putative
7 class. Accordingly, compensatory damages are appropriate.

8 93. Alternatively, Defendants had a duty not to market their defective
9 devices after failing to comply with their reporting requirements.

10 94. Defendants acted with oppression, fraud and malice. As such, punitive
11 damages are appropriate.

12 **THIRD CLAIM FOR RELIEF**

13 **Loss of Consortium**

14 95. Plaintiffs hereby re-allege, and incorporate by reference as though fully
15 set forth herein, paragraphs 1 through 94 of this Complaint.

16 96. Some members of the putative class are spouses of patients who
17 underwent ECT shock treatment, and as a result have suffered a loss of consortium.

18 97. Such members of the putative class were in valid and lawful marriages
19 to persons injured by ECT shock treatment.

20 98. Those injured by ECT shock treatment suffered tortious injuries as a
21 result of Defendant's actions.

22 99. Those members of the putative class in marriages to those that have
23 suffered injury resulting from ECT shock treatment have suffered a loss of
24 consortium.

25 100. That loss of consortium was a direct and proximate result of the
26 Defendant's acts.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment as follows:


1. For compensatory damages in light of the pain and suffering, emotional distress, loss of consortium, wrongful deaths, and other damages suffered by members of the putative class;
2. For punitive damages in light of Defendants' oppression, fraud, and malice;
3. For costs of suit and expenses incurred herein, including expert fees;
4. For reasonable attorney's fees and such other nontaxable costs, subject to court approval, as provided by Rule 23(h) of the Federal Rules of Civil Procedure;
5. For all such other and further relief that the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury for all claims so triable.

Dated: September 11, 2017 Respectfully submitted,

DK LAW GROUP, LLP

By: /s/  _____
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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 MICHELLE HIMES; MARCIA
13 BENJAMIN; AND DANIEL
14 BENJAMIN,

15 Plaintiffs,

16 v.

17 SOMATICS, LLC;

18 Defendant.
19

Case No.: 2:17-CV-06686-RGK-JCx

[Assigned to Hon. R. Gary Klausner,
Court Room 850]

NOTICE OF APPEAL

1 Notice is hereby given that MICHELLE HIMES, MARCIA BENJAMIN and
2 DANIEL BENJAMIN, as Plaintiffs in the above-named case, hereby appeal to the
3 United States Court of Appeals for the Ninth Circuit from the following orders entered
4 in this action:

5 1. In Chambers Order Granting Defendant Somatics, LLC's Motion for
6 Summary Judgment, entered on May 14, 2021, ECF No. 278, and resulting judgment.

7
8
9 Dated: May 18, 2021

**BAUM HEDLUND ARISTEI &
GOLDMAN, P.C.**

10
11 By: /s/ Bijan Esfandiari

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ACCO,(JCx),**APPEAL**,**CLOSED**,DISCOVERY,PROTORD

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:17-cv-06686-RGK-JC**

Jose Riera et al v. Mecta Corporation et al
Assigned to: Judge R. Gary Klausner
Referred to: Magistrate Judge Jacqueline Chooljian
Demand: \$5,000,000
Case in other court: 9TH CCA, 18-56470
9th CCA, 21-55517
Cause: 28:1332 Diversity-Product Liability

Date Filed: 09/11/2017
Date Terminated: 05/14/2021
Jury Demand: Plaintiff
Nature of Suit: 367 Personal Injury: Health
Care/Pharmaceutical Personal Injury
Product Liability
Jurisdiction: Diversity

Date Filed	#	Docket Text
09/11/2017	1	COMPLAINT Receipt No: 0973-20487520 - Fee: \$400, filed by Plaintiff Jose Riera, Deborah Chase, Diane Scurrah, Michelle Himes. (Attorney David M Karen added to party Deborah Chase(pty:pla), Attorney David M Karen added to party Michelle Himes(pty:pla), Attorney David M Karen added to party Jose Riera(pty:pla), Attorney David M Karen added to party Diane Scurrah(pty:pla))(Karen, David) (Entered: 09/11/2017)
09/11/2017	2	CIVIL COVER SHEET filed by Plaintiffs Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (Karen, David) (Entered: 09/11/2017)
09/11/2017	3	NOTICE of Interested Parties filed by Plaintiff All Plaintiffs, identifying Mecta Corp, Somatics, LLC. (Karen, David) (Entered: 09/11/2017)
09/11/2017	4	Request for Clerk to Issue Summons on Certificate/Notice of Interested Parties 3 , Complaint (Attorney Civil Case Opening), 1 , Civil Cover Sheet (CV-71) 2 filed by Plaintiff Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (Karen, David) (Entered: 09/11/2017)
09/11/2017	5	Request for Clerk to Issue Summons on Certificate/Notice of Interested Parties 3 , Complaint (Attorney Civil Case Opening), 1 , Civil Cover Sheet (CV-71) 2 filed by Plaintiff Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (Karen, David) (Entered: 09/11/2017)
09/12/2017	6	NOTICE OF ASSIGNMENT to District Judge Consuelo B. Marshall and Magistrate Judge Patrick J. Walsh. (et) (Entered: 09/12/2017)
09/12/2017	7	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening) 1 as to Defendant Mecta Corporation. (et) (Entered: 09/12/2017)
09/12/2017	8	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening) 1 as to Defendant Somatics, LLC. (et) (Entered: 09/12/2017)
09/13/2017	9	ORDER RETURNING CASE FOR REASSIGNMENT by Judge Consuelo B. Marshall. ORDER case returned to the Clerk for random reassignment pursuant to General Order 16-05. Case randomly reassigned from Judge Consuelo B. Marshall to Judge R. Gary

		Klausner for all further proceedings. The case number will now reflect the initials of the transferee Judge 2:17-cv-06686 RGK(PJWx). (rn) (Entered: 09/13/2017)
09/14/2017	10	STANDING ORDER REGARDING NEWLY ASSIGNED CASES by Judge R. Gary Klausner. (sw) (Entered: 09/14/2017)
09/28/2017	11	PROOF OF SERVICE Executed by Plaintiff Jose Riera, Deborah Chase, Diane Scurrah, Michelle Himes, upon Defendant Mecta Corporation served on 9/21/2017, answer due 10/12/2017. Service of the Summons and Complaint were executed upon Scott Jensen, Agent for Service of Process in compliance with California Code of Civil Procedure by substituted service on a domestic corporation, unincorporated association, or public entity and by also mailing a copy.Original Summons NOT returned. <i>Karen, David</i> (Karen, David) (Entered: 09/28/2017)
10/05/2017	12	PROOF OF SERVICE Executed by Plaintiff Jose Riera, Deborah Chase, Diane Scurrah, Michelle Himes, upon Defendant Somatics, LLC served on 9/27/2017, answer due 11/27/2017. Service of the Summons and Complaint were executed upon David Mirkovich, Agent for Service of Process in compliance with California Code of Civil Procedure by method of service not specified. Original Summons NOT returned. <i>David Karen</i> (Karen, David) (Entered: 10/05/2017)
10/10/2017	13	STIPULATION Extending Time to Answer the complaint as to Mecta Corporation answer now due 10/19/2017, re Complaint (Attorney Civil Case Opening), 1 filed by Defendant Mecta Corporation. (Attachments: # 1 Proposed Order)(Attorney Jason M Yang added to party Mecta Corporation(pty:dft))(Yang, Jason) (Entered: 10/10/2017)
10/19/2017	14	ANSWER to Complaint (Attorney Civil Case Opening), 1 with JURY DEMAND filed by Defendant Mecta Corporation.(Attorney Ian A Stewart added to party Mecta Corporation(pty:dft))(Stewart, Ian) (Entered: 10/19/2017)
10/19/2017	15	CERTIFICATE of Interested Parties filed by Defendant Mecta Corporation, (Stewart, Ian) (Entered: 10/19/2017)
10/20/2017	16	ORDER SETTING SCHEDULING CONFERENCE by Judge R. Gary Klausner. A Scheduling Conference has been placed on calendar for February 5, 2018 at 9:00 a.m. The Conference will be held pursuant to F.R.Civ. P. 16(b). Trial counsel must be present and there are no telephonic appearances. Counsel are ordered to file a joint statement providing a brief factual summary of the case, including the claims being asserted. The parties are reminded of their obligations to disclose information and confer on a discovery plan not later than 21 days prior to the scheduling conference, and to file a joint statement with the Court not later than 14 days after they confer, as required by F.R. Civ.P. 26 and the Local Rules of this Court. Failure to comply may lead to the imposition of sanctions. Plaintiff's counsel is directed to give notice of the scheduling conference to each party that makes an initial appearance in the action after this date. (ps0) (Entered: 10/20/2017)
11/02/2017	17	STIPULATION Extending Time to Answer the complaint as to Somatics, LLC answer now due 11/10/2017, re Complaint (Attorney Civil Case Opening), 1 filed by Defendant Somatics, LLC.(Attorney Jason Arthur Benkner added to party Somatics, LLC(pty:dft)) (Benkner, Jason) (Entered: 11/02/2017)
11/06/2017	18	APPLICATION of Non-Resident Attorney James R. Parish to Appear Pro Hac Vice on behalf of Defendant Mecta Corporation (Pro Hac Vice Fee - Fee Paid, Receipt No. 0973-20785312) filed by defendant Mecta Corporation. (Attachments: # 1 Certific ate of Good Standing, # 2 Proposed Order) (Stewart, Ian) (Entered: 11/06/2017)
11/06/2017	19	APPLICATION of Non-Resident Attorney David M. Macdonald to Appear Pro Hac Vice on behalf of Defendant Mecta Corporation (Pro Hac Vice Fee - Fee Paid, Receipt No.

		0973-20785589) filed by defendant Mecta Corporation. (Attachments: # 1 Certificate of Good Standing, # 2 Proposed Order) (Stewart, Ian) (Entered: 11/06/2017)
11/07/2017	20	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge R. Gary Klausner: GRANTING 19 Non-Resident Attorney David M. Macdonald APPLICATION to Appear Pro Hac Vice on behalf of Defendant MECTA Corporation, designating Ian Stewart as local counsel. (pso) (Entered: 11/07/2017)
11/07/2017	21	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE 18 by Judge R. Gary Klausner: Granting 18 Non-Resident Attorney James R. Parish APPLICATION to Appear Pro Hac Vice on behalf of Defendant MECTA Corporation, designating Ian A. Stewart as local counsel. (ah) (Entered: 11/07/2017)
11/07/2017	22	FIRST AMENDED COMPLAINT against Defendants All Plaintiffs amending Complaint (Attorney Civil Case Opening), 1 , filed by Plaintiff Jose Riera, Deborah Chase, Diane Scurrah, Michelle Himes(Karen, David) (Entered: 11/07/2017)
11/20/2017	23	ANSWER to Amended Complaint/Petition 22 filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 11/20/2017)
11/21/2017	24	CERTIFICATE of Interested Parties filed by Defendant Somatics, LLC, (Benkner, Jason) (Entered: 11/21/2017)
11/21/2017	25	ANSWER to Amended Complaint/Petition 22 with JURY DEMAND filed by Defendant Mecta Corporation.(Stewart, Ian) (Entered: 11/21/2017)
12/10/2017	26	NOTICE OF MOTION AND MOTION to Certify Class filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. Motion set for hearing on 1/22/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Memorandum of Points and Authorities in Support of Motion for Class Certification, # 2 Appendix of Evidence, # 3 Request for Judicial Notice, # 4 Proposed Order) (Attorney David M Karen added to party Marcia Benjamin(pty:pla)) (Karen, David) (Entered: 12/10/2017)
12/14/2017	27	NOTICE of Change of Attorney Business or Contact Information: for attorney Jason Arthur Benkner counsel for Defendant Somatics, LLC. Changing Address to 400 S. Hope Street, Suite 720, Los Angeles, California 90071. Filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 12/14/2017)
12/14/2017	28	STIPULATION to Continue Hearing on Motion for Class Certification Filed by Plaintiffs (L.R. 7-1, 7-11) from 01/22/18 to 02/26/18 Re: NOTICE OF MOTION AND MOTION to Certify Class 26 filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order STIPULATION BY THE PARTIES TO CONTINUE HEARING ON MOTION FOR CLASS CERTIFICATION FILED BY PLAINTIFFS (L.R. 7-1, 7-11))(Benkner, Jason) (Entered: 12/14/2017)
12/19/2017	29	ORDER RE: STIPULATION BY THE PARTIES TO CONTINUE HEARING ON MOTION FOR CLASS CERTIFICATION FILED BY PLAINTIFFS by Judge R. Gary Klausner, 28 . The hearing for Plaintiffs' Motion for Class Certification is continued from January 22, 2018 to February 26, 2018 at 9:00 a.m. in Courtroom 850. (pso) (Entered: 12/19/2017)
01/17/2018	30	STIPULATION to Continue HEARING ON MOTION FOR CLASS CERTIFICATION FILED BY PLAINTIFFS (L.R. 7-1, 7-11) from February 26, 2018 to March 12, 2018 Re: NOTICE OF MOTION AND MOTION to Certify Class 26 filed by defendant Mecta Corporation. (Attachments: # 1 Proposed Order)(Stewart, Ian) (Entered: 01/17/2018)

01/19/2018	31	ORDER RE: STIPULATION BY THE PARTIES TO CONTINUE HEARING ON MOTION FOR CLASS CERTIFICATION FILED BY PLAINTIFFS by Judge R. Gary Klausner, 30 . The hearing for Plaintiffs' Motion for Class Certification is continued from February 26, 2018 to March 12, 2018 at 9:00 a.m. in Courtroom 850. (ps0) (Entered: 01/19/2018)
01/23/2018	32	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 4-6 weeks, filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah.. (Karen, David) (Entered: 01/23/2018)
02/05/2018	33	MINUTES OF Scheduling Conference held before Judge R. Gary Klausner. Case called. Court and counsel confer. The Scheduling Conference is held and the Court sets the following dates: Jury Trial (Est. 6 wks): 10/2/18, at 9:00 a.m., Pretrial Conference: 9/17, 2018 at 9:00 a.m., Motion Cut-Off Date (last day to file): 7/17/18, Discovery Cut-Off Date: 7/3/18, Last day to amend the complaint or add parties is April 15, 2018. Counsel inform the Court that they have selected Settlement Option 3. Last day to amend the complaint or add parties is April 15, 2018. Counsel inform the Court that they have selected Settlement Option 3. Sandra MacNeil, Court Reporter. (bp) (Entered: 02/06/2018)
02/06/2018	34	ORDER FOR JURY TRIAL by Judge R. Gary Klausner. Amended Pleadings due by 4/15/2018. Discovery cut-off 7/3/2018. Motions due by 7/17/2018. Pretrial Conference set for 9/17/2018 at 09:00 AM before Judge R. Gary Klausner. Jury Trial set for 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (ps0) (Entered: 02/06/2018)
02/06/2018	35	ORDER/REFERRAL to ADR Procedure No 3 by Judge R. Gary Klausner. Case ordered to a private mediator based upon a stipulation of the parties or by the court order. (ps0) (Entered: 02/06/2018)
02/07/2018	36	STIPULATION to Amend Amended Complaint/Petition 22 filed by Plaintiff Daniel Benjamin, Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (Attachments: # 1 Proposed Order)(Karen, David) (Entered: 02/07/2018)
02/16/2018	37	Joint Opposition by Defendants Somatics, LLC and Mecta Corporation to Plaintiffs' Motion for Class Certification Opposition re: NOTICE OF MOTION AND MOTION to Certify Class 26 filed by Defendant Somatics, LLC. (Attachments: # 1 Exhibit No. 1, # 2 Exhibit No. 2, # 3 Proposed Order)(Attorney Michelle L Young added to party Somatics, LLC(pty:dft))(Young, Michelle) (Entered: 02/16/2018)
02/25/2018	38	REPLY Support NOTICE OF MOTION AND MOTION to Certify Class 26 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (Attachments: # 1 Declaration Supp Emord, # 2 Declaration Schwartzkopff, # 3 Declaration Dolan, # 4 Request for Judicial Notice, # 5 Objections to Evidence, # 6 Certificate of Service)(Karen, David) (Entered: 02/25/2018)
02/28/2018	39	Second AMENDED COMPLAINT against Defendants All Plaintiffs amending Amended Complaint/Petition 22 , Complaint (Attorney Civil Case Opening), 1 , filed by Plaintiffs Marcia Benjamin, Diane Scurrah, Daniel Benjamin, Michelle Himes, Deborah Chase, Jose Riera(Karen, David) (Entered: 02/28/2018)
03/02/2018	40	ORDER TO STRIKE ELECTRONICALLY FILED DOCUMENTS by Judge R. Gary Klausner: the following document(s) be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case Management Order: Amended Complaint/Petition, 39 , for the following reasons: Requires leave of Court. (bp) (Entered: 03/05/2018)
03/06/2018	41	STIPULATION to Amend Amended Complaint/Petition 22 , Complaint (Attorney Civil Case Opening), 1 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Deborah Chase,

