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6 Attorneys for Defendants MARRIOTT INTERNATIONAL, INC.,
CNL HOSPITALITY PARTNERS, L.P., and CNL HOTELS AND RESORTS, INC.
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 NARINDER BHUGRA, a personal
representative of the Estate of Dr. SATNAM
12 SINGH BHUGRA, MANINDER BHUGRA
and PAUL BHUGRA, individually,
13

14 Plaintiffs,

15 v.

16 MARRIOTT INTERNATIONAL, INC., a
Delaware Corporation, CNL HOTELS AND
RESORTS, INC., a foreign corporation, CNL
17 HOSPITALITY PARTNERS, LP, a Delaware
Limited Partnership, and JOHN DOES, one or
18 more unknown business entities and/or persons,

19 Defendant.
20

Case No. C 07-06491 JCS

**DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION FOR STAY OF
PROCEEDINGS**

21 Defendants, Marriott International, Inc., CNL Hotels and Resorts, Inc., and CNL
22 Hospitality Partners, LP (collectively "Defendants") submit their memorandum of points and
23 authorities in support of their opposition to plaintiffs' motion for 120-day stay of proceedings as
24 follows:

25 **1. INTRODUCTION**

26 This wrongful death action arises out of the death of Dr. Satnam Singh Bhugra (born on
27 September 1, 1933), when he was a guest at the Defendants' hotel in Newark, California on May
28 19, 2005.

1 According to the Police and Fire Department reports, at approximately 11:10 p.m.,
 2 Stephanie Becket, another guest of the hotel first discovered the decedent lying on the floor when
 3 she walked into the fitness room of the hotel.

4 Ms. Becket ran and advised hotel staff to call 9-1-1. Thereafter, two of defendants'
 5 employees, Janice Martin and Samir Bentaieb, separately called 9-1-1 to report the incident. The
 6 Fire Department Incident Report indicates that they were dispatched at 11:11 p.m. and arrived at
 7 the Hotel at 11:16 p.m. and found Mr. Bhugra dead. (A copy of the Fire Department Incident
 8 Report and the Police Report is attached hereto as Exhibit "A" and "B" respectively.)

9 The coroner's report concluded that the cause of death was "cardiac insufficiency due to
 10 severe calcific atherosclerosis." The report specifically noted: "The left anterior descending artery
 11 has stenosis of up to 80% occlusion or a length of 3 x 8 inch. The left circumflex coronary artery
 12 has stenosis of up to 99% occlusion over a length of 1 x 8 inch. The right coronary artery has
 13 stenosis of up to 75% occlusion over a length of 1 x 4 inch." (A copy of the Coroner's Report is
 14 attached hereto as Exhibit "C.")

15 Plaintiffs now sue Defendants for their alleged failure to: (a) acquire and install an
 16 automatic external defibrillator (AED) in the hotel and, (b) notify emergency medical services in a
 17 timely manner.

18 **2. PLAINTIFFS' MOTION IS IMPROPER AND INTENDED TO CAUSE**
 19 **UNNECESSARY DELAY.**

20 On December 27, 2007, this case was transferred from the United States District Court,
 21 Western District of Michigan and filed in this District. On the same day, this court issued an order
 22 setting initial case management conference for April 4, 2008 and ADR deadlines.

23 More than two months later, on March 1, 2008, plaintiffs' counsel, Mr. Perry, advised
 24 defendants' counsel that he was in the process of finding California counsel for the plaintiffs and
 25 requested for a 60-day continuation of all deadlines set forth in the December 27, 2007 order. (A
 26 copy of Mr. Perry's March 3, 2008 letter confirming his telephone message is attached hereto as
 27 Exhibit "D.")

28 On March 14, 2008, Mr. Perry telephonically conferred with defendants' counsel pursuant

1 to the December 27, 2007 order and again informed that he was in the process of finding California
 2 counsel. On March 26, 2008, Mr. Perry sent a letter to Ms. Karen Hom, Courtroom Deputy, stating
 3 that he was "endeavoring to retain California counsel to undertake the active handling of this
 4 matter." (A copy of Mr. Perry's March 26, 2008 letter is attached hereto as Exhibit "E.")

5 In a joint case management conference statement filed on March 28, 2008, Mr. Perry again
 6 repeated the same thing and informed that the plaintiffs would file a motion for a 60-day extension
 7 of all proceedings.

8 On April 4, 2008, a case management conference was held when the court referred this case
 9 to the alternative dispute resolution program for Early Neutral Evaluation to be completed within
 10 120 days. Additionally, the court set the important dates and deadlines, including the trial date.

11 Plaintiffs have also failed to provide their responses to defendants' interrogatories and
 12 request for production of documents, which are long overdue. (A copy of the defendants' counsel
 13 letter of May 14, 2008 to Mr. Perry is attached hereto as Exhibit "F.")

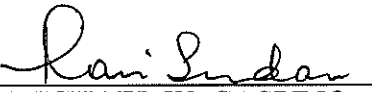
14 It has been more than five months since this case was transferred to this court and plaintiffs
 15 and their attorneys of record have been unable to retain California counsel to undertake the
 16 handling of this matter. Apparently, the reason is simply that no California attorney wants to
 17 prosecute a frivolous action like this and expose himself or herself to the sanctions under FRCP
 18 Rule 11 and subsequent malicious prosecution action. (*Zamos v. Stroud* (2004) 32 Cal.4th 958, 960
 19 [an attorney may be held liable for continuing to prosecute a lawsuit discovered to lack probable
 20 cause.]) In fact, Mr. Perry has been advised of the holding in *Rotolo v. San Jose Sports &*
 21 *Entertainment, LLC* (2007) 151 Cal.App.4th 307, wherein the court held that the building owners
 22 and managers, such as Defendants herein, have no duty in the first instance to acquire and install an
 23 automatic external defibrillator (AED). (*Id.* 314.) Further, as demonstrated in the coroner's report,
 24 the decedent's death was caused by a hardening of coronary arteries, not by a ventricular
 25 fibrillation. Therefore, even if an AED had been present in the fitness room, it would have been
 26 completely ineffective and would not have saved the decedent's life. In view of the undisputed
 27 facts and settled law, plaintiffs' action has no merit.

28 Plaintiffs' motion is solely intended to cause unnecessary delay of the dismissal of this

1 frivolous action. Based on the foregoing, defendants respectfully request that the court deny
2 plaintiffs' motion.

3
4 DATED: May 30, 2008

BRADY, VORWERCK, RYDER & CASPINO

5
6 By: 

MICHAEL W. CASPINO

RAVI SUDAN

Attorneys for Defendants MARRIOTT

INTERNATIONAL, INC., CNL

HOSPITALITY PARTNERS, L.P., and CNL

HOTELS AND RESORTS, INC.