		Michelle Himes, Jose Riera, Diane Scurrah.(Karen, David) (Entered: 03/06/2018)
03/06/2018	42	Second AMENDED COMPLAINT against Defendants All Plaintiffs amending Amended Complaint/Petition 22 , Amended Complaint/Petition, 39 , Complaint (Attorney Civil Case Opening), 1 , filed by Plaintiffs Marcia Benjamin, Diane Scurrah, Daniel Benjamin, Michelle Himes, Deborah Chase, Jose Riera(Karen, David) (Entered: 03/06/2018)
03/07/2018	43	SCHEDULING NOTICE TO ALL PARTIES AND ORDER by Judge R. Gary Klausner. Plaintiffs' Motion to Certify Class 26 , calendared for hearing on March 12, 2018, has been taken under submission and off the motion calendar. No appearances by counsel are necessary. The Court will issue a ruling after full consideration of properly submitted pleadings. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (sw) TEXT ONLY ENTRY (Entered: 03/07/2018)
03/08/2018	44	NOTICE OF MOTION AND MOTION to Dismiss PLAINTIFFS CLAIMS BASED ON THE STATUTE OF LIMITATIONS filed by defendant Mecta Corporation. Motion set for hearing on 4/9/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order) (Stewart, Ian) (Entered: 03/08/2018)
03/08/2018	45	NOTICE OF MOTION AND MOTION to Dismiss PLAINTIFFS CLAIMS BASED ON LACK OF CAUSATION AND DUTY TO WARN filed by defendant Mecta Corporation. Motion set for hearing on 4/9/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order) (Stewart, Ian) (Entered: 03/08/2018)
03/08/2018	46	NOTICE OF MOTION AND MOTION to Strike CERTAIN ALLEGATIONS IN PLAINTIFFS SECOND AMENDED COMPLAINT Amended Complaint/Petition, 42 filed by defendant Mecta Corporation. Motion set for hearing on 4/9/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Declaration, # 2 Exhibit A, # 3 Proposed Order) (Stewart, Ian) (Entered: 03/08/2018)
03/12/2018	47	PLAINTIFFS NOTICE OF INTENT TO FILE AMENDED COMPLAINT re NOTICE OF MOTION AND MOTION to Strike CERTAIN ALLEGATIONS IN PLAINTIFFS SECOND AMENDED COMPLAINT Amended Complaint/Petition, 42 46 , NOTICE OF MOTION AND MOTION to Dismiss PLAINTIFFS CLAIMS BASED ON THE STATUTE OF LIMITATIONS 44 , NOTICE OF MOTION AND MOTION to Dismiss PLAINTIFFS CLAIMS BASED ON LACK OF CAUSATION AND DUTY TO WARN 45 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (Karen, David) (Entered: 03/12/2018)
03/14/2018	48	STIPULATION to Vacate Hearings NOTICE OF MOTION AND MOTION to Strike CERTAIN ALLEGATIONS IN PLAINTIFFS SECOND AMENDED COMPLAINT Amended Complaint/Petition, 42 46 , NOTICE OF MOTION AND MOTION to Dismiss PLAINTIFFS CLAIMS BASED ON THE STATUTE OF LIMITATIONS 44 , NOTICE OF MOTION AND MOTION to Dismiss PLAINTIFFS CLAIMS BASED ON LACK OF CAUSATION AND DUTY TO WARN 45 , STIPULATION to Withdraw Motion NOTICE OF MOTION AND MOTION to Strike CERTAIN ALLEGATIONS IN PLAINTIFFS SECOND AMENDED COMPLAINT Amended Complaint/Petition, 42 46 , NOTICE OF MOTION AND MOTION to Dismiss PLAINTIFFS CLAIMS BASED ON THE STATUTE OF LIMITATIONS 44 , NOTICE OF MOTION AND MOTION to Dismiss PLAINTIFFS CLAIMS BASED ON LACK OF CAUSATION AND DUTY TO WARN 45 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (Attachments: # 1 Proposed Order)(Karen, David) (Entered: 03/14/2018)
03/16/2018	49	ORDER RE: STIPULATION BY THE PARTIES TO TAKE APRIL 9, 2018 HEARINGS ON MOTIONS TO DISMISS AND MOTION TO STRIKE OFF CALENDAR AND FOR LEAVE TO FILE THIRD AMENDED COMPLAINT by Judge R. Gary Klausner:

		The two Defense Motions to Dismiss and the Motion to Strike as are scheduled for hearing on April 9, 2018 are taken off-calendar; That Plaintiffs are to file a Third Amended Complaint on or before April 9, 2018; The Court's ruling on the pending Class Certification motion shall apply to the Third Amended Complaint. (bp) (Entered: 03/19/2018)
03/19/2018	50	(IN CHAMBERS) Order Re: Plaintiffs Motion for Class Certification by Judge R. Gary Klausner: The Court DENIES Plaintiff's Motion for Class Certification. (bp) (Entered: 03/19/2018)
04/04/2018	51	PETITION for Leave to Appeal, re: Order on Motion to Certify Class Action 50 , <i>Notice of Filing 23(f) Petition</i> filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (Karen, David) (Entered: 04/04/2018)
04/09/2018	52	Third AMENDED COMPLAINT against Defendants All Defendants amending Amended Complaint/Petition 22 , Amended Complaint/Petition, 42 , Complaint (Attorney Civil Case Opening), 1 , filed by Plaintiffs Marcia Benjamin, Diane Scurrah, Daniel Benjamin, Michelle Himes, Deborah Chase, Jose Riera(Karen, David) (Entered: 04/09/2018)
04/10/2018	53	PROOF OF SERVICE filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah, re Amended Complaint/Petition, 52 served on 4/9/18. (Karen, David) (Entered: 04/10/2018)
04/23/2018	54	STIPULATION to AMEND Answer to Complaint (Attorney Civil Case Opening) 23 filed by Defendant Somatics, LLC.(Benkner, Jason) (Entered: 04/23/2018)
05/10/2018	55	NOTICE OF MOTION AND MOTION to Dismiss Case <i>DEFENDANTS MECTA CORPORATION AND SOMATICS, LLC'S MOTION TO DISMISS PLAINTIFFS CLAIMS BASED ON THE STATUTE OF LIMITATIONS</i> filed by defendant Mecta Corporation. Motion set for hearing on 7/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attorney Michelle L Young added to party Mecta Corporation(pty:dft)) (Young, Michelle) (Entered: 05/10/2018)
05/10/2018	56	NOTICE OF MOTION AND MOTION to Dismiss Case <i>DEFENDANTS MECTA CORPORATION AND SOMATICS, LLC'S MOTION TO DISMISS PLAINTIFFS CLAIMS BASED ON LACK OF CAUSATION AND DUTY TO WARN</i> filed by defendant Mecta Corporation. Motion set for hearing on 7/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Young, Michelle) (Entered: 05/10/2018)
05/11/2018	57	SCHEDULING NOTICE TO ALL PARTIES AND ORDER by Judge R. Gary Klausner. DEFENDANTS MECTA CORPORATION AND SOMATICS, LLC' S MOTION TO DISMISS PLAINTIFFS' CLAIMS BASED ON LACK OF CAUSATION AND DUTY TO WARN 56 ; and MOTION TO DISMISS PLAINTIFFS' CLAIMS BASED ON THE STATUTE OF LIMITATIONS 55 , noticed for hearing on 07/02/2018 at 9:00 am HAVE BEEN ADVANCED TO 06/18/2018 at 9:00 am. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (sw) TEXT ONLY ENTRY (Entered: 05/11/2018)
05/21/2018	58	OPPOSITION to NOTICE OF MOTION AND MOTION to Dismiss Case <i>DEFENDANTS MECTA CORPORATION AND SOMATICS, LLC'S MOTION TO DISMISS PLAINTIFFS CLAIMS BASED ON THE STATUTE OF LIMITATIONS</i> 55 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (Karen, David) (Entered: 05/21/2018)
05/21/2018	59	OPPOSITION to NOTICE OF MOTION AND MOTION to Dismiss Case <i>DEFENDANTS MECTA CORPORATION AND SOMATICS, LLC'S MOTION TO DISMISS PLAINTIFFS CLAIMS BASED ON LACK OF CAUSATION AND DUTY TO</i>

		<i>WARN 56</i> filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (Karen, David) (Entered: 05/21/2018)
06/04/2018	60	REPLY in Support of NOTICE OF MOTION AND MOTION to Dismiss PLAINTIFFS CLAIMS BASED ON THE STATUTE OF LIMITATIONS 44 filed by Defendants Mecta Corporation, Somatics, LLC. (Attorney Jason Arthur Benkner added to party Mecta Corporation(pty:dft))(Benkner, Jason) (Entered: 06/04/2018)
06/04/2018	61	REPLY In Support of NOTICE OF MOTION AND MOTION to Dismiss Case <i>DEFENDANTS MECTA CORPORATION AND SOMATICS, LLC'S MOTION TO DISMISS PLAINTIFFS CLAIMS BASED ON LACK OF CAUSATION AND DUTY TO WARN 56</i> filed by Defendants Mecta Corporation, Somatics, LLC. (Benkner, Jason) (Entered: 06/04/2018)
06/06/2018	62	TRANSCRIPT ORDER as to defendant Mecta Corporation for Court Reporter. Court will contact Ian A. Stewart at ian.stewart@wilsonelser.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Stewart, Ian) (Entered: 06/06/2018)
06/06/2018	63	TRANSCRIPT for proceedings held on FEBRUARY 5, 2018, 9:04 a.m. Court Reporter/Electronic Court Recorder: SANDRA MACNEIL, phone number 213-894-5949; MACNEILSANDY@GMAIL.COM. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 6/27/2018. Redacted Transcript Deadline set for 7/9/2018. Release of Transcript Restriction set for 9/4/2018. (MacNeil, Sandra) (Entered: 06/06/2018)
06/06/2018	64	NOTICE OF FILING TRANSCRIPT filed for proceedings FEBRUARY 5, 2018, 9:04 a.m. re Transcript 63 THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (MacNeil, Sandra) TEXT ONLY ENTRY (Entered: 06/06/2018)
06/08/2018	65	Joint NOTICE OF MOTION AND MOTION to Stay Case pending Stipulation by the parties filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 06/08/2018)
06/13/2018	66	SCHEDULING NOTICE TO ALL PARTIES AND ORDER by Judge R. Gary Klausner. Defendants Mecta Corporation and Somatics LLC's Motion to Dismiss Case Based on the Statute of Limitations 55 ; and Motion to Dismiss Case Based Lack of Causation and Duty to Warn 56 , calendared for hearing on June 18, 2018, have been taken under submission and off the motion calendar. No appearances by counsel are necessary. The Court will issue a ruling after full consideration of properly submitted pleadings. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (sw) TEXT ONLY ENTRY (Entered: 06/13/2018)
06/14/2018	67	(IN CHAMBERS) Order Re: Joint Motion to Stay of Proceedings (DE 65) by Judge R. Gary Klausner: The parties have not shown that the likelihood of success and balance of hardships is strong enough to warrant stay. Accordingly, the Court in its discretion DENIES the motion. (SEE CIVIL MINUTES FOR SPECIFICS) (bp) (Entered: 06/15/2018)
06/18/2018	68	[STRICKEN PER DKT. 69] NOTICE OF MOTION AND MOTION to Continue Trial from October 2, 2018 to April 2019 filed by Defendant Mecta Corporation. (Attachments: # 1 Proposed Order) (Stewart, Ian) Modified on 6/19/2018 (twdb). (Entered: 06/18/2018)
06/19/2018	69	ORDER TO STRIKE ELECTRONICALLY FILED DOCUMENTS by Judge R. Gary Klausner: The Court hereby ORDERS the following document(s) be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case

		Management Order: NOTICE OF MOTION AND MOTION to Continue Trial from October 2, 2018 to April 2019 68 , for the following reasons: Hearing information is missing, incorrect, or not timely. Other Exhibits not filed as separate attachments; (twdb) (Entered: 06/19/2018)
06/19/2018	70	MINUTES (IN CHAMBERS) Order Re: Defendant's Motion to Dismiss Based on Statute of Limitations (DE 55); Defendant's Motion to Dismiss for Lack of Causation and Duty to Warn (DE 56) by Judge R. Gary Klausner: The Court GRANTS Defendants' Motion to Dismiss. The Court dismisses with prejudice Plaintiffs' M. Benjamin's, D. Benjamin's, Himes', and Scurrah's claims as barred by the statute of limitations. The Court dismisses the claims of the remaining Plaintiffs Riera and Chase as insufficiently pled. Riera and Chase may amend their claims against Somatics within seven days in accordance with this order, their claims against Mecta are dismissed with prejudice. (bp) (Entered: 06/19/2018)
06/22/2018	71	First EX PARTE APPLICATION to Set Trial Date on April 9, 2019 filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 06/22/2018)
06/22/2018	72	First EX PARTE APPLICATION to Continue new trial Re: First EX PARTE APPLICATION to Set Trial Date on April 9, 2019 71 filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 06/22/2018)
06/26/2018	73	Fourth AMENDED COMPLAINT against Defendant Somatics, LLC amending Amended Complaint/Petition, 52 , filed by Plaintiffs Deborah Chase, Jose Riera(Karen, David) (Entered: 06/26/2018)
06/26/2018	74	(IN CHAMBERS) ORDER RE DEFENDANT'S EX PARTE APPLICATION TO CONTINUE 71 by Judge R. Gary Klausner. The Application is GRANTED in part and DENIED in part. The Court finds Somatics has demonstrated good cause to continue the discovery and motion cut-off dates but not the trial date. The Court continues the discovery and motion cut-off dates, including the deadline for expert disclosures to July 30, 2018. The pretrial and trial dates remain as previously ordered. Refer to the Court's order for details. (pso) (Entered: 06/26/2018)
07/10/2018	75	ANSWER to Amended Complaint/Petition 73 <i>Fourth Amended</i> filed by Defendant Somatics, LLC.(Benkner, Jason) (Entered: 07/10/2018)
07/22/2018	76	First EX PARTE APPLICATION to Set Trial Date on February 5, 2019 filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Declaration David M. Karen, # 2 Proposed Order) (Karen, David) (Entered: 07/22/2018)
07/23/2018	77	Joint STIPULATION to Continue Trial and all Trial Related Dates from October 2, 2018 to February 26, 2019 Re: First EX PARTE APPLICATION to Set Trial Date on February 5, 2019 76 filed by Defendant Somatics, LLC.(Benkner, Jason) (Entered: 07/23/2018)
07/24/2018	78	MINUTES (IN CHAMBERS) Order re Plaintiff's Ex Parte Application to Continue by Judge R. Gary Klausner: (See minutes for details) (yl) (Entered: 07/25/2018)
07/29/2018	79	NOTICE OF MOTION AND MOTION for Partial Summary Judgment as to Presumption of Failure to Exercise Due Care - Evidence Code 669 - Elements: (1) and (4) filed by Plaintiffs Deborah Chase, Jose Riera. Motion set for hearing on 8/27/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Sep Statement Undisputed Facts, # 2 Declaration Pressly Dec, # 3 Declaration Arrowsmith Dec, # 4 Exhibit Ex A to Arrowsmith Dec, # 5 Declaration Karen Dec, # 6 Exhibit Ex A to Karen Dec, # 7 Exhibit Ex b to Karen Dec, # 8 Exhibit Ex C to Karen Dec, # 9 Exhibit Ex D to Karen Dec, # 10 Exhibit Ex E to Karen Dec, # 11 Exhibit Ex F to Karen Dec, # 12 Exhibit Ex G to Karen Dec, # 13 Exhibit Ex H to Karen Dec, # 14 Exhibit Ex I to Karen Dec, # 15 Request for

		Judicial Notice, # 16 Proposed Order, # 17 Proof of Service) (Karen, David) (Entered: 07/29/2018)
07/30/2018	80	NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs' Claims 1 through 6 filed by Defendant Somatics, LLC. Motion set for hearing on 9/4/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Defendants Statement of Uncontroverted Facts and Conclusions of Law, # 2 Declaration Declaration of Charles H. Kellner, M.D. in Support of Defendants Motion for Summary Judgment, # 3 Exhibit Ex. A to Kellner Decl. (Curriculum Vitae), # 4 Exhibit Ex. B to Kellner Decl. (Rieras responses to Interrogatories from Mecta Corporation), # 5 Exhibit Ex. C to Kellner Decl. (Chases responses to Interrogatories from Mecta Corporation), # 6 Exhibit Ex. D to Kellner Decl. (Somatics Patient Information Pamphlet), # 7 Exhibit Ex. E to Kellner Decl. (Somatics Operators Manual), # 8 Exhibit Ex. F to Kellner Decl. (Excerpts from Task Force Report), # 9 Declaration Declaration of David Mirkovich in Support of Defendants Motion for Summary Judgment, # 10 Exhibit Ex. A to Mirkovich Decl. (Somatics Patient Information Pamphlet), # 11 Exhibit Ex. B to Mirkovich Decl. (Somatics Operators Manual [12th Ed.]), # 12 Exhibit Ex. C to Mirkovich Decl. (Somatics Operators Manual [14th Ed.]), # 13 Declaration Declaration of Richard Abrams, M.D. in Support of Defendants Motion for Summary Judgment, # 14 Exhibit Ex. A to Abrams Decl. (FDA acceptance of Thymatron name change), # 15 Exhibit Ex. B. to Abrams Decl. (Section 510(k) clearance letter received from the FDA), # 16 Declaration Declaration of Jason A. Benker in Support of Defendants Motion for Summary Judgment, # 17 Exhibit Ex. A to Benkner Decl. (Records produced by Kaiser Permanente), # 18 Exhibit Ex. B to Benkner Decl. (Documents produced by Plaintiffs counsel), # 19 Exhibit Ex. C to Benkner Decl. (Supplemental production from Plaintiffs counsel), # 20 Exhibit Ex. D to Benkner Decl. (Portions of Transcript of Chase Deposition), # 21 Exhibit Ex. E to Benkner Decl. (Meet and confer letter to Karen), # 22 Proposed Order [Proposed] Order, # 23 Proof of Service) (Benkner, Jason) (Entered: 07/30/2018)
08/06/2018	81	OPPOSITION In Opposition to re: NOTICE OF MOTION AND MOTION for Partial Summary Judgment as to Presumption of Failure to Exercise Due Care - Evidence Code 669 - Elements: (1) and (4) 79 filed by Defendant Somatics, LLC. (Attachments: # 1 Declaration of David Mirkovich in Support of Defendants Opposition to Plaintiffs Motion for Summary Judgment, # 2 Exhibit A to David Mirkovich's Declaration, # 3 Exhibit B to David Mirkovich's Declaration, # 4 Declaration of Richard Abrams, M.D. in Support of Defendants Opposition to Plaintiffs Motion for Summary Judgment, # 5 Declaration of Lynette Makowski in Support of Defendants Opposition to Plaintiffs Motion for Summary Judgment, # 6 Exhibit A to Lynette Makowski's Declaration, # 7 Exhibit B to Makowski's Declaration, # 8 Exhibit C to Makowski's Declaration, # 9 5)Statement of Genuine Issues in Opposition to Motion for Partial Summary Judgment Filed by Plaintiffs, # 10 Proof of Service)(Benkner, Jason) (Entered: 08/06/2018)
08/09/2018	82	EX PARTE APPLICATION to Continue expert designation from August 13, 2018 to August 31, 2018 filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Declaration, # 2 Proposed Order) (Karen, David) (Entered: 08/09/2018)
08/10/2018	83	OPPOSITION Opposition to Plaintiffs re: EX PARTE APPLICATION to Continue expert designation from August 13, 2018 to August 31, 2018 82 filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 08/10/2018)
08/12/2018	84	Opposition Opposition re: NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs' Claims 1 through 6 80 filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Separate Statement, # 2 Declaration Declaration of David M. Karen, # 3 Exhibit Karen Dec A- Depo Riera, # 4 Exhibit Karen Dec B - Depo Movsesian, # 5 Exhibit Karen Dec C - Riera Med Record, # 6 Exhibit Karen Dec D -

		Chase Depo, # 7 Exhibit Karen Dec E - Chase Med Record, # 8 Exhibit Karen Dec F - Adatia Depo, # 9 Exhibit Karen Dec G - Abrams Transcript Rough, # 10 Exhibit Karen Dec H - 1978 APA Task Force Report, # 11 Exhibit Karen Dec I - Mirkovich Depo, # 12 Declaration Declaration of Kenneth Castlman, # 13 Exhibit Castleman Dec A - CV, # 14 Exhibit Castleman Dec B - Thymatron Manual, # 15 Exhibit Castleman Dec C - Thymatron Brochure, # 16 Exhibit Castleman Dec D - Case Report, # 17 Declaration Declaration of Janet Arrowsmith - Oppo, # 18 Exhibit Arrowsmith Dec A- CV, # 19 Declaration Declaration of Moira Dolan - Oppo, # 20 Exhibit Dolan Dec A - CV, # 21 Exhibit Dolan Dec B - FDA Testimony, # 22 Exhibit Dolan Dec C - Brain Images, # 23 Declaration Declaration of Richard Perrillo, # 24 Exhibit Perrillo Dec A - Bio Summary, # 25 Exhibit Perrillo Dec B - Testing Grids, # 26 Exhibit Perrillo Dec C - Mizerak Records, # 27 Evidentiary Objections to Kellner Declaration, # 28 Proposed Order Proposed Order Denying MSJ, # 29 Affidavit Proof of Service)(Karen, David) (Entered: 08/13/2018)
08/13/2018	85	REPLY in support NOTICE OF MOTION AND MOTION for Partial Summary Judgment as to Presumption of Failure to Exercise Due Care - Evidence Code 669 - Elements: (1) and (4) 79 filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Declaration Karen Declaration - Reply, # 2 Objections to Mirkovich Declaration, # 3 Objections to Makowski Declaration, # 4 Affidavit Proof of Service)(Karen, David) (Entered: 08/13/2018)
08/15/2018	86	ORDER by Judge R. Gary Klausner: denying 82 PLAINTIFF'S EX PARTE APPLICATION TO CONTINUE EXPERT DESIGNATION AND EXPERT DISCOVERY DATE. (lom) (Entered: 08/16/2018)
08/17/2018	87	NOTICE OF MOTION AND MOTION IN LIMINE (#1) to Exclude Evidence of Religion - Scientology filed by Plaintiffs Deborah Chase, Jose Riera. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Declaration Dec Karen iso Ps MILS, # 2 Exhibit D Karen Dec Ex A - Meet and Confer, # 3 Exhibit Dec Karen Ex B - Meet and Confer, # 4 Exhibit Dec Karen Ex C - Meet and Confer)(Karen, David) (Entered: 08/17/2018)
08/17/2018	88	NOTICE OF MOTION AND MOTION IN LIMINE (#2) to Exclude Evidence of Purported Benefits of ECT filed by Plaintiffs Deborah Chase, Jose Riera. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner.(Karen, David) (Entered: 08/17/2018)
08/17/2018	89	NOTICE OF MOTION AND MOTION IN LIMINE (#3) to Exclude Evidence of Foreign Compliance filed by Plaintiffs Deborah Chase, Jose Riera. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order)(Karen, David) (Entered: 08/17/2018)
08/17/2018	90	NOTICE OF MOTION AND MOTION IN LIMINE (#4) to Exclude Evidence of Unrelated Proceedings filed by Plaintiffs Deborah Chase, Jose Riera. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order)(Karen, David) (Entered: 08/17/2018)
08/17/2018	91	NOTICE OF MOTION AND MOTION IN LIMINE (#5) to Exclude Evidence of Unrelated Private Family Matters filed by Plaintiffs Deborah Chase, Jose Riera. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order)(Karen, David) (Entered: 08/17/2018)
08/17/2018	92	NOTICE OF MOTION AND MOTION IN LIMINE (#6) to Exclude Inquiry asserting Riera had prior memory issue filed by Plaintiffs Deborah Chase, Jose Riera. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order)(Karen, David) (Entered: 08/17/2018)

08/17/2018	93	PROOF OF SERVICE filed by Plaintiffs Deborah Chase, Jose Riera, re MOTION IN LIMINE (#5) to Exclude Evidence of Unrelated Private Family Matters 91 , MOTION IN LIMINE (#6) to Exclude Inquiry asserting Riera had prior memory issue 92 , MOTION IN LIMINE (#4) to Exclude Evidence of Unrelated Proceedings 90 , MOTION IN LIMINE (#1) to Exclude Evidence of Religion - Scientology 87 , MOTION IN LIMINE (#2) to Exclude Evidence of Purported Benefits of ECT 88 , MOTION IN LIMINE (#3) to Exclude Evidence of Foreign Compliance 89 served on 08-17-18. (Karen, David) (Entered: 08/17/2018)
08/17/2018	94	NOTICE OF MOTION AND MOTION IN LIMINE (#1) to Exclude EVIDENCE NOT TIMELY DISCLOSED DURING FACT DISCOVERY filed by Defendant Somatics, LLC. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Declaration of Jason Benkner, # 2 Exhibit A to Declaration of Jason Benkner, # 3 Exhibit B to Declaration of Jason Benkner, # 4 Exhibit C to Declaration of Jason Benkner, # 5 Exhibit D to Declaration of Jason Benkner, # 6 Proposed Order on Motion in Limine No. 1)(Benkner, Jason) (Entered: 08/17/2018)
08/17/2018	95	NOTICE OF MOTION AND MOTION IN LIMINE (#2) to Exclude EVIDENCE OF BRAIN DAMAGE filed by Defendant Somatics, LLC. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 2)(Benkner, Jason) (Entered: 08/17/2018)
08/17/2018	96	NOTICE OF MOTION AND MOTION IN LIMINE (#3) to Exclude EVIDENCE OF PURPORTED ADVERSE EVENTS THAT WERE KNOWN OR KNOWABLE AFTER MAY 18, 2016 filed by Defendant Somatics, LLC. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 3)(Benkner, Jason) (Entered: 08/17/2018)
08/17/2018	97	NOTICE OF MOTION AND MOTION IN LIMINE (#4) to Exclude EVIDENCE OF ANY SOMATICS DEVICE SOLD BEFORE OCTOBER 2006 filed by Defendant Somatics, LLC. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 4)(Benkner, Jason) (Entered: 08/17/2018)
08/17/2018	98	NOTICE OF MOTION AND MOTION IN LIMINE (#5) to Exclude EVIDENCE OF THE PREMARKET APPROVAL PROCESS (PMA) filed by Defendant Somatics, LLC. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 5)(Benkner, Jason) (Entered: 08/17/2018)
08/17/2018	99	NOTICE OF MOTION AND MOTION IN LIMINE (#6) to Exclude EVIDENCE OF SOMATICS CONTRACT MANUFACTURER filed by Defendant Somatics, LLC. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 6)(Benkner, Jason) (Entered: 08/17/2018)
08/17/2018	100	NOTICE OF MOTION AND MOTION IN LIMINE (#7) to Exclude EVIDENCE OF FDA INSPECTORS OPINION REGARDING MDR REGULATION filed by Defendant Somatics, LLC. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 7)(Benkner, Jason) (Entered: 08/17/2018)
08/17/2018	101	NOTICE OF MOTION AND MOTION IN LIMINE (#8) to Exclude EVIDENCE OF PURPORTED INJURIES OR SIDE EFFECTS OF ECT NOT EXPERIENCED BY PLAINTIFFS filed by Defendant Somatics, LLC. Motion set for hearing on 10/2/2018 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 8)(Benkner, Jason) (Entered: 08/17/2018)