Incident Report

Newark Fire Department

2005-5001119 -000

(AT)

Basic

Alarm Date and Time	23:11:52	Thursday, May 19, 2005
Arrival Time	23:16:46	
Controlled Date and Time		
Last Unit Cleared Date and Time	00:38:50	Friday, May 20, 2005
Response Time	0:04:54	
Priority Response	Yes	
Completed	Yes	
Reviewed	Yes	
Fire Department Station	3	
Shift	B	
Incident Type	321 - EMS call, excluding vehicle accident with injury	
Aid Given or Received	N - None	
Alarms	1	
Action Taken 1	33 - Provide advanced life support (ALS)	
EMS Provided	Yes	
Apparatus - EMS	3	
Personnel - EMS Personnel	5	
Property Loss	\$0.00	
Contents Loss	\$0.00	
Property Value	\$0.00	
Contents Value	\$0.00	
Property Use	449 - Hotel/motel, commercial	
Location Type	Address	
Address	39802 CEDAR BLVD	
City, State Zip	NEWARK, CA 94560	
District	43	

Apparatus - 3943

Apparatus ID	3943
Response Time	0:02:48
Apparatus Dispatch Date and Time	23:12:12 Thursday, May 19, 2005
En route to scene date and time	23:13:58 Thursday, May 19, 2005
Apparatus Arrival Date and Time	23:16:46 Thursday, May 19, 2005
Apparatus Clear Date and Time	00:38:42 Friday, May 20, 2005
Apparatus priority response	Yes
Number of People	3
Apparatus Use	2
Apparatus Type	11 - Engine
Personnel 1	SPE - Perry, Steven J Position: 40CAPT
Personnel 2	VER - Verhoeven, Charles S Position: 50FF
Personnel 3	BEL - Bell, Ronald J Position: 50FF

Apparatus - 3993

Apparatus ID	3993
Response Time	0:02:45

D 00001

Incident Report

Newark Fire Department

2005-5001119 -000

Apparatus - 3993

Apparatus Dispatch Date and Time	23:12:23	Thursday, May 19, 2005
En route to scene date and time	23:14:01	Thursday, May 19, 2005
Apparatus Arrival Date and Time	23:16:46	Thursday, May 19, 2005
Apparatus Clear Date and Time	00:04:13	Friday, May 20, 2005
Apparatus priority response	Yes	
Number of People	2	
Apparatus Use	2	
Apparatus Type	71 - Rescue unit	
Personnel 1	MOR - Morua, Ernest R	
	Position: 50FF	
Personnel 2	OWE - Owens, Gary C	
	Position: 50FF	

Apparatus - AMB1

Apparatus ID	AMB1
Response Time	0:08:31
Apparatus Dispatch Date and Time	23:13:36 Thursday, May 19, 2005
En route to scene date and time	23:14:04 Thursday, May 19, 2005
Apparatus Arrival Date and Time	23:22:35 Thursday, May 19, 2005
Apparatus Clear Date and Time	00:38:50 Friday, May 20, 2005
Apparatus priority response	Yes
Apparatus Use	2
Apparatus Type	76 - ALS unit

Authority

Reported By	SPE - Perry, Steven J
	07:11:10 Sunday, May 22, 2005
Officer In Charge	SPE - Perry, Steven J
	19:11:58 Wednesday, December 14, 2005
Reviewer	JAY - Jay, Michael D
	19:11:53 Wednesday, December 14, 2005

Narratives

Narrative Name	CAD Narrative
Narrative Type	CAD Narrative
Author	-
Narrative Text	F2005001147 EMS (F) - MEDICAL CALL SINGLE PATIENT TOWNEPLACE SUITES BY MARRIOTT COMPLETE SPECIAL ADDRESS COMMENT: ** LOI SEARCH C
Narrative Name	Towne Place IC-3943
Narrative Type	Incident
Narrative Date	06:55:15 Sunday, May 22, 2005
Author	SPE - Perry, Steven J
Author Rank	40CAPT
Author Assignment	1
Narrative Text	At 2311 hours on Thursday May 19, 2005 we were dispatched to an EMS call. Three units were assigned to this incident. Five personnel responded. We arrived on scene at 2316

Incident Report

Newark Fire Department

2005-5001119 -000

Narratives

hours and cleared at 0038 hours. The incident occurred at 39802 CEDAR Blvd, NEWARK in District 43. The local station is 3. The general description of this property is hotel/motel, commercial. The primary task(s) performed at the scene by responding personnel was to provide advanced life support (ALS). No mutual/automatic aid was given or received.

One patient was involved with this incident.

3943 and 3993 responded to a report of a man down (possible code blue) in the fitness room at Towne Place Suites. Upon arrival we found the patient slumped on the floor next to the treadmill and the wall.

We moved the treadmill to gain access to the patient. We positioned the patient supine on the floor. Paramedic Bell assessed the patient for a pulse and responsiveness. The patient was not breathing and did not have a pulse. N.P.D. Officers arrived on scene.

Firefighter Morua started CPR. I advised dispatch that we were working a "code blue". We applied the heart monitor to the patient. N.P.D. assisted us in locating the patient's family.

Paramedic Bell administered ALS care per ALCO protocols. Paramedic Owens intubated the patient. We continued CPR.

AMR crew arrived on scene. NFD continued ALS care. After three rounds of meds, ALS care was terminated per Alameda County protocol (#7204). AMR crew was cancelled on scene. We remained on scene and awaited the arrival of family members.

The patient's family arrived on scene. N.P.D. and 3943 provided the family grief support. The patient was left in the custody of N.P.D. 3943 and 399 returned to quarters.

Alarm number 5001119 has been assigned to this incident.