08/20/2018	102	Amendment to MOTION IN LIMINE (#1) to Exclude Evidence of Religion - Scientology 87 MIL #1 - proposed order as served and filed with Chambers filed by Plaintiffs Deborah Chase, Jose Riera. (Karen, David) (Entered: 08/20/2018)
08/20/2018	103	Amendment to MOTION IN LIMINE (#2) to Exclude Evidence of Purported Benefits of ECT 88 MIL #2 - proposed order as served and filed with Chambers filed by Plaintiffs Deborah Chase, Jose Riera. (Karen, David) (Entered: 08/20/2018)
08/21/2018	104	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Amendment (Motion related) 102 , Amendment (Motion related) 103 . The following error(s) was/were found: Proposed Orders are to be lodged. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (bp) (Entered: 08/21/2018)
08/21/2018	105	REPLY In Support of NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs' Claims 1 through 6 80 filed by Defendant Somatics, LLC. (Attachments: # 1 Declaration OF JASON A. BENKNER IN SUPPORT OF OBJECTIONS BY DEFENDANT TO EVIDENCE SUBMITTED BY PLAINTIFFS, # 2 Exhibit A TO DECLARATION OF JASON BENKNER, # 3 Exhibit B TO DECLARATION OF JASON BENKNER, # 4 OBJECTION BY SOMATICS, LLC TO DECLARATION OF MOIRA DOLAN, M.D. IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, # 5 Proposed Order ON OBJECTION BY SOMATICS, LLC TO DECLARATION OF MOIRA DOLAN, M.D. IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, # 6 OBJECTION BY SOMATICS, LLC TO DECLARATION OF RICHARD J. PERRILLO, PH.D. IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, # 7 Proposed Order ON OBJECTION BY SOMATICS, LLC TO DECLARATION OF RICHARD J. PERRILLO, PH.D. IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, # 8 OBJECTION BY SOMATICS, LLC TO DECLARATION OF PETER BREGGIN, M.D. USED IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, # 9 Proposed Order ON OBJECTION BY SOMATICS, LLC TO DECLARATION OF PETER BREGGIN, M.D. USED IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, # 10 OBJECTION BY SOMATICS, LLC TO DECLARATION OF KENNETH CASTLEMAN, PH.D. IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, # 11 Proposed Order ON OBJECTION BY SOMATICS, LLC TO DECLARATION OF KENNETH CASTLEMAN, PH.D. IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, # 12 OBJECTION BY SOMATICS, LLC TO DECLARATION OF JANET ARROWSMITH IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, # 13 Proposed Order ON OBJECTION BY SOMATICS, LLC TO DECLARATION OF JANET ARROWSMITH IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, # 14 RESPONSE BY SOMATICS, LLC TO EVIDENTIARY OBJECTIONS BY PLAINTIFFS TO DECLARATION OF CHARLES H. KELLNER, # 15 PROOF OF SERVICE)(Benkner, Jason) (Entered: 08/21/2018)
08/22/2018	106	TEXT ONLY ENTRY ORDER by Judge R. Gary Klausner: Plaintiffs Deborah Chase and Jose Rieras Motion for Partial Summary Judgment as to Presumption of Failure to Exercise Due Care - Evidence Code 669 - Elements: (1) and (4) 79 calendared for hearing on August 27, 2018, has been taken under submission and off the motion calendar. No appearances by counsel are necessary. The Court will issue a ruling after full consideration of properly submitted pleadings. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (vv) (Entered: 08/22/2018)

08/27/2018	107	Witness List filed by Plaintiffs Deborah Chase, Jose Riera.. (Karen, David) (Entered: 08/27/2018)
08/27/2018	108	JOINT Exhibit List filed by Plaintiffs Deborah Chase, Jose Riera.. (Karen, David) (Entered: 08/27/2018)
08/27/2018	109	MEMORANDUM of CONTENTIONS of FACT and LAW filed by Plaintiffs Deborah Chase, Jose Riera. (Karen, David) (Entered: 08/27/2018)
08/27/2018	110	MEMORANDUM of CONTENTIONS of FACT and LAW filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 08/27/2018)
08/29/2018	111	TEXT ONLY ENTRY ORDER by Judge R. Gary Klausner: Defendant Somatics, LLCs Motion for Summary Judgment as to Plaintiffs' Claims 1 through 6 80 calendared for hearing on September 4, 2018, has been taken under submission and off the motion calendar. No appearances by counsel are necessary. The Court will issue a ruling after full consideration of properly submitted pleadings. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (vv) (Entered: 08/29/2018)
09/05/2018	112	Joint STIPULATION for Leave to TO PERMIT PARTIES TO CONDUCT MEDIATION AFTER CUT-OFF filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order RE: STIPULATION FOR LEAVE TO PERMIT PARTIES TO CONDUCT MEDIATION AFTER CUT-OFF)(Benkner, Jason) (Entered: 09/05/2018)
09/06/2018	120	ORDER Re Stipulation and Request to Permit Parties to Conduct Mediation After Cut-Off 112 by Judge R. Gary Klausner that The Parties request to permit mediation beyond the cut-off date is GRANTED; and The Parties shall participate in private mediation on 9/11/2018. (jp) (Entered: 09/07/2018)
09/07/2018	113	OPPOSITION IN OPPOSITION TO re: MOTION IN LIMINE (#1) to Exclude Evidence of Religion - Scientology 87 filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order DENYING PLAINTIFFS MOTION IN LIMINE NO. 1)(Benkner, Jason) (Entered: 09/07/2018)
09/07/2018	114	OPPOSITION IN OPPOSITION TO re: MOTION IN LIMINE (#2) to Exclude Evidence of Purported Benefits of ECT 88 filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order DENYING PLAINTIFFS MOTION IN LIMINE NO. 2)(Benkner, Jason) (Entered: 09/07/2018)
09/07/2018	115	OPPOSITION IN OPPOSITION TO re: MOTION IN LIMINE (#3) to Exclude Evidence of Foreign Compliance 89 filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order DENYING PLAINTIFFS MOTION IN LIMINE NO. 3)(Benkner, Jason) (Entered: 09/07/2018)
09/07/2018	116	OPPOSITION IN OPPOSITION TO re: MOTION IN LIMINE (#4) to Exclude Evidence of Unrelated Proceedings 90 filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order DENYING PLAINTIFFS MOTION IN LIMINE NO. 4)(Benkner, Jason) (Entered: 09/07/2018)
09/07/2018	117	OPPOSITION IN OPPOSITION TO re: MOTION IN LIMINE (#5) to Exclude Evidence of Unrelated Private Family Matters 91 filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order DENYING PLAINTIFFS MOTION IN LIMINE NO. 5)(Benkner, Jason) (Entered: 09/07/2018)
09/07/2018	118	OPPOSITION IN OPPOSITION TO re: MOTION IN LIMINE (#6) to Exclude Inquiry asserting Riera had prior memory issue 92 filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order DENYING PLAINTIFFS MOTION IN LIMINE NO. 6)(Benkner, Jason) (Entered: 09/07/2018)

09/07/2018	119	PROOF OF SERVICE filed by Defendant Somatics, LLC, re Objection/Opposition (Motion related), 115 , Objection/Opposition (Motion related), 113 , Objection/Opposition (Motion related), 116 , Objection/Opposition (Motion related), 117 , Objection/Opposition (Motion related), 114 , Objection/Opposition (Motion related), 118 served on 09/07/18. (Benkner, Jason) (Entered: 09/07/2018)
09/07/2018	121	Opposition Opposition re: MOTION IN LIMINE (#1) to Exclude EVIDENCE NOT TIMELY DISCLOSED DURING FACT DISCOVERY 94 filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Declaration Karen Dec iso Opposition to Defendant's Motions in Limine, # 2 Exhibit Exhibit A to Karen Dec, # 3 Proposed Order Denying D MIL #1)(Karen, David) (Entered: 09/07/2018)
09/07/2018	122	Opposition Opposition re: MOTION IN LIMINE (#2) to Exclude EVIDENCE OF BRAIN DAMAGE 95 filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Proposed Order Denying D MIL #2)(Karen, David) (Entered: 09/07/2018)
09/07/2018	123	Opposition Opposition re: MOTION IN LIMINE (#3) to Exclude EVIDENCE OF PURPORTED ADVERSE EVENTS THAT WERE KNOWN OR KNOWABLE AFTER MAY 18, 2016 96 filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Proposed Order Denying D MIL #3)(Karen, David) (Entered: 09/07/2018)
09/07/2018	124	Opposition Opposition re: MOTION IN LIMINE (#4) to Exclude EVIDENCE OF ANY SOMATICS DEVICE SOLD BEFORE OCTOBER 2006 97 filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Proposed Order Denying D MIL #4)(Karen, David) (Entered: 09/07/2018)
09/07/2018	125	Opposition Opposition re: MOTION IN LIMINE (#5) to Exclude EVIDENCE OF THE PREMARKET APPROVAL PROCESS (PMA) 98 filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Proposed Order Denying D MIL #5)(Karen, David) (Entered: 09/07/2018)
09/07/2018	126	Opposition Opposition re: MOTION IN LIMINE (#6) to Exclude EVIDENCE OF SOMATICS CONTRACT MANUFACTURER 99 filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Proposed Order Denying D MIL #6)(Karen, David) (Entered: 09/07/2018)
09/07/2018	127	Opposition Opposition re: MOTION IN LIMINE (#7) to Exclude EVIDENCE OF FDA INSPECTORS OPINION REGARDING MDR REGULATION 100 filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Proposed Order Denying D MIL #7) (Karen, David) (Entered: 09/07/2018)
09/07/2018	128	Opposition Opposition re: MOTION IN LIMINE (#8) to Exclude EVIDENCE OF PURPORTED INJURIES OR SIDE EFFECTS OF ECT NOT EXPERIENCED BY PLAINTIFFS 101 filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Proposed Order Denying D MIL #8)(Karen, David) (Entered: 09/07/2018)
09/07/2018	129	PROOF OF SERVICE filed by Plaintiffs Deborah Chase, Jose Riera, re Objection/Opposition (Motion related), 123 , Objection/Opposition (Motion related), 126 , Objection/Opposition (Motion related) 122 , Objection/Opposition (Motion related), 127 , Objection/Opposition (Motion related), 128 , Objection/Opposition (Motion related), 124 , Objection/Opposition (Motion related), 125 , Objection/Opposition (Motion related), 121 served on 9-7-18. (Karen, David) (Entered: 09/07/2018)
09/12/2018	130	WITNESS TESTIMONY SUMMARIES filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Exhibit Arrowsmith CV, # 2 Exhibit Breggin CV, # 3 Exhibit Castleman CV, # 4 Exhibit Dolan CV, # 5 Exhibit Perrillo CV)(Karen, David) (Entered: 09/12/2018)

09/12/2018	131	Proposed Voir Dire Questions filed by Plaintiffs Deborah Chase, Jose Riera.. (Karen, David) (Entered: 09/12/2018)
09/12/2018	132	WITNESS TESTIMONY SUMMARIES filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 09/12/2018)
09/13/2018	133	Proposed Voir Dire Questions filed by Defendant Somatics, LLC.. (Benkner, Jason) (Entered: 09/13/2018)
09/14/2018	134	(IN CHAMBERS) Order Re: Plaintiffs' Motion for Partial Summary Judgment and Defendant's Motion for Summary Judgment (DE 79, 80) by Judge R. Gary Klausner: This Court: DENIES Plaintiff's Motion for Partial Summary Judgment as to Presumption of Failure to Exercise Due Care on Element (1) of the California Evidence Code 669; and GRANTS Plaintiff's Motion for Partial Summary Judgment as to Presumption of Failure to Exercise Due Care on Element (4) of California Evidence Code 669; GRANTS Defendant's Motion for Summary Judgment as to Claims One and Five; and DENIES Defendant's Motion for Summary Judgment as to Claims Two, Three, Four, and Six. granting in part and denying in part 79 MOTION for Partial Summary Judgment; granting in part and denying in part 80 for Summary Judgment. (bp) (Entered: 09/14/2018)
09/14/2018	135	PROPOSED JURY INSTRUCTIONS (Unannotated set) filed by Defendant Somatics, LLC.. (Attachments: # 1 Defendant's Disputed Jury Instructions)(Benkner, Jason) (Entered: 09/14/2018)
09/15/2018	136	PROPOSED JURY INSTRUCTIONS (unannotated set) filed by Plaintiffs Deborah Chase, Jose Riera.. (Attachments: # 1 Declaration Karen iso Ps Disputed Jury Instructions)(Karen, David) (Entered: 09/15/2018)
09/17/2018	137	(IN CHAMBERS) ORDER RE FURTHER SETTLEMENT CONFERENCE by Judge R. Gary Klausner:The Court hereby orders the parties to participate in a further settlement conference prior to the October 2, 2018 jury trial date. The settlement conference will be conducted by Gail Killefar, ADR Program Director, and shall be attended by counsel and client representatives with full settlement authority. Gail Killefer will contact the parties to schedule a date and time for the settlement conference. (bp) (Entered: 09/17/2018)
09/17/2018	141	Pretrial Conference held before Judge R. Gary Klausner: Case called. Counsel state their appearances. Court and counsel confer re jury impanelment, court hours and the voir dire process. The Court issues tentative rulings on the filed motions in limine. Any briefs to motions in limine are due by 4:00 p.m. on September 19, 2108. Counsel shall file a brief (1 to 2 paragraph) statement of the case to be read to the jury. Every evening, counsel shall submit to the Court a list of witnesses to be called the following day, in the order they will be called. The Court informs counsel that it intends to impose time limit of 6 hours per side. The Court informs counsel that further mediation shall be conducted with a member of the Court's mediation panel. The mediation shall be attended by counsel and client representatives that have full settlement authority. Court Reporter: Sandra MacNeil. (bp) (Entered: 09/20/2018)
09/19/2018	138	Opposition Opposition re: MOTION IN LIMINE (#3) to Exclude EVIDENCE OF PURPORTED ADVERSE EVENTS THAT WERE KNOWN OR KNOWABLE AFTER MAY 18, 2016 96 filed by Plaintiffs Deborah Chase, Jose Riera. (Karen, David) (Entered: 09/19/2018)
09/19/2018	139	REPLY In Support of MOTION IN LIMINE (#5) to Exclude EVIDENCE OF THE PREMARKET APPROVAL PROCESS (PMA) 98 filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 09/19/2018)
09/19/2018	140	REPLY In Support of MOTION IN LIMINE (#6) to Exclude EVIDENCE OF

		SOMATICS CONTRACT MANUFACTURER 99 filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 09/19/2018)
09/24/2018	142	Notice of Appearance or Withdrawal of Counsel: for attorney Ian A Stewart counsel for Defendant Mecta Corporation. Jason M. Yang is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by defendant MECTA CORPORATION. (Stewart, Ian) (Entered: 09/24/2018)
09/24/2018	143	EX PARTE APPLICATION for Order for Modifying pretrial conference order to allow additional time to present evidence at trial filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Declaration Karen iso ex parte, # 2 Proposed Order extending time for evidence at trial) (Karen, David) (Entered: 09/24/2018)
09/24/2018	144	DOCUMENT STRICKEN PURSUANT TO ORDER 112-B E-FILED 9/26/18. NOTICE of Association of Counsel associating attorney Bijan Esfandiari on behalf of Plaintiff Deborah Chase. Filed by Plaintiff Deborah Chase (Attachments: # 1 Signed Application Request for Approval of Substitution of Counsel)(Karen, David) Modified on 9/26/2018 (shb). (Entered: 09/24/2018)
09/25/2018	145	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Notice of Association of Counsel 144 . The following error(s) was/were found: Incorrect event selected. Correct event to be used is: Request for Substitution of Counsel. In response to this notice, the Court may: (1) order an amended or correct document to be filed; (2) order the document stricken; or (3) take other action as the Court deems appropriate. You need not take any action in response to this notice unless and until the Court directs you to do so. (ak) (Entered: 09/25/2018)
09/25/2018	146	TRIAL BRIEF filed by Plaintiffs Deborah Chase, Jose Riera.. (Attachments: # 1 Declaration Karen iso Trial Brief, # 2 Exhibit A - Adatia Depo, # 3 Exhibit B - Rajan Depo, # 4 Exhibit C - Movsesian Depo, # 5 Exhibit D - Swartz Depo, # 6 Exhibit E - Abrams Depo)(Karen, David) (Entered: 09/25/2018)
09/25/2018	147	STATEMENT Case for Jury filed by Plaintiffs Deborah Chase, Jose Riera re: Pretrial Conference - Final - optional html form,, 141 . (Karen, David) (Entered: 09/25/2018)
09/25/2018	148	NOTICE OF ERRATA filed by Plaintiffs Deborah Chase, Jose Riera. correcting Trial Brief, 146 (Attachments: # 1 Memorandum Amended Trial Brief)(Karen, David) (Entered: 09/25/2018)
09/25/2018	149	TRIAL BRIEF filed by Defendant Somatics, LLC.. (Benkner, Jason) (Entered: 09/25/2018)
09/26/2018	150	RESPONSE BY THE COURT TO NOTICE TO FILER OF DEFICIENCIES IN ELECTRONICALLY FILED DOCUMENTS RE: Notice of Association of Counsel 144 by Judge R. Gary Klausner. The document is stricken. Counsel may refile a substitution of attorney using Form G-01 and submitting the proposed order as required.. (shb) (Entered: 09/26/2018)
09/26/2018	151	REQUEST TO SUBSTITUTE ATTORNEY Bijan Esfandiari in place of attorney David M. Karen filed by Plaintiff Deborah Chase. (Attachments: # 1 Proposed Order Granting Sub of Attorney, # 2 Affidavit Service) (Karen, David) (Entered: 09/26/2018)
09/27/2018	152	Second EX PARTE APPLICATION to Exclude Expert Testimony <i>Peter Breggin M.D.</i> filed by Defendant Somatics, LLC. (Attachments: # 1 Declaration, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Proposed Order) (Benkner, Jason) (Entered: 09/27/2018)
09/27/2018	153	Third EX PARTE APPLICATION to Exclude Expert Testimony <i>Kenneth Castleman, Ph.D.</i> filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order) (Benkner,

		Jason) (Entered: 09/27/2018)
09/27/2018	154	Fourth EX PARTE APPLICATION to Exclude Expert Testimony <i>Moira Dolan, M.D.</i> filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order) (Benkner, Jason) (Entered: 09/27/2018)
09/27/2018	155	Fifth EX PARTE APPLICATION to Exclude Expert Testimony <i>Richard J. Perrillo, Ph.D.</i> filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order) (Benkner, Jason) (Entered: 09/27/2018)
09/28/2018	156	Opposition Opposition re: Second EX PARTE APPLICATION to Exclude Expert Testimony <i>Peter Breggin M.D.</i> 152 , Fifth EX PARTE APPLICATION to Exclude Expert Testimony <i>Richard J. Perrillo, Ph.D.</i> 155 , Fourth EX PARTE APPLICATION to Exclude Expert Testimony <i>Moira Dolan, M.D.</i> 154 , Third EX PARTE APPLICATION to Exclude Expert Testimony <i>Kenneth Castleman, Ph.D.</i> 153 filed by Plaintiffs Deborah Chase, Jose Riera. (Karen, David) (Entered: 09/28/2018)
09/28/2018	157	ORDER by Judge R. Gary Klausner GRANTING Request for Approval of Substitution of Attorney Bijan Esfandiari for plaintiff Deborah Chase in place and stead of David M Karen 151 . (jp) (Entered: 10/01/2018)
09/28/2018	158	MINUTES (IN CHAMBERS) ORDER RE EX PARTE APPLICATIONS by Judge R. Gary Klausner: The Court has reviewed the ex parte applications filed by defendant on 9/27/2018. The ex parte application to Exclude Expert Testimony Peter Breggin M.D. 152 is DENIED. The ex parte application to Exclude Expert Testimony Kenneth Castleman, Ph.D. 153 is DENIED. The ex parte application to Exclude Expert Testimony Moira Dolan, M.D. 154 is DENIED; and The ex parte application to Exclude Expert Testimony Richard J. Perrillo, Ph.D 155 is DENIED. (jp) (Entered: 10/01/2018)
10/01/2018	159	STIPULATION to Dismiss Case pursuant to Settlement filed by Plaintiffs Deborah Chase, Jose Riera. (Attachments: # 1 Proposed Order)(Karen, David) (Entered: 10/01/2018)
10/01/2018	160	ORDER GRANTING DISMISSAL OF 4TH AMENDED COMPLAINT AS TO JOSE RIERA AND DEBORAH CHASE PURSUANT TO CONFIDENTIAL SETTLEMENT; REQUEST FOR COURT TO RETAIN JURISDICTION by Judge R. Gary Klausner, re Stipulation to Dismiss Case 159 . IT IS ORDERED THAT: The Parties' request for dismissal is GRANTED: and The Court to retain jurisdiction to enforce terms of settlement, (Made JS-6. Case Terminated.) (bp) (Entered: 10/01/2018)
10/30/2018	161	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. Appeal of Order on Motion to Dismiss Case,,,,, 70 . (Appeal Fee - \$505 Fee Paid, Receipt No. 0973-22666651.) (Karen, David) (Entered: 10/30/2018)
10/31/2018	162	NOTIFICATION from Ninth Circuit Court of Appeals of case number assigned and briefing schedule. Appeal Docket No. 18-56470 assigned to Notice of Appeal to 9th Circuit Court of Appeals, 161 as to Plaintiffs Daniel Benjamin, Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (bp) (Entered: 11/02/2018)
11/05/2018	163	REPRESENTATION STATEMENT re Notice of Appeal to 9th Circuit Court of Appeals, 161 . (Karen, David) (Entered: 11/05/2018)
11/20/2018	164	NOTICE NOTICE PURSUANT TO NINTH CIRCUIT RULE 10-3.1 THAT NO TRANSCRIPTS ARE BEING ORDERED BY PLAINTIFFS-APPELLANTS FOR THE APPEAL Marcia Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (Esfandiari, Bijan) (Entered: 11/20/2018)
12/10/2018	165	STIPULATION for Judgment as to complaint filed by Plaintiffs Daniel Benjamin, Marcia

		Benjamin, Deborah Chase, Michelle Himes, Jose Riera, Diane Scurrah. (Attachments: # 1 Proposed Order Judgment)(Karen, David) (Entered: 12/10/2018)
12/12/2018	166	ORDER from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals, 161 filed by Marcia Benjamin, Diane Scurrah, Deborah Chase, Michelle Himes, Daniel Benjamin, Jose Riera. CCA # 18-56470. The appeal shall proceed as to the remaining appellee Somatics, LLC. As between plaintiffs and defendant/appellee Mecta Corporation, each side shall bear their own fees and costs on appeal. A copy of this order shall serve as and for the mandate of this court as to defendant/appellee Mecta Corporation only. (mat) (Entered: 12/13/2018)
12/14/2018	167	FINAL JUDGMENT by Judge R. Gary Klausner Related to: Stipulation for Judgment 165 , (SEE FINAL JUDGMENT FOR SPECIFICS) (bp) (Entered: 12/17/2018)
04/07/2020	168	MEMORANDUM from Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals, 161 filed by Marcia Benjamin, Diane Scurrah, Deborah Chase, Michelle Himes, Daniel Benjamin, Jose Riera. CCA No. 18-56470. REVERSED and REMANDED. (bm) (Entered: 04/07/2020)
04/29/2020	169	MANDATE of Ninth Circuit Court of Appeals filed re: Notice of Appeal to 9th Circuit Court of Appeals, 161 , CCA # 18-56470. The judgment of this Court, entered April 07, 2020, takes effect this date. This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. [See USCA Memorandum 168 , REVERSED and REMANDED.](mat) (Entered: 04/30/2020)
04/30/2020	170	Notice of Electronic Filing re USCA Mandate, 169 e-mailed to Kimberly Offenbacher bounced due to 5.1.0 - Unknown address error. The primary e-mail address associated with the attorney record has been deleted. Pursuant to Local Rules it is the attorneys obligation to maintain all personal contact information including e-mail address in the CM/ECF system. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (lmh) TEXT ONLY ENTRY (Entered: 04/30/2020)
05/14/2020	171	(IN CHAMBERS) ORDER re Joint Status Report by Judge R. Gary Klausner: The court hereby orders the parties to file a Joint Status Report that sets forth the status of the case. The report shall include the remaining parties and claims, in light of the Mandate, and within the context of the broader procedural history of the action. The Joint Status Report shall be filed no later than 5/28/2020. (Made JS-5, Case reopened.) (jp) (Entered: 05/14/2020)
05/28/2020	172	STATUS REPORT <i>Jointly Submitted</i> filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes, Diane Scurrah. (Esfandiari, Bijan) (Entered: 05/28/2020)
06/03/2020	173	NOTICE of Change of Attorney Business or Contact Information: for attorney David S Poole counsel for Defendant Somatics, LLC. Changing firm name to Poole Shaffery & Koegle, LLP. Filed by Defendant Somatics, LLC. (Poole, David) (Entered: 06/03/2020)
06/03/2020	174	NOTICE of Change of Attorney Business or Contact Information: for attorney Jason Arthur Benkner counsel for Defendant Somatics, LLC. Changing address to 25350 Magic Mountain Pkwy, Suite 250, Santa Clarita, CA 91355. Filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 06/03/2020)
06/08/2020	175	ORDER SETTING SCHEDULING CONFERENCE by Judge R. Gary Klausner. Rule 26 Meeting Report due by 9/21/2020. Scheduling Conference set for 9/28/2020 at 9:00 am. (sw) (Entered: 06/08/2020)
06/08/2020	176	(IN CHAMBERS) Order to File Amended Third Amended Complaint by Judge R. Gary Klausner: The Court hereby orders Plaintiffs to file an Amended TAC, restricted only to removing parties who are no longer the action and removing any class allegations. No

		other modifications are permitted. The amended TAC shall be filed no later than 6/15/2020. Defendant shall file its answer to the Amended TAC no later than 6/29/2020. (jp) (Entered: 06/08/2020)
06/15/2020	177	NOTICE of Filing Amended Complaint with Attached Red-line Edits; and if Deemed Necessary, Alternative Request to Permit All Red-line Edits to the Previous Operative Complaint filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes, Diane Scurrah. (Attachments: # 1 Exhibit)(Esfandiari, Bijan) (Entered: 06/15/2020)
06/15/2020	178	FIFTH AMENDED COMPLAINT against Defendant Somatics, LLC amending Amended Complaint/Petition, 52 , filed by Plaintiffs Marcia Benjamin, Diane Scurrah, Daniel Benjamin, Michelle Himes(Attorney Bijan Esfandiari added to party Daniel Benjamin(pty:pla), Attorney Bijan Esfandiari added to party Marcia Benjamin(pty:pla), Attorney Bijan Esfandiari added to party Michelle Himes(pty:pla), Attorney Bijan Esfandiari added to party Diane Scurrah(pty:pla))(Esfandiari, Bijan) (Entered: 06/15/2020)
06/17/2020	179	First REQUEST TO SUBSTITUTE ATTORNEY Bijan Esfandiari in place of attorney David M. Karen filed by Plaintiffs Daniel Benjamin, Marcia Benjamin. (Attachments: # 1 Proposed Order Benjamin SOA) (Karen, David) (Entered: 06/17/2020)
06/17/2020	180	REQUEST TO SUBSTITUTE ATTORNEY Bijan Esfandiari in place of attorney David M. Karen filed by Plaintiff Michelle Himes. (Attachments: # 1 Proposed Order Himes) (Karen, David) (Entered: 06/17/2020)
06/17/2020	181	First REQUEST TO SUBSTITUTE ATTORNEY Bijan Esfandiari in place of attorney David M. Karen filed by Plaintiff Diane Scurrah. (Attachments: # 1 Proposed Order Scurrah) (Karen, David) (Entered: 06/17/2020)
06/19/2020	182	ORDER by Judge R. Gary Klausner GRANTING Request for Approval of Substitution of Attorney Bijan Esfandiari for Plaintiffs Marcia Benjamin, Daniel Benjamin in place and stead of David M Karen 179 . (jp) (Entered: 06/19/2020)
06/19/2020	183	ORDER by Judge R. Gary Klausner GRANTING Request for Approval of substitution of Attorney Bijan Esfandiari for Plaintiff Michelle Himes in place and stead of David M Karen 180 . (jp) (Entered: 06/19/2020)
06/19/2020	184	ORDER by Judge R. Gary Klausner GRANTING Request for Approval of Substitution of Attorney Bijan Esfandiari for Plaintiff Diane Scurrah in place and stead of David M Karen 181 . (jp) (Entered: 06/19/2020)
06/29/2020	185	ANSWER to Amended Complaint/Petition, 178 filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 06/29/2020)
08/12/2020	186	Notice of Appearance or Withdrawal of Counsel: for attorney Monique Amanda Alarcon counsel for Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes, Diane Scurrah. Adding Monique A. Alarcon as counsel of record for Plaintiffs for the reason indicated in the G-123 Notice. Filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes, Diane Scurrah. (Alarcon, Monique) (Entered: 08/12/2020)
08/12/2020	187	Joint STIPULATION for Protective Order filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes, Diane Scurrah. (Attachments: # 1 Proposed Order)(Alarcon, Monique) (Entered: 08/12/2020)
08/14/2020	188	ORDER GRANTING PROTECTIVE ORDER 187 by Magistrate Judge Patrick J. Walsh. (es) (Entered: 08/14/2020)
08/14/2020	189	STIPULATED PROTECTIVE ORDER by Magistrate Judge Patrick J. Walsh. (See document for details.) (es) (Entered: 08/14/2020)

08/14/2020	190	Notice of Electronic Filing re Protective Order 189 , Protective Order 188 , Stipulation for Protective Order 187 , Notice of Appearance or Withdrawal of Counsel (G-123), 186 e-mailed to Michelle L. Young bounced due to unknown address. The primary e-mail address associated with the attorney record has been deleted. Pursuant to Local Rules it is the attorneys obligation to maintain all personal contact information including e-mail address in the CM/ECF system. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (cbr) TEXT ONLY ENTRY (Entered: 08/14/2020)
09/14/2020	191	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 10 days, filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes, Diane Scurrah.. (Esfandiari, Bijan) (Entered: 09/14/2020)
09/23/2020	192	SCHEDULING NOTICE TO ALL PARTIES AND ORDER by Judge R. Gary Klausner. The Scheduling Conference calendared for September 28, 2020, at 9:00 a.m., is hereby taken off calendar. Scheduling and trial orders will follow. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (jre) TEXT ONLY ENTRY (Entered: 09/23/2020)
10/01/2020	193	ORDER FOR JURY TRIAL by Judge R. Gary Klausner. Pretrial Conference set for 5/24/2021 09:00 AM. Jury Trial set for 6/15/2021 09:00 AM. See order for complete details. (jre) (Entered: 10/01/2020)
10/01/2020	194	ORDER/REFERRAL to ADR Procedure No 3 by Judge R. Gary Klausner. Case ordered to a private mediator based upon a stipulation of the parties or by the court order. (jre) (Entered: 10/01/2020)
10/01/2020	195	In Chambers (No Proceeding Held) Order re Scheduling Conference by Judge R. Gary Klausner: Court sets the following dates: Jury Trial (Est. 10 days): 6/15/2021 at 9:00 AM. Pretrial Conference: 5/24/2021 at 9:00 AM. Motion Cut-Off Date (last day to file): 3/24/2021. Discovery Cut-Off Date: 3/10/2021. Last day to amend the complaint or add parties is 10/15/2020. The parties shall participate in ADR Settlement Procedure No. 3. (jp) (Entered: 10/01/2020)
01/27/2021	196	NOTICE OF MOTION AND MOTION to Continue Trial from June 15, 2021 to October 19, 2021 filed by Defendant Somatics, LLC. Motion set for hearing on 3/1/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Declaration DECLARATION OF JASON A. BENKNER IN SUPPORT OF DEFENDANTS MOTION TO CONTINUE TRIAL, OR ALTERNATIVELY, TO COMPEL PLAINTIFFS TO APPEAR IN LOS ANGELES FOR MENTAL EXAMS, # 2 Exhibit EXHIBIT A TO DECLARATION OF JASON BENKNER, # 3 Declaration DECLARATION OF ROBERT BILDER, PH.D. IN SUPPORT OF DEFENDANTS MOTION TO CONTINUE TRIAL, OR ALTERNATIVELY, TO COMPEL PLAINTIFFS TO APPEAR IN LOS ANGELES FOR MENTAL EXAMS, # 4 Exhibit EXHIBIT A TO DECLARATION OF ROBERT BILDER, PH.D., # 5 Proposed Order RE DEFENDANTS MOTION TO CONTINUE TRIAL DATE AND RELATED DEADLINES; OR IN THE ALTERNATIVE, REQUEST TO COMPEL PLAINTIFFS TO APPEAR IN LOS ANGELES FOR MENTAL EXAMINATION) (Benkner, Jason) (Entered: 01/27/2021)
01/27/2021	197	EX PARTE APPLICATION to Shorten Time for Hearing on re NOTICE OF MOTION AND MOTION to Continue Trial from June 15, 2021 to October 19, 2021 196 to February 15, 2021 filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order RE APPLICATION TO SHORTEN TIME ON DEFENDANTS MOTION FOR TRIAL CONTINUANCE AND RELATED DEADLINES, OR IN THE ALTERNATIVE, TO COMPEL PLAINTIFFS TO APPEAR IN LOS ANGELES FOR MENTAL EXAMS) (Benkner, Jason) (Entered: 01/27/2021)
01/28/2021	198	(IN CHAMBERS) Order Re: Ex Parte Application to Shorten Time for Hearing [DE 197