End of Report

D 00003



D-00004
EXHIBIT



NEWARK POLICE DEPARTMENT INVOLVED PERSONS

CASE NO: 05-3176PAGE 2 OF 4

INVOLVED PERSONS											
CODE: I - INFORMANT V - VICTIM W - WITNESS S - SUSPECT RP - REPORTING PERSON											
ARREST: N - NONE OV - ON VIEW W - WARRANT ARREST PC - PROBABLE CAUSE CA - CITIZENS ARREST											
STATUS: (1) CITE (2) BOOK (3) OTHER											
ADULT DISPO: R - RELEASED T - TURNED OVER TO ANOTHER AGENCY M - MISDEMEANOR F - FELONY											
JUVENILE DISPO: D - HANDLED WITHIN DEPT J - JUVENILE COURT T - TURNED OVER TO ANOTHER AGENCY											
CODE:	ARREST:	STATUS:	DISPO:	NAME (LAST, FIRST, MI)				RACE:	SEX:	AGE / DOB:	
				BHUGRA, MENIDER "MELINDA" (DAUGHTER)				O	F	11-18-59	
ADDRESS: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS				CITY / ZIP:				PHONE: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS			
217 E. 85TH ST				NEW YORK, NY 10028				(212) 592-4049			
DL#	ST:	SSN:	PFN / LOCAL NBR:				HEIGHT:	WEIGHT:	HAIR:	EYES:	
							5'4"	130	BLK	BRO	
INJURY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		INJURY DESCRIPTION:						VIC RELATION TO OFFENDER:			
		CELL PHONE (408) 505-4584									
DOUBLE-LOCKED AND CHECKED THE HANDCUFFS FOR TIGHTNESS: <input type="checkbox"/> <input type="checkbox"/>		TRANSPORTED TO:		OTHER DESCRIPTION: (SCARS, MARKS, TATTOOS, CLOTHING, ETC)							
CODE:	ARREST:	STATUS:	DISPO:	NAME (LAST, FIRST, MI)				RACE:	SEX:	AGE / DOB:	
				BHUGRA, RUTH (DAUGHTER)				O	F	6-17-63	
ADDRESS: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS				CITY / ZIP:				PHONE: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS			
2163 WHITE OWL WAY				OKEMOS, MI 48864				(517) 410-3781			
DL#	ST:	SSN:	PFN / LOCAL NBR:				HEIGHT:	WEIGHT:	HAIR:	EYES:	
							5'6"	140	BLK	BRO	
INJURY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		INJURY DESCRIPTION:						VIC RELATION TO OFFENDER:			
DOUBLE-LOCKED AND CHECKED THE HANDCUFFS FOR TIGHTNESS: <input type="checkbox"/> <input type="checkbox"/>		TRANSPORTED TO:		OTHER DESCRIPTION: (CLOTHING, SCARS, MARKS, TATTOOS, ETC)							
CODE:	ARREST:	STATUS:	DISPO:	NAME (LAST, FIRST, MI)				RACE:	SEX:	AGE / DOB:	
				BHUGRA, PAUL (SON)				O	M	8-2-62	
ADDRESS: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS				CITY / ZIP:				PHONE: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS			
2163 WHITE OWL WAY				OKEMOS, MI 48864				(517) 410-3781			
DL#	ST:	SSN:	PFN / LOCAL NBR:				HEIGHT:	WEIGHT:	HAIR:	EYES:	
							6'0"	190	BLU	BRO	
INJURY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		INJURY DESCRIPTION:						VIC RELATION TO OFFENDER:			
DOUBLE-LOCKED AND CHECKED THE HANDCUFFS FOR TIGHTNESS: <input type="checkbox"/> <input type="checkbox"/>		TRANSPORTED TO:		OTHER DESCRIPTION: (CLOTHING, SCARS, MARKS, TATTOOS, ETC)							
CODE:	ARREST:	STATUS:	DISPO:	NAME (LAST, FIRST, MI)				RACE:	SEX:	AGE / DOB:	
ADDRESS: <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS				CITY / ZIP:				PHONE: <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS			
DL#	ST:	SSN:	PFN / LOCAL NBR:				HEIGHT:	WEIGHT:	HAIR:	EYES:	
INJURY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		INJURY DESCRIPTION:						VIC RELATION TO OFFENDER:			
DOUBLE-LOCKED AND CHECKED THE HANDCUFFS FOR TIGHTNESS: <input type="checkbox"/> <input type="checkbox"/>		TRANSPORTED TO:		OTHER DESCRIPTION: (CLOTHING, SCARS, MARKS, TATTOOS, ETC)							

NEWARK POLICE DEPARTMENT
CONTROLLED DOCUMENT

Released To: Brady, Verwerck, Ryder & CaspinoReleased By: PSA 3Date: 4/24/07

D 00005

NEWARK POLICE DEPARTMENT
PROPERTY/DRUG REPORT/NARRATIVE

CASE NO.	DATE	OFFICER	NO.
05-3176	5-19-05	Loughery	59

Page 3 of 4 Pages

SCENE:

On the listed date and time I was dispatched to the report of a man down in the gym at Towneplace Suites by Marriott. Officer Roman and Reserve Officer Allum and Newark Fire Dept Engines 3943 and 93 arrived on scene at approximately 2317 hours. I arrived at approximately 2318 hours and found NFD personnel giving CPR and medical treatment to the victim, later identified as Satnam Bhugra in the gym area of the hotel. AMR Unit # 566 arrived on scene.

I spoke with Officer Roman who advised me she found Satnam alone in the gym area slumped over, not breathing and no pulse. (Refer to Officer Roman's supplement) NFD Personnel pronounced Satnam deceased at 2330 hours. NFD Capt Perry advised me there did not appear to be any signs of foul play. Reserve Officer Allum used a thermostat mounted in the room to determine the ambient temperature in the gym area to be approximately 72 degrees (Fahrenheit).

I noted a treadmill near the north wall and an exercise bike nearest the door to the gym. A television was mounted on the wall near the door. An air conditioning unit was mounted in the N/W corner of the room. I did not see any obvious signs of trauma to Satnam. Satnam's tan color turban was lying on the floor adjacent to the air conditioning unit. Officer Roman advised me she noted the turban was lying on the floor when she arrived. There were no signs of a struggle or anything out of the ordinary in the room.

INVESTIGATION:

I spoke with hotel shift manager Samir Bentaieb who told me he saw Satnam in the gym area at approximately 2230 hours walking on the treadmill alone. At approximately 2310 hours, a guest, later identified as Stephanie Beckett, advised him that the person in the gym was collapsed and not breathing. Hotel staff called 911. Bentaieb did not note anything suspicious in the area. Bentaieb told me that Satnam and his family checked in to the hotel on 4-9-05. (See attached rental agreement) Bentaieb advised me that Satnam's room was # 131.

I responded to room # 131 and contacted a female who identified herself verbally as Narinder Bhugra, Satnam's wife. Narinder's primary language was Pakistani, but was partially able to communicate in English. Narinder told me her husband had left to walk on the treadmill in the gym. Narinder said her husband did not have any medical problems, did not take medications and had not seen his doctor lately.

I responded back to the gym and was advised by NFD Capt Perry that Satnam was pronounced dead at 2330 hours. Capt Perry gave me a copy of the NFD medical report. (See attached photocopy) I contacted Stephanie Beckett in the lobby who told me the following. Beckett was washing laundry in the laundry room and decided to work out

D 00006

NEWARK POLICE DEPARTMENT
CONTROLLED DOCUMENT

Released To: Brady, Vorwerker, Ryder & CaspianoReleased By: PSA3 Date: 9/24/07

NEWARK POLICE DEPARTMENT
PROPERTY/DRUG REPORT/NARRATIVE

CASE NO.	DATE	OFFICER	NO.
05-3176	5-19-05	Loughery	59

Page 4 of 4 Pages

1 while she waited. At 2310 hours she walked into the gym and saw a male, later identified
 2 as Satnam Bhugra, lying on the floor slumped against an air conditioning unit. Satnam
 3 was not moving and didn't appear to be breathing. Beckett ran and advised Hotel staff to
 4 call 911.

5
 6 The Newark Fire Dept personnel (Engine 3943 and 93) who responded and gave medical
 7 aid to Satnam were;

- 8 • Capt. Steve Perry
- 9 • Medic Reggie Bell
- 10 • FF Ernie Morua
- 11 • FF Gary Owens
- 12 • FF Charlie Verhoeven

13
 14 AMR unit # 566 responded with EMT's Jason Faria and Marisa Nietogomez.

15
 16 Satnam's daughter, Melinda Bhugra, responded and met me on scene. Melinda assisted
 17 me in getting information from Narinder, who was more comfortable speaking in her
 18 native language of Pakistani. Narinder, through Melinda, told me that Satnam last saw
 19 his doctor approximately one year ago for his annual physical. Satnam was in excellent
 20 health and had no medical problems. He walked on the treadmill every day.

21
 22 Because there was no appearance of foul play, and at the family's request, I allowed
 23 Satnam's wife, two daughters, and son to spend several minutes with Satnam prior to the
 24 Coroner's arrival.

25
 26 I contacted the Alameda County Coroner's Office by telephone and spoke with Deputy
 27 R. Robson # 1592. I advised Deputy Robson of the unattended death. Deputy Robson
 28 advised me she would be enroute. Deputy Robson and Deputy Coroner G. Williams #
 29 20 arrived at 0145 hours and took over the scene. I photographed the scene with a digital
 30 camera.

31
 32 **EVIDENCE:**

33
 34 I booked the computer disk with digital pictures and original NFD medical report into
 35 evidence at NPD.

36
 37 **DISPOSITION:**

38
 39 Deputy Robson and Deputy Coroner Williams removed Satnam's body and released
 40 Satnam's effects to his wife.

41 B. Loughery #59
 42
 43

NEWARK POLICE DEPARTMENT	
CONTROLLED DOCUMENT	
Released To:	<u>Brady, Vomerick, Ryder & Caspino</u>
Released By:	<u>PSA 3</u> Date: <u>9/24/07</u>

NEWARK POLICE DEPARTMENT
PROPERTY/DRUG REPORT/NARRATIVE

CASE NO.	DATE	OFFICER	NO.
05-3176	05/19/05	Roman	26

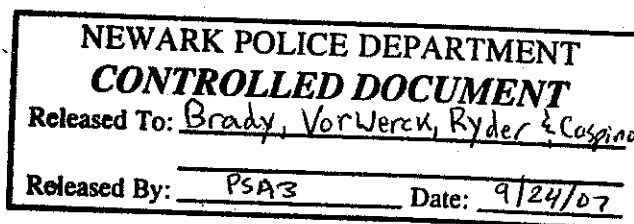
Page 1 of 1 Pages

On the listed date and time, I was on patrol in a marked police vehicle as a double unit with Reserve Officer Allum. At 2313 hours, I was dispatched to Town Place Suites located at 39802 Cedar Blvd. for an outside assist for Newark Fire Department. Dispatch advised me the call was for a man down not breathing and unconscious. Reserve Officer Allum and I responded code 3 from Mowry Ave. We arrived at 2317 hours. Upon arrival, I contacted Town Place Suite Manager Samir Bentaieb and he directed me to the gym.

Upon entering the gym, I noticed a male slouched against an air conditioning unit. The male, later identified as Satnam Bhugra, was on his knees and his back was leaning against the air conditioning unit. Bhugra's head was leaning back as if he had no muscle control. Bhugra was not breathing. Bhugra's eyes were open and had a glassy appearance. I began to ascertain if Bhugra had a pulse using his left radial artery, but was unable to find a pulse. Newark Fire Department arrived several seconds after Reserve Officer Allum and I did, and began CPR. Refer to Officer Loughery's report for additional details on the investigation.

Roman # 26

05/20/2005 02:57 Hours





NEWARK POLICE DEPARTMENT NARRATIVE

CASE NO: 05-3176

DATE: 7-5-05

OFFICER: WILLIAMS # 8

PAGE

OF

SUPPLEMENT:

On 5-24-05 I received this case for follow-up investigation.

On 6-22-05 I sent a fax to the Coroner requesting a copy of their completed report.

On 7-5-05 I received the attached Coroner Investigator's Report (ACSO Case # 2005-01514).

I reviewed the report and noted Investigator Williams determined the manner of death was natural. Williams' supervisor as not reviewed the case as of 6-29-05.

I reviewed the Autopsy Protocol from Doctor Levin dated May 20, 2005. Dr Levin determined the cause of death was Cardiac Insufficiency due to Severe Coronary Artery Calcific Atherosclerosis.

DISPOSITION:

Based on the Coroner Investigation and the findings of the autopsy, this case is a natural death. This case is closed, no further police action.

P. Williams #8

P. Williams # 8
7-5-06 1430

NEWARK POLICE DEPARTMENT CONTROLLED DOCUMENT

Released To: Brady, Vorwerck, Ryder & GasparioReleased By: PSA3 Date: 9/24/07

Report Routing / Disposition

COP	LI	SGTS	DET	PC	DA	FU	JP	CHP	SRV CTR	ENG	AA	COURT	OTHER	TOTAL	
INVESTIGATIVE STATUS:						CASE DISPOSITION									
<input type="checkbox"/> ACTIVE <input type="checkbox"/> INACTIVE <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST/EXCEPTIONAL <input checked="" type="checkbox"/> CLOSED ACTION COMPLETED						<input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLEARED BY ARREST <input type="checkbox"/> CLEARED BY ARREST, OTHER AGENCY <input checked="" type="checkbox"/> ACTION COMPLETED <input type="checkbox"/> EXCEPTION- DEATH OF OFFENDER <input type="checkbox"/> EXCEPTION- PROSECUTION DECLINED <input type="checkbox"/> EXCEPTION- EXTRADITION DECLINED <input type="checkbox"/> EXCEPTION- VICTIM REF TO COOP <input type="checkbox"/> EXCEPTION- JUVENILE/NO CUSTODY									
Review By: <i>[Signature]</i> JUL 12 2005						Assigned To:			Follow-up Due:			Date to Records:		Data Entry:	
												JUL 13 2005 D 00009			

COUNTY OF ALAMEDA

SHERIFF - CORONER - PUBLIC ADMINISTRATOR

480 4th Street, Oakland, California 94607 - 3829

(510) 268-7300

Fax (510) 268-7333

ACCOUNTING RECEIPT		37253	Date:
Coroner Case #:	2005-01514	PA Case #:	Date of Death: 5/19/2005
Decedent or Estate Name:	Last Name: BHUGRA	First Name: SATMAN	M.I.
Received from: BRADY, VORWERCK, RYDER, + CASPINO			
Address: 790 CITY DRIVE 4th FLOOR ORANGE, CA 92668			
the sum of: \$ FIVE DOLLARS 00/100 dollars.			
<input checked="" type="checkbox"/> Check #: 33773		<input type="checkbox"/> Cash \$5.00	
SERVICE			
<input type="checkbox"/> 1a - Removal <input type="checkbox"/> 1b - Storage <input type="checkbox"/> 1c - Prep <input type="checkbox"/> 2a - Sealing			
<input checked="" type="checkbox"/> 3a - Search/Copy/Process one Coroner Case File.			
<input type="checkbox"/> 4a - Search/Copy/Process one Coroner Case File (subpoena)			
<input type="checkbox"/> -			
DISTRIBUTION			
<input type="checkbox"/> 479990 Other Revenue		<input type="checkbox"/> 461260 PA Fees	
<input type="checkbox"/> PC 7660 a(1)		<input type="checkbox"/> 469990 Coroner's General	
<input type="checkbox"/> PC 7660 a(2)		<input type="checkbox"/> 84612 Coroner's Unclaimed	
<input type="checkbox"/> PA Revolving Fund		<input type="checkbox"/> 84613 PA Trust	
<input type="checkbox"/> Other:			

Sheriff / Coroner -

Public Administrator, by: X

EQ

White - Payor

Yellow - Accounting

Pink - Control

Green - Case Files (Service Tracking)

EXHIBIT C

D 00010



Alameda County Sheriff's Office

Charles C. Plummer, Sheriff / Coroner

Coroner's Bureau, 480 4th Street, Oakland, CA 94607-3829 (510) 268-7300 / (510) 268-7333 (fax)

2005 - 01514

Removal Case

BHUGRA

Coroner Investigator's Report

BHUGRA, Satnam Sigh

Decedent's Name

2005 - 01514

Case Number

Removal Case

05/19/2005 - 2330 hrs.