] by Judge R. Gary Klausner: the Court DENIES Defendant's Application. Should the palties wish to advance the hearing date and briefing schedule associated with the Motion at Docket Entry 196, the Court will consider a stipulation to that effect pursuant to the Local Rules. (jp) (Entered: 01/28/2021)
01/29/2021	199	STIPULATION to Expedite Hearing on Defendant's Motion to Continue Trial, or Alternatively, to Compel Plaintiffs to Appear in Los Angeles for Mental Exams filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order RE STIPULATION AND REQUEST TO ADVANCE HEARING ON DEFENDANTS MOTION TO CONTINUE TRIAL, OR ALTERNATIVELY, TO COMPEL PLAINTIFFS TO APPEAR IN LOS ANGELES FOR MENTAL EXAMS)(Benkner, Jason) (Entered: 01/29/2021)
02/02/2021	200	OPPOSITION to NOTICE OF MOTION AND MOTION to Continue Trial from June 15, 2021 to October 19, 2021 196 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Jose Riera, Diane Scurrah. (Attachments: # 1 Declaration of Monique Alarcon, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Declaration of Diane Scurrah, # 8 Exhibit 1, # 9 Declaration of Michelle Himes, # 10 Exhibit 1, # 11 Declaration Marcia Benjamin)(Attorney Monique Amanda Alarcon added to party Jose Riera(pty:pla))(Alarcon, Monique) (Entered: 02/02/2021)
02/05/2021	201	ORDER Re Stipulation and Request to Advance Hearing on Defendant's Motion to Continue Trial, or Alternatively, to Compel Plaintiffs to Appear in Los Angeles for Mental Exams 199 by Judge R. Gary Klausner Hearing on Defendant's Motion 196 is advanced from 3/1/1021 at 9:00 AM., to 2/16/2021 at 09:00 AM. Any Opposition will be due on 2/3/2021; Any Reply will be due on 2/5/2021. (jp) (Entered: 02/05/2021)
02/05/2021	202	REPLY to Plaintiffs' Opposition NOTICE OF MOTION AND MOTION to Continue Trial from June 15, 2021 to October 19, 2021 196 filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 02/05/2021)
02/10/2021	203	(IN CHAMBERS) NOTICE TO ALL PARTIES AND ORDER by Judge R. Gary Klausner. Defendant Somatics, LLC's Motion to Continue Trial from June 15, 2021 to October 19, 2021 196 , calendared for hearing on February 16, 2021 has been taken under submission and off the motion calendar. No appearances by counsel are necessary. The court will review the matter without hearing any further arguments in person or on paper. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (sw) TEXT ONLY ENTRY (Entered: 02/10/2021)
02/16/2021	204	NOTICE OF REASSIGNMENT OF CASE due to Unavailability of Judicial Officer filed. The previously assigned Magistrate Judge is no longer available. Pursuant to directive of the Chief Magistrate Judge and in accordance with the rules of this Court, the case has been returned to the Clerk for reassignment. This case has been reassigned to Magistrate Judge Jacqueline Chooljian for any discovery and/or post-judgment matters that may be referred. Case number will now read as 2:17-cv-06686 RGK(JCx). (rn) (Entered: 02/16/2021)
02/16/2021	205	(IN CHAMBERS) Order Re: Defendant's Motion to Continue Trial Date and Related Deadlines; or in the Alternative, Request to Compel Plaintiffs to Appear in Los Angeles for Mental Examination [DE 196] by Judge R. Gary Klausner: The Court GRANTS in part and DENIES in part Defendant's Motion to continue the trial date and pretrial deadlines and REFERS Defendant 's Motion to Compel to a United States Magistrate Judge for a hearing, if necessary, and for determination. United States Magistrate Judge Patrick J. Walsh having retired from the bench, the Clerk of Court shall REFER Defendant's Motion to a different United States Magistrate Judge. (SEE CIVIL MINUTES FOR FURTHER SPECIFICS). (jp) (Entered: 02/16/2021)
02/17/2021	206	MINUTE (IN CHAMBERS) ORDER (1) RE REFERRAL OF MOTION TO

		MAGISTRATE JUDGE; (2) GRANTING MOTION TO COMPEL IN PART; AND (3) DIRECTING PARTIES TO MAKE FURTHER SUBMISSIONS by Magistrate Judge Jacqueline Chooljian, re: MOTION 196 . IT IS HEREBY ORDERED: 1. The Motion to Compel is granted to the extent it seeks to compel Plaintiff Benjamin to undergo a mental examination outside the presence of her treating neuropsychologist on March 1, 2021 at 9:00 a.m. at Dr. Bilder's office. Upon Defendant's provision to this Court of a word/wordperfect version of the previously lodged (Proposed) Order (see Docket No. 196-5), the Court will modify it as appropriate and issue the same. 2. As to the portion of the Motion to Compel which seeks to compel the examinations of Plaintiff's Scurrah and Himes, the parties shall make further submissions consistent with the below by not later than February 25, 2021: (see document for further details). (hr) (Entered: 02/17/2021)
02/25/2021	207	DECLARATION of Jason A Benkner re NOTICE OF MOTION AND MOTION to Continue Trial from June 15, 2021 to October 19, 2021 196 , Minutes of In Chambers Order/Directive - no proceeding held,, 206 filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 02/25/2021)
02/25/2021	208	EX PARTE APPLICATION for Protective Order <i>AND REQUEST FOR RECONSIDERATION</i> filed by Plaintiff Daniel Benjamin, Marcia Benjamin, Michelle Himes, Diane Scurrah. (Attachments: # 1 Declaration of Richard Perrillo, M.D., # 2 Proposed Order)(Alarcon, Monique) (Entered: 02/25/2021)
02/25/2021	209	DECLARATION of MONIQUE ALARCON IN SUPPORT OF PLAINTIFFS FURTHER SUBMISSIONS IN OPPOSITION TO NOTICE OF MOTION AND MOTION to Continue Trial from June 15, 2021 to October 19, 2021 196 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes, Diane Scurrah. (Attachments: # 1 Exhibit A)(Alarcon, Monique) (Entered: 02/25/2021)
02/26/2021	210	OPPOSITION to re: EX PARTE APPLICATION for Protective Order <i>AND REQUEST FOR RECONSIDERATION</i> 208 filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 02/26/2021)
02/26/2021	211	MINUTE ORDER (IN CHAMBERS) DENYING IN PART AND DEFERRING IN PART PLAINTIFFS' EX PARTE APPLICATION FOR A PROTECTIVE ORDER AND REQUEST FOR RECONSIDERATION by Magistrate Judge Jacqueline Chooljian. (see document for further details) 208 . (klg) (Entered: 03/01/2021)
02/26/2021	212	MINUTE (IN CHAMBERS) ORDER DENYING IN PART AND DEFERRING IN PART PLAINTIFFS' EX PARTE APPLICATION FOR A PROTECTIVE ORDER AND REQUEST FOR RECONSIDERATION 208 by Magistrate Judge Jacqueline Chooljian. Plaintiff Benjamin is required to appear for an in-person mental examination with Dr. Bilder on March 1, 2021 at 9:00 a.m. as previously ordered. To the extent Plaintiffs' Ex Parte Application seeks an order that all parties conduct the remaining mental examinations of Plaintiffs Scurrah and Himes remotely, the Court defers ruling on Plaintiffs' Ex Parte Application and will issue an order on the remaining portion of Plaintiffs' Ex Parte Application when it rules on the outstanding portions of the Motion to Compel. (see document for further details) (hr) (Entered: 03/01/2021)
03/01/2021	213	NOTICE OF CLERICAL ERROR: Document number 211 was inadvertently docketed twice. Please disregard docket number 212 (see document for details) (klg) (Entered: 03/01/2021)
03/01/2021	214	ORDER GRANTING IN PART DEFENDANT'S REQUEST TO COMPEL PLAINTIFFS TO APPEAR IN LOS ANGELES FOR MENTAL EXAMINATION by Magistrate Judge Jacqueline Chooljian. 196 (klg) (Entered: 03/01/2021)
03/01/2021	215	Text Only Entry - Minute Order 211 was emailed to all counsel on 2/26/21 at 7:50 p.m.

		THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (klg) TEXT ONLY ENTRY (Entered: 03/01/2021)
03/02/2021	216	NOTICE OF MOTION AND MOTION to Compel DEPOSITIONS OF SOMATICS CORPORATE OFFICERS AND RULE 30(B)(6) WITNESS; AND FURTHER RESPONSES TO PLAINTIFFS REQUESTS FOR PRODUCTION OF DOCUMENTS, SET TWO filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes, Diane Scurrah. Motion set for hearing on 3/23/2021 at 09:30 AM before Magistrate Judge Jacqueline Chooljian. (Attachments: # 1 Memorandum re Joint Stipulation, # 2 Declaration of Monique Alarcon, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4, # 7 Exhibit 5, # 8 Exhibit 6, # 9 Declaration of Jason Benker, # 10 Exhibit A, # 11 Proposed Order)(Alarcon, Monique) (Entered: 03/02/2021)
03/09/2021	217	SUPPLEMENT to MOTION to Compel DEPOSITIONS OF SOMATICS CORPORATE OFFICERS AND RULE 30(B)(6) WITNESS; AND FURTHER RESPONSES TO PLAINTIFFS REQUESTS FOR PRODUCTION OF DOCUMENTS, SET TWO 216 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes, Diane Scurrah. (Attachments: # 1 Declaration of Monique Alarcon, # 2 Exhibit 7)(Alarcon, Monique) (Entered: 03/09/2021)
03/10/2021	218	MINUTE (IN CHAMBERS) ORDER (1) DENYING WITHOUT PREJUDICE REMAINING PORTIONS OF DEFENDANT'S MOTION TO COMPEL (DOCKET NO. 196); (2) DIRECTING REMOTE EXAMINATIONS TO PROCEED UNDER SPECIFIED CIRCUMSTANCES; AND (3) DENYING PLAINTIFFS' EX PARTE APPLICATION FOR A PROTECTIVE ORDER AS MOOT (DOCKET NO. 208) by Magistrate Judge Jacqueline Chooljian. The Court concludes that it is appropriate to (1) deny the Motion to Compel without prejudice to the extent it seeks an order compelling Plaintiffs Scurrah and Himes to appear in Los Angeles to undergo a mental examination with Dr. Bilder; (2) require such examinations to proceed remotely on March 22, 2021 at 9:00 a.m. (for Plaintiff Himes) and March 29, 2021 at 9:00 a.m. (for Plaintiff Scurrah) (see document for further details). (hr) (Entered: 03/10/2021)
03/15/2021	219	STIPULATION to Dismiss Plaintiff Diane Scurrah filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order RE STIPULATION OF DISMISSAL)(Benkner, Jason) (Entered: 03/15/2021)
03/16/2021	221	Mail Returned addressed to Michelle L Young re Order on Ex Parte Application for Protective Order 212 (hr) (Entered: 03/17/2021)
03/17/2021	220	ORDER RE STIPULATION OF DISMISSAL 219 by Judge R. Gary Klausner, the Court hereby enters the following ORDER: (1) Plaintiff Diane Scurrah's claims against Defendant Somatics are dismissed with prejudice. (2) Each side to bear its own costs and attorneys' fees. (3) Plaintiffs Michelle Himes, Marcia Benjamin, and Daniel Benjamin's claims are not affected by this stipulation and dismissal. (jp) (Entered: 03/17/2021)
03/19/2021	222	EX PARTE APPLICATION for Leave to file Second Motion for Summary Judgment filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order RE ORDER PERMITTING SOMATICS, LLC TO FILE A SECOND MOTION FOR SUMMARY JUDGMENT) (Benkner, Jason) (Entered: 03/19/2021)
03/19/2021	223	NOTICE OF NON-OPPOSITION to EX PARTE APPLICATION for Leave to file Second Motion for Summary Judgment 222 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. (Esfandiari, Bijan) (Entered: 03/19/2021)
03/22/2021	224	ORDER RE APPLICATION FOR AN ORDER PERMITTING SOMATICS LLC TO FILE A SECOND MOTION FOR SUMMARY JUDGMENT 222 by Judge R. Gary Klausner. Defendant is authorized to file a second motion for summary judgment;