Date / Time of Death

Natural

Manner of Death

05/19/2005 - 2358 hrs.

Date / Time Reported

Decedent Aliases

Decedent Information

2163 White Owl Way

Okemos, MI 48864 (517) 410 - 3721

Residence of the Deceased

Male

Sex

71y 8m 18d 23h 30m

Age (Yr, Mo, Day, Hr, Min)

189

Weight

College Professor

Occupation

Pakistan

Birthplace

71

Height (in inches)

Brown

Eye Color

Married

Social Status

09/01/1933

Birthdate

Gray

Hair Color

Other

Ethnic Group

Social Security Number

Teeth

Hair Style

Hair Length

Facial Hair

Chapel of The Valley, 20359 Lake Chabot Road, Castro Valley, CA 94546 (510) 581 - 0900

Funeral Home

Location of Death

39802 Cedar Blvd., Newark, CA 94560

Location of Death

Newark Police Department

Law Enforcement Agency with Jurisdiction over the Location of Death

Newark Police Department

Law Enforcement Agency Investigating the Death

2005-3176

Investigating Law Enforcement Agency Report Number

5/20/2005 - 0306

Date / Time Body Received

Rosario Robson

Body Received By

If Hospital (IP or ER/OP)

22963(C), 32574(A)

Receipt Number(s)

Preliminary Condition of the Decedent

Normal

Condition of the Body

Special Circumstances

5/19/2005 - 2330

Date / Time Death Pronounced

Newark Fire 3943

Death Pronounced By

Beginning

Rigor

Present

P/M/L

Cold

Body Temperature

Instruments & Special Circumstances



AIDS



SIDS

Date Referred to PA

If Case Involved A Traffic Accident

Traffic Accident Relationship

Traffic Accident on Private Property

If Police May Have Been Involved In The Circumstances Of Death

Level of Police Involvement

Law Enforcement Agency / Jail Facility

Domestic Violence Injured At Work

Reported natural death. Found down in Gym of Town Place Suites by Marriot Hotel in Newark. No medical history. Language barrier with family. No eating, trauma or foul play was observed.

Preliminary Summary

D 00011

May 14, 2005 - 2024 hrs.

Gerald Williams

Page 1 of 5

**Alameda County Sheriff's Office**

Charles C. Plummer, Sheriff / Coroner

Coroner's Bureau, 480 4th Street, Oakland, CA 94607-3829 (510) 268-7300 / (510) 268-7333 (fax)

2005 - 01514

Removal-Case

BHUGRA

Coroner Investigator's Report**Next of Kin**

BHUGRA, Narindir [Spouse]

2163 White Owl Way

Okemos, MI 48864

Name and Address

[Residence] (517) 410 - 3721

Phone Number(s)

Date / Time Notified of Death

Property and Money

BHUGRA, Narindir [Spouse]

2163 White Owl Way

Okemos, MI 48864

Name and Address

[Residence] (517) 410 - 3721

Phone Number(s)

Date / Time Notified of Death

Reporting Party

LOUGHERY, D. , Officer #59 [Police Officer]

Newark Police Department

37101 Newark Boulevard

Newark, CA 94560

Name and Address

[Work Phone] (510) 790 - 7237

Phone Number(s)

05/19/2005 - 2358 hrs.

Date / Time Reported Death

Found By

Phone Number(s)

Name and Address

Date / Time Notified of Death

Attending Physician

Phone Number(s)

Name and Address

Date / Time Notified of Death

Investigator's Narrative**FIRST CALL INFORMATION:**

About 2358 hours, May 19, 2005, I (ROBSON) received a telephone call from Officer LOUGHERY of the Newark Police Department reporting the death of Satnam Singh BHUGRA. According to Officer LOUGHERY, BHUGRA was found down in the gym of the Town Place Suites by Marriott, in Newark. BHUGRA lives in Okemos Michigan and is on a business trip along with his family. Today, at about 2230 hours, BHUGRA was seen working out in the hotel gym by the manager, who later discovered him

D 00012



Alameda County Sheriff's Office

Charles C. Plummer, Sheriff / Coroner

Coroner's Bureau, 480 4th Street, Oakland, CA 94607-3829 (510) 268-7300 / (510) 268-7333 (fax)

2005 - 01514
Removal Case
BHUGRA

Coroner Investigator's Report

Investigator's Narrative (Continued)

unresponsive. 911 was called, the Newark Fire Department responded and death was determined. No eating, trauma or foul play was observed by the officer. (RR#1592)

MEDICAL SUMMARY:

Per the wife, no medical problems. (RR#1592)

BOX 113 ON THE DEATH CERTIFICATE:

No, male. (RR#1592)

DESCRIPTION OF THE DEATH/INJURY SCENE:

Death Scene: Gym, Town Place Suites By Marriott in Newark.

BODY IDENTIFICATION

The decedent was identified by his Michigan Driver's license #B26075876681. (RR#1592)

NEXT OF KIN INVESTIGATION:

Wife, Narindir BHUGRA. (RR#1592)

OTHER AGENCY REPORTS:

PROPERTY & EVIDENCE:

CORONER FEES:

On May 20, 2005, I (ROBSON) spoke with Minder BHUGRA (decedent's daughter) about all Coroner's involvement and fees. I asked her to relate the information to her mother and she agreed. (RR#1592)

OTHER INVESTIGATIVE DETAILS/SUPPLEMENTAL INFORMATION:

D 00013



Alameda County Sheriff's Office

Charles C. Plummer, Sheriff / Coroner

Coroner's Bureau, 480 4th Street, Oakland, CA 94607-3829 (510) 268-7300 / (510) 268-7333 (fax)

Removal Co
BHUGRA

Coroner Investigator's Report

Investigator's Narrative (Continued)

About 0135 hours, May 20, 2005, Coroner Investigator WILLIAMS and I (ROBSON) responded to the above address and met Officer D. LOUGHERY. He directed WILLIAMS and me to the scene where BHUGRA was located. His body was located face up in the hotel gym. His body was in rigor and lividity was present and consistent with the position of discovery. The decedent was moved into the Coroner's van for transport back to the Bureau.

About 0245 hours, we returned to the Bureau and we processed the decedent into the morgue.
(RR#1592)

FINDINGS:

About 0001 hours, Thursday, June 9, 2005, I (WILLIAMS) reviewed this case for the purpose of establishing a manner of death. Based on my review the manner of death has been established as a natural death. Due to the lack of any medical information a full autopsy was performed. The Autopsy Protocol is consistent with this finding in that death was due to cardiac insufficiency due to severe coronary artery calcific atherosclerosis. (GW#20)

SUPERVISOR REVIEW:

On September 9, 2005, I (GIBBS) reviewed the contents of this report and concur with the findings.
(ckg #2)

D 00014

Gerald Williams

Pa



Alameda County Sheriff's Office

Charles C. Plummer, Sheriff / Coroner

Coroner's Bureau, 480 4th Street, Oakland, CA 94607-3829 (510) 268-7300 / (510) 268-7333 (fax)

2005 - 01514

Removal Case

BHUGRA

Coroner Investigator's Report

Cause of Death

Cardiac insufficiency

Immediate Cause of Death

severe coronary artery calcific atherosclerosis.

Due To

Minutes

Interval

Years

Interval

David Levin, M.D.

Cause of Death Given By

05/20/2005

Cause of Death Given On

D 00015



Alameda County Sheriff's Office

CORONER'S BUREAU, 480 FOURTH STREET, OAKLAND, CA 94607-3829
Voice (510) 268-7300 Fax (510) 268-7333

CHARLES C. PLUMMER, SHERIFF
MARSHAL - CORONER - PUBLIC ADMINISTRATOR
DIRECTOR OF EMERGENCY SERVICES

M E M O R A N D U M

DATE: May 20, 2005
FROM: David E. Levin, M.D.
TO: Case File 2005-01514
SUBJECT: AUTOPSY PROTOCOL

Autopsy performed upon the body of Satnam Singh Bhugra at the Coroner's Bureau, 480 4th Street, Oakland, California, on May 20, 2005, at 8:45 a.m.

ANATOMICAL DIAGNOSES

- 1) SEVERE CALCIFIC ATHEROSCLEROSIS OF CORONARY ARTERIES.
- 2) SEVERE CALCIFIC ATHEROSCLEROSIS OF AORTA.
- 3) VISCERAL ORGAN CONGESTION.
- 4) RIGHT PLEURAL ADHESIONS.
- 5) MILD NEPHROSCLEROSIS.

CAUSE OF DEATH: CARDIAC INSUFFICIENCY DUE TO SEVERE CORONARY ARTERY CALCIFIC ATHEROSCLEROSIS.

cc: EMS

Sheriff-Coroner
Alameda County

Body of SATNAM SINGH BHUGRA

EXTERNAL EXAMINATION

GENERAL FINDINGS: The body is that of a well-developed adult male, appearing the stated age, height, and weight of 71 years, 71 inches, and 189 pounds. The body is nude. There is a Coroner's identification tag attached to the right big toe.

There is rigor mortis present at the jaw, neck, and extremities. Purple livor mortis is present over the dorsal dependent portions of the body.

The capital hair is gray, averaging 4 inches, and there is frontoparietal balding. The irides are brown, and there is marked arcus senilis bilaterally. The sclerae are white. There is mild conjunctival congestion, but no discrete conjunctival hemorrhages. There is a full gray and tan mustache and beard. The ears, nose, and lips are normal. The teeth are natural and in fair repair. The neck is unremarkable. The chest and abdomen are unremarkable. The external genitalia are those of a normal adult male. Two testicles are palpable in the scrotal sac.

The upper extremities are unremarkable. There are no linear scars at the wrists. There are no hyperpigmented scars identified over accessible veins. The fingernails are short, clean, and without trauma.

The back is unremarkable.

The lower extremities are unremarkable.

Sheriff-Coroner
Alameda County

Body of SATNAM SINGH BHUGRA

24 There is the following evidence of **MEDICAL THERAPY**:

25 1) An oral tracheal tube affixed at the mouth.

26 2) Multiple EKG pads on the chest and abdomen.

27 3) Two pacer/defibrillator-type pads, one attached to the
28 anterior left side of the chest, and the other present on the
29 left side of the back.

30 4) A vascular catheter in the right antecubital fossa.

31 **BLUNT INJURIES** present on the body:

32 There are no blunt injuries identified on the body.

33 **INTERNAL EXAMINATION**

34 The body is opened through the usual Y-SHAPED
35 THORACOABDOMINAL AND INTERMASTOIDAL INCISIONS.

36 **BODY CAVITIES:** The organs of the chest and abdomen are in
37 the usual anatomic positions. There are multiple easily lysed,
38 as well as dense fibrous adhesions about the right lung. The
39 left pleural cavity, peritoneal cavity and pericardial sac are
40 lined by smooth shiny serosa, without adhesions. There are no
41 rib fractures, and there is no evidence of trauma to the chest
42 wall. There is mild emphysematous crepitus change to the soft
43 tissue beneath the anterior chest plate, compatible with
44 resuscitative efforts (mechanical ventilation).

45 **CENTRAL NERVOUS SYSTEM AND HEAD:** The soft tissue of the
46 scalp is unremarkable. There are no fractures of the skull. The

Sheriff-Coroner
Alameda County

Body of SATNAM SINGH BHUGRA

47 meninges are unremarkable. The brain, 1450 grams, has normal
48 gyri and sulci. Multiple cut sections of the brain are
49 unremarkable. There are no contusions.

50 NECK: The strap muscles are negative for hemorrhage. The
51 hyoid bone, thyroid and cricoid cartilages are negative for
52 fracture. The larynx is free of obstructing material. The
53 cervical column is unremarkable.

54 CARDIOVASCULAR SYSTEM: The heart, 430 grams, has smooth
55 epicardial and endocardial surfaces. The valves and chambers are
56 normally formed. The myocardium is firm and brown. The
57 interventricular septum and the lateral wall of the left
58 ventricle average 1.5 cm in the outflow track, and the right
59 ventricle averages 0.4 cm. The coronary arteries arise from the
60 aorta in the usual fashion, with predominance of the right
61 coronary artery. There is severe calcific atherosclerotic
62 stenosis involving the coronary arteries. The left anterior
63 descending artery has stenosis of up to 80% occlusion over a
64 length of 3/8 inch. The left circumflex coronary artery has
65 stenosis of up to 99% occlusion over a length of 1/8 inch. The
66 right coronary artery has stenosis of up to 75% occlusion over a
67 length of 1/4 inch. The aorta shows focal severe calcific
68 atherosclerosis.

69 RESPIRATORY SYSTEM: The tip of the oral tracheal tube is
70 present in the trachea. The trachea and bronchi are lined by

Sheriff-Coroner
Alameda County

Body of SATNAM SINGH BHUGRA

71 smooth tan-purple mucosa and contain scant tan-purple mucoid and
72 watery fluid. The right lung, 450 grams, and the left lung, 400
73 grams, both have mild dorsal dependent congestion. Multiple
74 sections reveal no areas of consolidation or tumor. The
75 pulmonary arteries are negative for thromboemboli.

76 GASTROINTESTINAL SYSTEM: The esophagus is unremarkable and
77 lined by a smooth gray mucosa. The stomach contains
78 approximately 250 ml of viscous cloudy tan-orange fluid,
79 containing multiple food-type particles, including pieces
80 consistent with citrus fruit. The stomach is lined by a smooth
81 tan mucosa without ulcers or tumors. The small and large
82 intestines are unremarkable. The pancreas is of normal size and
83 shape, and sections reveal unremarkable lobulated tan parenchyma.

84 HEPATOBILIARY SYSTEM: The liver, 1600 grams, has a smooth
85 capsule. Multiple cut sections reveal unremarkable brown
86 parenchyma. There is no fibrosis or steatosis. The gallbladder
87 is an unremarkable saccular structure, containing 10 ml of green
88 bile, and is lined by smooth green unremarkable mucosa.

89 ENDOCRINE SYSTEM: The pituitary, thyroid and adrenal glands
90 are unremarkable. The adrenals have thin bright yellow cortices.

91 HEMATOLYMPHOID SYSTEM: The spleen, 160 grams, has a smooth
92 gray capsule and soft burgundy parenchyma. There are no enlarged
93 lymph nodes. The bone marrow is firm, red-purple, and gritty.