		Defendant's Motion for Summary Judgment must be filed by the motion cut-off date, March 24, 2021. (lom) (Entered: 03/22/2021)
03/22/2021	225	MINUTES (IN CHAMBERS) ORDER SUBMITTING, VACATING HEARING ON, AND GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION TO COMPEL by Magistrate Judge Jacqueline Chooljian. SEE ORDER FOR DETAILS. 216 -- Minute Order was emailed to counsel on March 20, 2021, at 8:57 p.m. (ch) (Entered: 03/22/2021)
03/23/2021	226	EX PARTE APPLICATION to Continue filing deadline from March 24, 2021 to March 31, 2021 Re: EX PARTE APPLICATION for Leave to file Second Motion for Summary Judgment 222 , Order on Motion for Leave to File Document, 224 filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order RE APPLICATION FOR AN ORDER CONTINUING THE DEADLINE FOR DEFENDANT TO FILE A MOTION FOR SUMMARY JUDGMENT) (Benkner, Jason) (Entered: 03/23/2021)
03/23/2021	227	Amendment to EX PARTE APPLICATION to Continue filing deadline from March 24, 2021 to March 31, 2021 Re: EX PARTE APPLICATION for Leave to file Second Motion for Summary Judgment 222 , Order on Motion for Leave to File Document, 224 226 filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order RE AMENDED APPLICATION FOR AN ORDER CONTINUING THE DEADLINE FOR DEFENDANT TO FILE A MOTION FOR SUMMARY JUDGMENT)(Benkner, Jason) (Entered: 03/23/2021)
03/23/2021	228	NOTICE OF NON-OPPOSITION to EX PARTE APPLICATION to Continue filing deadline from March 24, 2021 to March 31, 2021 Re: EX PARTE APPLICATION for Leave to file Second Motion for Summary Judgment 222 , Order on Motion for Leave to File Document, 224 226 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. (Esfandiari, Bijan) (Entered: 03/23/2021)
03/23/2021	229	ORDER RE AMENDED APPLICATION FOR AN ORDER CONTINUING THE DEADLINE FOR DEFENDANT TO FILE A MOTION FOR SUMMARY JUDGMENT 227 by Judge R. Gary Klausner that (1) The Application is GRANTED; (2) The deadline for filing the motion for summary judgment is 3/31/2021; (3) The pending ex parte application filed at 226 is hereby DENIED as moot. (jp) (Entered: 03/23/2021)
03/31/2021	230	[DOCUMENT STRICKEN PER ORDER DATED ON 4/1/2021, SEE DOCKET ENTRY NO. 232] - APPLICATION to file document <i>Exhibit</i> under seal filed by Defendant Somatics, LLC. (Attachments: # 1 Exhibit to Declaration of Jason Benkner in Support of Application for Leave to File Under Seal, # 2 Proposed Order re Application by Defendant for Leave to File Certain Evidence Under Seal)(Benkner, Jason). Modified on 4/1/2021 (jp). (Entered: 03/31/2021)
03/31/2021	231	NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs' Claims 1 through 5 filed by Defendant Somatics, LLC. Motion set for hearing on 5/3/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 STATEMENT, # 2 Declaration IN SUPPORT OF DEFENDANTS MOTION FOR SUMMARY JUDGMENT, # 3 Exhibit Plaintiff Michelle Himes Responses to Interrogatories Propounded by Somatics, Set One, # 4 Exhibit Deposition of Raymond Fidaleo, M.D., # 5 Exhibit Michelle Himes Responses to Interrogatories Propounded by Mecta, Set One, # 6 Exhibit Transcript of the Deposition of Michelle Himes, # 7 Exhibit Marcia Benjamins Responses to Interrogatories, Set One, # 8 Exhibit Deposition of Michael Frankel, M.D., # 9 Exhibit Deposition of Marcia Benjamin, # 10 Exhibit Ex. 8 to M. Benjamin Depo, # 11 Exhibit Ex. 10 to M. Benjamin Depo, # 12 Exhibit Ex. 15 to M. Benjamin Depo, # 13 Exhibit Ex. 14 to M. Benjamin Depo, # 14 Exhibit Deposition of Daniel Benjamin, # 15 Exhibit Redaction Portions of Fidaleo Depo. Pending Application to File Under Seal Pending, # 16 Declaration IN SUPPORT OF DEFENDANTS MOTION FOR SUMMARY

		JUDGMENT, # 17 Proposed Order RE SOMATICS, LLCS MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT) (Benkner, Jason) (Entered: 03/31/2021)
04/01/2021	232	ORDER TO STRIKE ELECTRONICALLY FILED DOCUMENT(S) by Judge R. Gary Klausner: the following document(s) be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case Management Order: APPLICATION to file document <i>Exhibit</i> under seal 230 , for the following reasons: Document was not filed properly, for detailed instructions and information on the procedures for filing documents under seal, please refer to Local Rule 79-5 Confidential Court Records Under Seal. (jp) (Entered: 04/01/2021)
04/02/2021	233	APPLICATION to file document <i>Exhibit M to MSJ</i> under seal filed by Defendant Somatics, LLC. (Attachments: # 1 Proposed Order, # 2 Redacted Document)(Benkner, Jason) (Entered: 04/02/2021)
04/02/2021	234	SEALED DECLARATION IN SUPPORT OF APPLICATION to file document <i>Exhibit M to MSJ</i> under seal 233 filed by Defendant Somatics, LLC. (Attachments: # 1 Unredacted Document)(Benkner, Jason) (Entered: 04/02/2021)
04/02/2021	235	DECLARATION APPLICATION to file document <i>Exhibit M to MSJ</i> under seal 233 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. (Alarcon, Monique) (Entered: 04/02/2021)
04/05/2021	236	ORDER RE APPLICATION BY DEFENDANT FOR LEAVE TO FILE CERTAIN EVIDENCE UNDER SEAL PURSUANT TO PROTECTIVE ORDER by Judge R. Gary Klausner that the Application 233 is GRANTED. (See Order for further specifics). (jp) (Entered: 04/06/2021)
04/06/2021	237	SEALED DOCUMENT <i>Exhibit M to MSJ</i> re NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs' Claims 1 through 5 231 , Order on Motion for Leave to File Document Under Seal 236 filed by Defendant Somatics, LLC.(Benkner, Jason) (Entered: 04/06/2021)
04/12/2021	238	STATUS REPORT of Re Mediation filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 04/12/2021)
04/12/2021	239	(STRICKEN PER 4/13/2021 ORDER, DOCKET NO. 240). OPPOSITION to NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs' Claims 1 through 5 231 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. (Attachments: # 1 Memorandum Separate Statement In Support of Opposition, # 2 Exhibit of Bijan Esfandiari, # 3 Exhibit 01 - Michelle Himes Transcript, # 4 Exhibit 02 - Marcia Benjamin Transcript, # 5 Exhibit 03 - Paul Himes Transcript, # 6 Exhibit 04 - Daniel Benjamin Transcript, # 7 Exhibit 05 - Raymond Fidaleo Transcript, # 8 Exhibit 06 - Michael Frankel Transcript, # 9 Exhibit 07 - Richard Abrams Transcript, # 10 Exhibit 08 - Conrad Swartz Transcript, # 11 Exhibit 09 - David Mirkovich Transcript, # 12 Exhibit 10 - Breggin Decl, # 13 Exhibit 11 - Castleman Decl, # 14 Exhibit 12 - Castleman Report, # 15 Exhibit 13 - Arrowsmith Decl, # 16 Exhibit 14 - Jan. 21, 2013 Progress Note, # 17 Exhibit 15 - Sept. 28, 2012 Consent Form, # 18 Exhibit 16 - June 13, 2012 MRI, # 19 Exhibit 17 - Sept. 23, 2016 Ltr to Frankel, # 20 Exhibit 18 - July 16, 2015 Ltr to Frankel, # 21 Exhibit 19 - April 13, 2011 Consent Form, # 22 Exhibit 20 - April MRI and June Dr. Breiland Note, # 23 Exhibit 21 - Aug. 15, 2018 Psychotherapy Note, # 24 Exhibit 22 - 2001 Sixth Edition Manual from Sharp, # 25 Exhibit 23 - 2000 Fifth Edition Manual from Northridge, # 26 Exhibit 24 - Swartz Dep. 17 Website Stating Approval, # 27 Exhibit 25 - Somatics responses to RFA, # 28 Exhibit 26 - Swartz Dep. 7 Regulatory Update, # 29 Exhibit 27 - 2018 Addendum, # 30 Exhibit 28 - Abrams book excerpts, # 31 Exhibit 29 - Wright Article, # 32 Exhibit 30 - Swartz Dep. 15 1984 Clearance, # 33

		Exhibit 31 - Swartz Dep. 16 1995 Clearance, # 34 Exhibit 32 - Swartz Dep. 19 Website Stating Safety and Efficacy, # 35 Exhibit 33 - Swartz Dep. 20 Website w.out Safety and Efficacy, # 36 Exhibit 34 - Swartz Dep. 9 2012 FDA Inspection Report, # 37 Exhibit 35 - Pressly Decl, # 38 Exhibit 36 - 2011 FDA Executive Summary, # 39 Exhibit 37 - Sackeim Article, # 40 Exhibit 38 - Donahue Article, # 41 Exhibit 39 - Swartz 6 2006 Email, # 42 Exhibit 40 - Read, et al. (2019), # 43 Exhibit 41 - K843923.Thymatron Predicate Device (Medcraft), # 44 Declaration 42 - Robinson Neuropsych Report, # 45 Declaration of Marcia Benjamin, # 46 Exhibit of Michelle Himes)(Esfandiari, Bijan) Modified on 4/13/2021 (lc). (Entered: 04/13/2021)
04/13/2021	240	ORDER by Judge R. Gary Klausner: the following document(s) be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case Management Order: Response in Opposition to Motion 239 , for the following reasons: Memorandum of Points and Authorities contains single-spaced text at pages 12 and 17. L.R. 11-3.6 Spacing. Plaintiff may refile the Opposition by 4:00 pm on April 13, 2021. (lc) (Entered: 04/13/2021)
04/13/2021	241	OPPOSITION to NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs' Claims 1 through 5 231 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. (Esfandiari, Bijan) (Entered: 04/13/2021)
04/19/2021	242	REPLY in support of NOTICE OF MOTION AND MOTION for Summary Judgment as to Plaintiffs' Claims 1 through 5 231 filed by Defendant Somatics, LLC. (Attachments: # 1 Separate Statement, # 2 Declaration of Jason Benker in Support, # 3 Exhibit N- Swartz transcript, # 4 Exhibit O- Sharp Mesa records, # 5 Exhibit P- Frankel transcript, # 6 Exhibit Q- Fidaleo transcript, # 7 Exhibit R- ECT consent form)(Benkner, Jason) (Entered: 04/19/2021)
04/22/2021	243	TRANSCRIPT ORDER as to Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes for Court Reporter. Court will contact Valeriya Adlivankina at val@baumhedlundlaw.com with further instructions regarding this order. Transcript preparation will not begin until payment has been satisfied with the court reporter. (Esfandiari, Bijan) (Entered: 04/22/2021)
04/26/2021	244	STIPULATION to Continue MOTION IN LIMINE FILING DEADLINES from April 30, 2021 to May 14, 2021 filed by PLAINTIFFS' Daniel Benjamin, Marcia Benjamin, Michelle Himes. (Attachments: # 1 Proposed Order Continuing Motion In Limine Filing Deadlines)(Alarcon, Monique) (Entered: 04/26/2021)
04/28/2021	245	TRANSCRIPT for proceedings held on 9/17/18 9:03 a.m.. Court Reporter/Electronic Court Recorder: Sandra MacNeil, CSR, RPR, CRR, RMR, email address: macneilsandy@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 5/19/2021. Redacted Transcript Deadline set for 6/1/2021. Release of Transcript Restriction set for 7/27/2021. (ha) (Entered: 04/28/2021)
04/28/2021	246	NOTICE OF FILING TRANSCRIPT filed for proceedings 9/17/18 9:03 a.m. re Transcript 245 THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (ha) TEXT ONLY ENTRY (Entered: 04/28/2021)
04/28/2021	247	ORDER DENIED RE CONTINUING MOTION IN LIMINE FILING DEADLINES 244 by Judge R. Gary Klausner. (lom) (Entered: 04/28/2021)
04/28/2021	248	(IN CHAMBERS) NOTICE TO ALL PARTIES AND ORDER by Judge R. Gary Klausner. Defendant Somatics, LLC's Motion for Summary Judgment as to Plaintiffs'

		Claims 1-5 231 , calendared for hearing on May 3, 2021 has been taken under submission and off the motion calendar. No appearances by counsel are necessary. The court will review the matter without hearing any further arguments in person or on paper. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (sw) TEXT ONLY ENTRY (Entered: 04/28/2021)
04/30/2021	249	Notice of Appearance or Withdrawal of Counsel: for attorney Samuel R W Price counsel for Defendant Somatics, LLC. Adding Samuel R.W. Price as counsel of record for SOMATICS, LLC for the reason indicated in the G-123 Notice. Filed by Defendant SOMATICS, LLC. (Attorney Samuel R W Price added to party Somatics, LLC(pty:dft)) (Price, Samuel) (Entered: 04/30/2021)
04/30/2021	250	NOTICE OF MOTION AND MOTION IN LIMINE (#1) to Exclude EVIDENCE OF CHANGES TO PRODUCT WARNINGS AFTER MARCH 4, 2013 filed by Defendant Somatics, LLC. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Declaration OF JASON A. BENKNER IN SUPPORT OF DEFENDANTS MOTIONS IN LIMINE, # 2 Exhibit A to Declaration of Jason Benkner, # 3 Exhibit B to Declaration of Jason Benkner, # 4 Exhibit C to Declaration of Jason Benkner, # 5 Exhibit D to Declaration of Jason Benkner, # 6 Exhibit E to Declaration of Jason Benkner, # 7 Exhibit F to Declaration of Jason Benkner, # 8 Proposed Order on Motion in Limine No. 1)(Benkner, Jason) (Entered: 04/30/2021)
04/30/2021	251	NOTICE OF MOTION AND MOTION IN LIMINE (#2) to Exclude EVIDENCE OF PURPORTED INJURIES OR SIDE EFFECTS OF ECT NOT EXPERIENCED BY PLAINTIFFS filed by Defendant Somatics, LLC. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 2)(Benkner, Jason) (Entered: 04/30/2021)
04/30/2021	252	NOTICE OF MOTION AND MOTION IN LIMINE (#3) to Exclude EVIDENCE OF ADVERSE EVENTS OCCURRING AFTER PLAINTIFFS COMPLETED TREATMENT filed by Defendant Somatics, LLC. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 3)(Benkner, Jason) (Entered: 04/30/2021)
04/30/2021	253	NOTICE OF MOTION AND MOTION IN LIMINE (#4) to Exclude EVIDENCE OF PREMARKET APPROVAL filed by Defendant Somatics, LLC. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 4)(Benkner, Jason) (Entered: 04/30/2021)
04/30/2021	254	NOTICE OF MOTION AND MOTION IN LIMINE (#5) to Exclude EVIDENCE REGARDING CLINICAL TRIALS filed by Defendant Somatics, LLC. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 5)(Benkner, Jason) (Entered: 04/30/2021)
04/30/2021	255	NOTICE OF MOTION AND MOTION IN LIMINE (#6) to Exclude EVIDENCE OF FDA REGULATIONS REGARDING WARNINGS ON ECT DEVICES filed by Defendant Somatics, LLC. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 6) (Benkner, Jason) (Entered: 04/30/2021)
04/30/2021	256	NOTICE OF MOTION AND MOTION IN LIMINE (#7) to Exclude TESTIMONY FROM PLAINTIFFS EXPERT PETER BREGGIN, MD filed by Defendant Somatics, LLC. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 7)(Benkner, Jason) (Entered: 04/30/2021)
04/30/2021	257	NOTICE OF MOTION AND MOTION IN LIMINE (#8) to Exclude TESTIMONY