94 GENITOURINARY SYSTEM: The right kidney, 150 grams, and the

Sheriff-Coroner
Alameda County

Body of SATNAM SINGH BHUGRA


95 left kidney, 160 grams, both have capsules that strip with ease,
96 to reveal mildly granular cortical surfaces, consistent with mild
97 nephrosclerosis. The corticomedullary junctions are
98 well-delineated and the cortices average 0.6 cm. The renal
99 parenchyma is congested-purple. The renal pelves, calyces, and
100 ureters are unremarkable. The bladder contains 170 ml of clear
101 yellow urine, and is lined by smooth white-gray unremarkable
102 mucosa. The prostate is unremarkable.

03 MUSCULOSKELETAL SYSTEM: Unremarkable.

04 SPECIMENS:

- 05 1) Heart blood
- 06
- 07 2) Leg blood
- 08
- 09 3) Urine
- 10
- 11 4) Liver
- 12
- 13 5) Tissue
- 14
- 15
- 16
- 17
- 18
- 19

20 DEL/can


David E. Levin, M.D.

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY PUBLIC HEALTH DEPARTMENT

CERTIFICATE OF DEATH		3200501003499	
STATE OF CALIFORNIA		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEDENT - FIRST (Given)		2. MIDDLE	
Satnam		Sigh	
3. LAST (Family)		Bhugra	
4. DATE OF BIRTH (month/day/year)			
09/01/1933			
5. AGE (years)			
71			
6. SEX (M/F)			
M			
7. DATE OF DEATH (month/day/year)			
05/18/2005			
8. HOURS (24 hours)			
2330			
9. DECEASED'S RACE - Use to 3 races only. Do not check more than one.			
Asian Indian			
10. DECEASED'S OCCUPATION - Type of work for most of life. Do not use retired.			
Professor			
11. DECEASED'S RESIDENCE (Street and number of house)			
2163 Whiteowl Way			
12. CITY			
Okemos			
13. COUNTY/PROVINCE			
Ingham			
14. ZIP CODE			
48864			
15. YEARS IN COUNTY			
30			
16. STATE/PROVINCE COUNTRY			
MI			
17. INFORMANT'S NAME, RELATIONSHIP			
Amritpreet S. Bhugra, Son			
18. INFORMANT'S ADDRESS (Street and number or rural route number, city or town, state, ZIP)			
2163 Whiteowl Way, Okemos, MI 48864			
19. NAME OF SURVIVING SPOUSE - FIRST			
Narinder			
20. MIDDLE			
Kaur			
21. LAST (Family Name)			
Atora			
22. NAME OF FATHER - FIRST			
Harnam			
23. MIDDLE			
Singh			
24. LAST			
Bhugra			
25. BIRTH STATE			
India			
26. BIRTH DATE			
10/2			
27. NAME OF MOTHER - FIRST			
Ranjit			
28. MIDDLE			
Kaur			
29. LAST			
India			
30. DECEASED'S DATE (month/day/year)			
05/25/2005			
31. PLACE OF DEATH			
Residence of Amritpreet S. Bhugra, 2163 Whiteowl Way, Okemos, MI 48864			
32. TYPE OF DEATH			
TR/CR/RES			
33. NAME OF FUNERAL ESTABLISHMENT			
CHAPEL OF THE VALLEY MORTUARY			
34. LICENSE NUMBER			
FD-876			
35. SIGNATURE OF DEATH CERTIFICATE			
Norman J. Curtis			
36. DATE (month/day/year)			
05/24/2005			
37. PLACE OF DEATH			
Gym			
38. COUNTY			
Alameda			
39. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number of building)			
39802 Cedar Boulevard			
40. CITY			
Newark			
41. CAUSE OF DEATH			
Cardiac Insufficiency			
42. SEVERITY OF CAUSE OF DEATH			
Severe coronary artery calcific atherosclerosis			
43. OTHER CAUSE OF DEATH			
None			
44. OTHER CAUSE OF DEATH			
None			
45. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN BY THE			
None			
46. TIME OF OPERATION PERFORMED FROM ANY CONDITION BY THE DEATH CERTIFICATE			
No			
47. SIGNATURE AND TITLE OF DEATH CERTIFICATE			
N. Contreras #26, Deputy Coroner			
48. DATE (month/day/year)			
05/23/2005			
49. TYPE OF DEATH CERTIFICATE			
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CERTIFIED COPY OF VITAL RECORDS

STATE OF CALIFORNIA
COUNTY OF ALAMEDA } SS

This is a true and exact reproduction of the document officially registered and filed with the Alameda County Health Care Services Agency.

DATE ISSUED: 05/27/2005

N. Contreras #26, Deputy Coroner
HEALTH OFFICER AND LOCAL REGISTRAR
ALAMEDA COUNTY, CALIFORNIA

This copy not valid unless prepared on engraved border displaying date and signature of Registrar.

AFFIDAVIT TO AMEND A RECORD

STAY FLAT

DEATHS AFTER 1-1894

3200501003499

1. The following information is being furnished to you for your information only. It is not to be used for any other purpose.

NO ENDORSE, WITNESSES, OR ALTERATIONS

PART II STATEMENT OF CORRECTIONS--NO ERASURES, WHITEOUTS, OR ALTERATIONS

STATE OF CALIFORNIA: DEPARTMENT OF HEALTH SERVICES, OFFICE OF STATE RESSOURCES

CERTIFIED COPY OF VITAL RECORDS

STATE OF CALIFORNIA. }
COUNTY OF ALAMEDA } 68

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DATE ISSUED: 05/27/2005

HEALTH OFFICER AND LOCAL REGISTRAR
ALAMEDA COUNTY, CALIFORNIA

This copy not valid unless prepared on engraved border displaying date and signature of Registrar.

D 00023

FRASER TREBILCOCK DAVIS & DUNLAP, P.C.
LAWYERS

MS 10927
LL

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GARY C. ROGERS
MARK A. BUSH
MICHAEL H. PERRY
BRANDON W. ZUK
MICHAEL C. LEVINE
THOMAS J. WATERS
MARK R. FOX^{2, 4}
MICHAEL S. ASHTON
H. KIRBY ALBRIGHT
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ARCHIE C. FRASER
(1902-1998)
EVERETT R. TREBILCOCK
(1918-2002)
JAMES R. DAVIS
(1918-2005)

RETIRED
DONALD A. HINES
RONALD R. PENTECOST

¹RETIRED CIRCUIT JUDGE
²ALSO LICENSED IN FLORIDA
³ALSO LICENSED IN COLORADO
⁴ALSO LICENSED IN DISTRICT OF COLUMBIA
⁵ALSO CERTIFIED PUBLIC ACCOUNTANT
⁶ALSO LICENSED IN NORTH CAROLINA
⁷ALSO LICENSED IN GEORGIA
⁸ALSO LICENSED BY U.S. PATENT AND TRADEMARK OFFICE
⁹ALSO LICENSED IN OHIO

March 3, 2008

E-mail: mperry@fraserlawfirm.com
DID: 517-377-0846

Via Facsimile and US Mail

Norine M. Busser
Brady Vorwerck Ryder & Caspino
3100 Oak Road, Suite 250
Walnut Creek, CA 94597

Re: Bhugra v Marriott

Dear Ms. Busser:

This letter shall briefly confirm my March 1, 2008 telephone message. My office is in the process of endeavoring to obtain California counsel for the Plaintiffs. In the meantime, the Court has issued an Order requiring counsel to "meet and confer" on or before March 14, 2008 and to thereafter prepare a "joint status report" in advance of the forthcoming Rule 16 Conference.

In my telephone message I ask that we stipulate to adjourn the "meet and confer" and forthcoming Rule 16 conference for 60 days to provide the Plaintiffs with an opportunity to secure California counsel. If you agree with this request, please so indicate by either telephoning my secretary, Ms. Jane Speight, at 517-377-0855 or by sending her an e-mail at jspei@fraserlawfirm.com.

I will be out of my office during the week of March 3. However, Ms. Speight can prepare the appropriate stipulation as soon as she receives your willingness to sign it.

My telephone message did not include the following. If you are unable or unwilling to stipulate to adjourn these matters for 60 days, please tell my secretary about your best available time to "meet and confer" on Thursday, March 13, 2008 after 10:00 a.m. PST which is 1:00 p.m. EST. I must attend a court proceeding in another matter that morning but will be available

EXHIBIT D

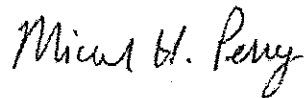
Norine M. Busser
March 3, 2008
Page 2

during that afternoon (Eastern Standard Time) to briefly speak with you if it is necessary to do so.

I (and my secretary) look forward to hearing from you.

Very truly yours,

FRASER TREBILCOCK DAVIS & DUNLAP, P.C.

A handwritten signature in cursive script that reads "Michael H. Perry".

Michael H. Perry

MHP:js

cc: Narinder Bhugra

FRASER TREBILCOCK DAVIS & DUNLAP, P.C.
LAWYERS

PETER L. DUNLAP³
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⁹ALSO LICENSED IN OHIO

March 26, 2008

E-mail: mperry@fraserlawfirm.com
DID: 517-377-0846

Ms. Karen Hom
Courtroom Deputy
United States District Court
Northern District of California
Phillip Burton US Courthouse, 16th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Via Federal Express

Re: Bhugra, *et al* v Marriott International, Inc., *et al*
Case No. C07-06491-JCS

Dear Ms. Hom:

As your court's file may indicate, this law firm is the Michigan-based counsel for the Plaintiffs in the above-referenced action. This matter was originally filed in the United States District Court for the Western District of Michigan but was transferred to your Court as a result of the entry of an Order granting the Defendants' Motion for Change of Venue.

Presently scheduled in your court on April 4, 2008 at 1:30 p.m. is a case management conference. I am endeavoring to retain California counsel to undertake the active handling of this matter. If I have not yet obtained counsel by Friday, April 4, will the Court allow me to participate, by way of a telephone conference call, in the case management conference on April 4 at 1:30 p.m. PST?

Additionally, I want to inform you that the Plaintiffs have asked me to notify the Court that the Plaintiffs wish to withdraw or rescind the February 21, 2008 Consent to Proceed before a United States Magistrate Judge. I have sent you this letter on the same day on which I was asked to notify the Court that the Plaintiffs wish to proceed before an Article III District Court Judge.

In the United States District Courts located in Michigan, generally a Magistrate Judge conducts the initial case management conference even if a matter has been assigned to an Article

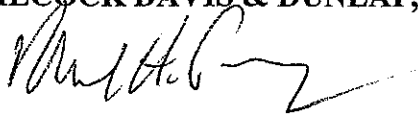
March 26, 2008
Page 2

III District Court Judge. Please advise me at your earliest opportunity as to whether Magistrate Judge Spero will still conduct the April 4, 2008 case management conference even if the matter is to be reassigned to an Article III Judge.

I look forward to hearing from you.

Very truly yours,

FRASER TREBILCOCK DAVIS & DUNLAP, P.C.

A handwritten signature in black ink, appearing to read "Michael H. Perry", is written over the printed name.

Michael H. Perry

MHP:js

cc: Mrs. Narinder Bhugra
Ms. Maninder Bhugra
Mr. Paul Bhugra
Mr. Michael Caspino

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May 14, 2008

Our File No.: MCS 10927

VIA FACSIMILE (517) 482-0887 AND U.S. MAIL

Michael H. Perry, Esq.
Fraser, Trebilcock, Davis & Dunlap, P.C.
124 W. Allegan, Ste. 1000
Lansing, MI 48933

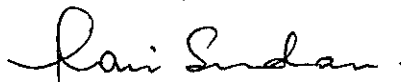
Re: *Bhugra v. Marriott International, Inc., et al.*

Dear Mr. Perry:

On 12-11-07, your office was served with defendants' interrogatories (1 to 12) and request for production of documents propounded on plaintiffs. Thereafter, on 2-25-08, our office served your office with defendants' special interrogatories (13 to 24) propounded on plaintiffs. As of today, we have not received plaintiffs' responses to the above.

We request that your office provide plaintiffs' full and complete responses to the above discovery requests and provide documents, without objections, on or before 5-22-08. If we do not receive plaintiffs' verified responses and documents by 5-22-08, we will be left with no alternative but to bring a motion to compel.

Very truly yours,



Ravi Sudan

SUD:psc

EXHIBIT F

PROOF OF SERVICE
(Code Civ. Proc., § 1013a(3))

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 790 The City Drive, Fourth Floor, Orange, CA 92868-4941.

On May 30, 2008, I served the foregoing document described as **DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR STAY OF PROCEEDINGS** on the interested parties in this action:

☒ by placing the original/true copies thereof enclosed in sealed envelopes addressed as follows:

Michael H. Perry
 Fraser Trebilcock Davis & Dunlap, P.C.
 124 W. Allegan, Ste. 1000
 Lansing, Michigan 48933
 (517) 482-5800 – (517) 482-0887 - Fax

☒ **BY MAIL:** I deposited such envelopes in the mail at Orange, California. The envelopes were mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, said correspondence is deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Orange, California in the ordinary course of business; and there is delivery service by United States mail at the place so addressed.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. Executed on **May 30, 2008**, at Orange, California.

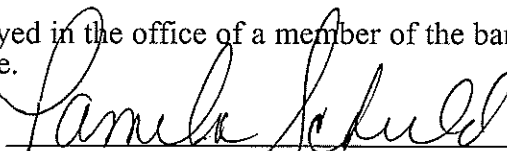
☐ **BY PERSONAL SERVICE:** I delivered such envelope(s) by hand to counsel listed on the attached personal service list. Executed on _____, at Orange, California.

☐ **BY FACSIMILE TRANSMISSION:** On [DATE], 2007, at [TIME], I transmitted the above entitled document by fax to each counsel listed [**SELECT ONE: ABOVE OR ON THE ATTACHED SERVICE LIST**], to the fax machine telephone number listed for each counsel. The telephone number on the fax machine I used is (714) 703-2121 and the fax machine complied with Rule 2.300(3). The transmission was reported as complete and without error. The transmission report was properly issued by the sending fax machine and, pursuant to Rule 2.306 (g)(4), a copy of the transmission report is attached to this declaration.

☐ **(Federal Express):** I prepared such envelope(s) to be picked up from our offices in Orange, California the same day, providing for overnight delivery. The envelopes were mailed in accordance with our firm's contract with the overnight mail service. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing.

☒ **(State):** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ **(Federal):** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


 PAMELA SCHULD