		FROM PLAINTIFFS EXPERT KENNETH CASTLEMAN, PH.D. filed by Defendant Somatics, LLC. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 8)(Benkner, Jason) (Entered: 04/30/2021)
04/30/2021	258	NOTICE OF MOTION AND MOTION IN LIMINE (#9) to Exclude TESTIMONY FROM PLAINTIFFS EXPERT BENNET OMALU, M.D. filed by Defendant Somatics, LLC. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 9)(Benkner, Jason) (Entered: 04/30/2021)
04/30/2021	259	NOTICE OF MOTION AND MOTION IN LIMINE (#10) to Exclude EVIDENCE OF ANY SOMATICS DEVICES OTHER THAN THE THYMATRON SYSTEM IV filed by Defendant Somatics, LLC. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order on Motion in Limine No. 10) (Benkner, Jason) (Entered: 04/30/2021)
04/30/2021	260	NOTICE OF MOTION AND MOTION IN LIMINE #1 to Exclude EVIDENCE OF THE CHURCH OF SCIENTOLOGY AND RELIGIOUS BELIEFS filed by PLAINTIFFS Daniel Benjamin, Marcia Benjamin, Michelle Himes. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order)(Alarcon, Monique) (Entered: 04/30/2021)
04/30/2021	261	NOTICE OF MOTION AND MOTION IN LIMINE (#2) to Exclude EVIDENCE OF SOMATICS FOREIGN REGULATORY COMPLIANCE filed by PLAINTIFFS' Daniel Benjamin, Marcia Benjamin, Michelle Himes. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order)(Alarcon, Monique) (Entered: 04/30/2021)
04/30/2021	262	NOTICE OF MOTION AND MOTION IN LIMINE (#3) to Exclude EVIDENCE THAT ECT CONSENT FORMS ARE APPROVED BY THE STATE OF CALIFORNIA filed by PLAINTIFFS' Daniel Benjamin, Marcia Benjamin, Michelle Himes. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order)(Alarcon, Monique) (Entered: 04/30/2021)
04/30/2021	263	NOTICE OF MOTION AND MOTION IN LIMINE (#4) to Exclude EVIDENCE OF COLLATERAL SOURCE PAYMENTS FOR PLAINTIFFS FUTURE MEDICAL CARE filed by PLAINTIFFS' Daniel Benjamin, Marcia Benjamin, Michelle Himes. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order)(Alarcon, Monique) (Entered: 04/30/2021)
04/30/2021	264	NOTICE OF MOTION AND MOTION IN LIMINE #6 to Exclude SOMATICS FROM INTRODUCING ANY ARGUMENT OR DEFENSE THAT IT HAS COMPLIED WITH FDA REGULATORY OBLIGATIONS filed by PLAINTIFFS' Daniel Benjamin, Marcia Benjamin, Michelle Himes. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Declaration of Bijan Esfandiari, # 2 Exhibit 1 Somatics RFP Resposnes, # 3 Exhibit 2 Swartz Deposition Transcript, # 4 Proposed Order)(Alarcon, Monique) (Entered: 04/30/2021)
04/30/2021	265	NOTICE OF MOTION AND MOTION IN LIMINE (#5) to Exclude EVIDENCE OF PRIOR JUDICIAL DECISIONS CONCERNING PLAINTIFFS EXPERT WITNESSES filed by PLAINTIFFS' Daniel Benjamin, Marcia Benjamin, Michelle Himes. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order)(Alarcon, Monique) (Entered: 04/30/2021)
04/30/2021	266	NOTICE OF MOTION AND MOTION IN LIMINE #10 to Exclude SPECULATIVE NON-EXPERT TESTIMONY CONCERNING THE PRESUMED KNOWLEDGE OF

		ALL PHYSICIANS filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Declaration of Bijan Esfandiari, # 2 Exhibit 1 Somatics RFP Responses, # 3 Exhibit 2 Swartz Deposition Transcript, # 4 Proposed Order)(Alarcon, Monique) (Entered: 04/30/2021)
04/30/2021	267	NOTICE OF MOTION AND MOTION IN LIMINE (#7) to Exclude EVIDENCE THAT ANY ENTITY OTHER THAN SOMATICS BEARS RESPONSIBILITY FOR THE ECT DEVICE LABEL filed by PLAINTIFFS' Daniel Benjamin, Marcia Benjamin, Michelle Himes. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order)(Alarcon, Monique) (Entered: 04/30/2021)
04/30/2021	268	NOTICE OF MOTION AND MOTION IN LIMINE (#8) to Exclude EVIDENCE THAT MS. HIMES WAS INVOLVED IN A CHILD PROTECTIVE SERVICES CASE filed by PLAINTIFFS Daniel Benjamin, Marcia Benjamin, Michelle Himes. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order)(Alarcon, Monique) (Entered: 04/30/2021)
04/30/2021	269	NOTICE OF MOTION AND MOTION IN LIMINE #9 to Exclude EVIDENCE OF PRIOR DRUG USE filed by PLAINTIFFS' Daniel Benjamin, Marcia Benjamin, Michelle Himes. Motion set for hearing on 6/15/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Proposed Order)(Alarcon, Monique) (Entered: 04/30/2021)
05/03/2021	270	MEMORANDUM of CONTENTIONS of FACT and LAW filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 05/03/2021)
05/03/2021	271	Witness List filed by PLAINTIFFS' Daniel Benjamin, Marcia Benjamin, Michelle Himes.. (Alarcon, Monique) (Entered: 05/03/2021)
05/03/2021	272	Witness List filed by PLAINTIFFS' Daniel Benjamin, Marcia Benjamin, Michelle Himes.. (Alarcon, Monique) (Entered: 05/03/2021)
05/03/2021	273	JOINT Exhibit List filed by PLAINTIFFS' Daniel Benjamin, Marcia Benjamin, Michelle Himes.. (Alarcon, Monique) (Entered: 05/03/2021)
05/03/2021	274	MEMORANDUM of CONTENTIONS of FACT and LAW filed by PLAINTIFFS' Daniel Benjamin, Marcia Benjamin, Michelle Himes. (Alarcon, Monique) (Entered: 05/03/2021)
05/04/2021	275	NOTICE OF ERRATA filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. correcting Witness List 271 (Alarcon, Monique) (Entered: 05/04/2021)
05/13/2021	276	NOTICE of Manual Filing filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes of FINAL PRETRIAL CONFERENCE ORDER. (Alarcon, Monique) (Entered: 05/13/2021)
05/14/2021	277	NOTICE OF LODGING Proposed Pretrial Conference Order Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. (Attachments: # 1 Proposed Final PreTrial Conference Order)(Alarcon, Monique) (Entered: 05/14/2021)
05/14/2021	278	(IN CHAMBERS) Order Re: Defendant's Motion for Summary Judgment [DE 231] by Judge R. Gary Klausner The Court DISMISSES Plaintiffs' third and fourth claims with prejudice and GRANTS Defendant's Motion as to Plaintiff's remaining claims. (MD JS-6. Case Terminated.) (See Civil Minutes for further specifics). (jp) (Entered: 05/14/2021)
05/17/2021	279	NOTICE OF LODGING filed re Order on Motion for Summary Judgment, 278 (Attachments: # 1 Proposed Order [PROPOSED] FINAL JUDGMENT)(Benkner, Jason) (Entered: 05/17/2021)

05/18/2021	280	Notice of Appearance or Withdrawal of Counsel: for attorney R. Brent Wisner counsel for Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. Adding R. Brent Wisner as counsel of record for Plaintiffs Michelle Himes, Marcia Benjamin and Daniel Benjamin for the reason indicated in the G-123 Notice. Filed by Plaintiffs Michelle Himes, Marcia Benjamin and Daniel Benjamin. (Attorney R. Brent Wisner added to party Daniel Benjamin(pty:pla), Attorney R. Brent Wisner added to party Marcia Benjamin(pty:pla), Attorney R. Brent Wisner added to party Michelle Himes(pty:pla)) (Wisner, R.) (Entered: 05/18/2021)
05/18/2021	281	NOTICE of Change of address by Bijan Esfandiari attorney for Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. Changing attorneys address to 10940 Wilshire Blvd, Suite 1600, Los Angeles, CA 90024. Filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. (Esfandiari, Bijan) (Entered: 05/18/2021)
05/18/2021	282	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. Appeal of Order on Motion for Summary Judgment, 278 . (Appeal Fee - \$505 Fee Paid, Receipt No. ACACDC-31318147.) (Esfandiari, Bijan) (Entered: 05/18/2021)
05/18/2021	283	REPRESENTATION STATEMENT re Notice of Appeal to 9th Circuit Court of Appeals, 282 . (Esfandiari, Bijan) (Entered: 05/18/2021)
05/19/2021	284	NOTIFICATION from Ninth Circuit Court of Appeals of case number assigned and briefing schedule. Appeal Docket No. 21-55517 assigned to Notice of Appeal to 9th Circuit Court of Appeals 282 as to plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. (jp) (Entered: 05/19/2021)
05/21/2021	285	FINAL JUDGMENT by Judge R. Gary Klausner. HEREBY ORDERS, ADJUDGES AND DECREES AS FOLLOWS: (1) Final Judgment is entered against Plaintiffs MICHELLE HIMES, MARCIA BENJAMIN and DANIEL BENJAMIN, pursuant to the Court's May 14, 2021 Order [DE 278], dismissing Plaintiffs' third and fourth claims with prejudice and granting summary judgment in favor of Defendant, SOMATICS LLC, with respect to Plaintiffs' remaining claims. (jp) (Entered: 05/21/2021)
05/26/2021	286	NOTICE PURSUANT TO NINTH CIRCUIT RULE 10-3.1 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. (Esfandiari, Bijan) (Entered: 05/26/2021)
06/04/2021	287	APPLICATION to the Clerk to Tax Costs against Plaintiff Daniel Benjamin, Marcia Benjamin, Michelle Himes re: Judgment, 285 , filed by Defendant Somatics, LLC. (Attachments: # 1 Exhibit Local rule 54-3.2 Fees, # 2 Exhibit Local rule 54-3.5 Fees, # 3 Exhibit Local rule 54-3.6 Fees, # 4 Exhibit Local rule 54-3.10 Fees) (Benkner, Jason) (Entered: 06/04/2021)
06/04/2021	288	NOTICE OF MOTION AND MOTION for Costs against Daniel Benjamin, Marcia Benjamin, Michelle Himes RE: Judgment, 285 filed by Defendant Somatics, LLC. Motion set for hearing on 7/12/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Declaration BY JASON A. BENKNER IN SUPPORT OF MOTION BY SOMATICS, LLC FOR AN AWARD OF EXPERT FEES, # 2 Exhibit A-Statutory offers, # 3 Exhibit B-Invoices, # 4 Proposed Order RE MOTION BY SOMATICS, LLC FOR AN AWARD OF EXPERT FEES) (Benkner, Jason) (Entered: 06/04/2021)
06/18/2021	289	PLAINTIFFS' OBJECTION re: APPLICATION to the Clerk to Tax Costs against Plaintiff Daniel Benjamin, Marcia Benjamin, Michelle Himes re: Judgment, 285 , 287 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. (Attachments: # 1 Declaration of Michelle Himes, # 2 Declaration of Marcia Benjamin)(Alarcon, Monique) (Entered: 06/18/2021)
06/21/2021	290	PLAINTIFFS OPPOSITION re: NOTICE OF MOTION AND MOTION for Costs

		against Daniel Benjamin, Marcia Benjamin, Michelle Himes RE: Judgment, 285 288 filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. (Attachments: # 1 Declaration of Monique Alarcon, # 2 Declaration of Marcia Benjamin, # 3 Declaration of Michelle Himes)(Alarcon, Monique) (Entered: 06/21/2021)
06/23/2021	291	REPLY in support of APPLICATION to the Clerk to Tax Costs against Plaintiff Daniel Benjamin, Marcia Benjamin, Michelle Himes re: Judgment, 285 , 287 filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 06/23/2021)
06/28/2021	292	REPLY in support of NOTICE OF MOTION AND MOTION for Costs against Daniel Benjamin, Marcia Benjamin, Michelle Himes RE: Judgment, 285 288 filed by Defendant Somatics, LLC. (Benkner, Jason) (Entered: 06/28/2021)
07/08/2021	293	(IN CHAMBERS) NOTICE TO ALL PARTIES AND ORDER by Judge R. Gary Klausner.. Defendant Somatics, LLC's Motion for Costs against Daniel Benjamin, Marcia Benjamin and Michelle Himes 288 , calendared for hearing on July 12, 2021 has been taken under submission and off the motion calendar. No appearances by counsel are necessary. The court will review the matter without hearing any further arguments in person or on paper. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (sw) TEXT ONLY ENTRY (Entered: 07/08/2021)
07/23/2021	294	BILL OF COSTS. Costs Taxed in amount of \$ 17,608.23 in favor of defendant and against plaintiffs. RE: APPLICATION to the Clerk to Tax Costs against Plaintiff Daniel Benjamin, Marcia Benjamin, Michelle Himes re: Judgment, 285 , 287 (kr) (Entered: 07/23/2021)
07/30/2021	295	[DOCUMENT STRICKEN PER ORDER DATED ON 8/2/2021, SEE DOCKET ENTRY NO. 296] - NOTICE OF MOTION re NOTICE OF MOTION AND MOTION for Costs against Daniel Benjamin, Marcia Benjamin, Michelle Himes RE: Judgment, 285 288 , APPLICATION to the Clerk to Tax Costs against Plaintiff Daniel Benjamin, Marcia Benjamin, Michelle Himes re: Judgment, 285 , 287 <i>Motion to Retax Costs</i> filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. Motion set for hearing on 8/30/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Declaration of Michelle Himes in Support of Plaintiff's Motion to Retax Costs Awarded, # 2 Declaration of Marcia Benjamin in Support of Plaintiff's Motion to Retax Costs Awarded) (Alarcon, Monique). Modified on 8/2/2021 (jp). (Entered: 07/30/2021)
08/02/2021	296	ORDER TO STRIKE ELECTRONICALLY FILED DOCUMENT(S) by Judge R. Gary Klausner: the following document(s) be STRICKEN for failure to comply with the Local Rules, General Order and/or the Courts Case Management Order: Notice of Motion 295 , for the following reasons: Memorandum of Points and Authorities exceeds this Court's 20-page limit. See Standing Order. (jp) (Entered: 08/02/2021)
08/03/2021	297	EX PARTE APPLICATION to Re-Tax Costs against Marcia Benjamin, Daniel Benjamin, Michelle Himes Re: Striking Electronically Filed Documents (G-106), 296 filed by Plaintiffs Marcia Benjamin, Daniel Benjamin, Michelle Himes. (Attachments: # 1 Exhibit 1, # 2 Proposed Order) (Alarcon, Monique) (Entered: 08/03/2021)
08/04/2021	298	ORDER GRANTING Plaintiffs' Ex Parte Application for Leave to Re-File Plaintiffs' Motion to Retax Costs Within Page Limits 297 by Judge R. Gary Klausner that Plaintiffs' shall file their revised Motion to Retax Costs within One (1) day of this Court's Order. (jp) (Entered: 08/04/2021)
08/04/2021	299	NOTICE OF MOTION re NOTICE OF MOTION AND MOTION for Costs against Daniel Benjamin, Marcia Benjamin, Michelle Himes RE: Judgment, 285 288 , EX PARTE APPLICATION to Re-Tax Costs against Marcia Benjamin, Daniel Benjamin, Michelle Himes Re: Striking Electronically Filed Documents (G-106), 296 297 <i>Plaintiffs'</i>

		<i>Motion to Retax Costs</i> filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. Motion set for hearing on 8/13/2021 at 09:00 AM before Judge R. Gary Klausner. (Attachments: # 1 Declaration of Marcia Benjamin, # 2 Declaration of Michelle Himes, # 3 Proposed Order)(Alarcon, Monique) (Entered: 08/04/2021)
08/04/2021	300	NOTICE OF ERRATA filed by Plaintiffs Daniel Benjamin, Marcia Benjamin, Michelle Himes. correcting Notice of Motion,, 299 <i>Notice of Errata to Plaintiffs' Motion to Retax Costs</i> (Attachments: # 1 Exhibit Plaintiffs' Motion to Retax Costs)(Alarcon, Monique) (Entered: 08/04/2021)
08/09/2021	301	(IN CHAMBERS) Order Re: Defendant's Motion for Expert Costs [DE 288] by Judge R. Gary Klausner: The Court DENIES Defendant's Motion. (See Civil Minutes for further specifics). (jp) (Entered: 08/09/2021)

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