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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CITY AND COUNTY OF LOS ANGELES

**BRUCE THOMAS MURRAY,**  
  
Petitioner,  
  
**v.**  
  
**MEDICAL BOARD OF CALIFORNIA, et**  
**al.,**  
  
Respondents.

Case No. BS158575  
**[PROPOSED]**  
**JUDGMENT DENYING PETITION FOR WRIT OF MANDATE**  
  
Trial Date: January 17, 2016  
Dept: 82  
Judge: Hon. Mary H. Stroble  
Action Filed: October 5, 2015

The Petition for Writ of Mandate of Petitioner, Bruce Thomas Murray, came on regularly for hearing before the Honorable Mary H. Stroble, on January 17, 2016. Petitioner appeared on his own behalf. Appearing on behalf of Respondents Medical Board of California, Kimberly Kirchmeyer, Executive Director of the Medical Board of California, and Kerrie D. Webb, Staff Counsel, Medical Board of California (hereinafter the "Board" or "Respondents"), was Kathleen A. Kenealy, Acting Attorney General, by Peggie Bradford Tarwater, Deputy Attorney General.

Having reviewed and considered the pleadings and documents on file in this action, having heard oral argument, and having taken the matter under submission, this Court hereby denies the petition for writ of mandate, as set forth in its Minute Order re Hearing on Petition for Writ of Mandate, which is attached hereto and incorporated herein.

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**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Petition for Writ of Mandate filed in this action is denied.
2. Petitioner is not entitled to fees and costs, pursuant to Government Code section 6259, subdivision (d).

Dated: \_\_\_\_\_, 2017.

\_\_\_\_\_  
HON. MARY H. STROBEL  
Judge of the Superior Court

LA2015603438

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 01/17/17

DEPT. 82

HONORABLE MARY H. STROBEL

JUDGE

N. DIGIAMBATTISTA

DEPUTY CLERK

HONORABLE  
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JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

B. HALL C/A

Deputy Sheriff

B. JAMES CSR# 9296

Reporter

9:30 am

BS158575

Plaintiff

Counsel

IN PRO PER (x)

BRUCE THOMAS MURRAY

VS

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Counsel

PEGGIE B. TARWATER (X)

MEDICAL BOARD OF CALIFORNIA ET

**NATURE OF PROCEEDINGS:**

HEARING ON PETITION FOR WRIT OF MANDATE

Matter comes on for hearing and is argued.

The court adopts its tentative ruling as the order of the court and is set forth in this minute order.

Petitioner Bruce Thomas Murray ("Petitioner") seeks a writ of mandate compelling Respondents Medical Board of California; Kimberly Kirchmeyer, Executive Director of the Medical Board of California; and Kerrie D. Webb, Staff Counsel of the Medical Board of California ("Respondents") to produce, pursuant to the California Public Record Acts, all information, reports, and statements acquired by the Medical Board regarding the medical condition, treatment, and death of Audrey B. Murray, Petitioner's mother.

**Statement of the Case**

According to the first amended petition, Petitioner is the son and beneficiary of Audrey Bevan Murray, who died on June 5, 2013. (First Amended Petition (FAP) "The Parties" ¶ 1.) Petitioner alleges that at approximately 8 a.m., June 4, 2013, Dr. James C. Matchison performed a cardiac catheterization procedure on Audrey Murray. (Id. "Facts" ¶ 1.) Due to complications, the

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procedure was aborted. (Id. ¶ 2.) At approximately 10 a.m., June 4, 2013, Audrey Murray was admitted to the Torrance Memorial Medical Center Progressive Care Unit for post-procedure recovery. (Id. ¶ 3.) She was discharged at 11:30 on June 5, 2013, but was transported back to Torrance Memorial that same day at 3:30 pm for emergency treatment and died shortly thereafter. (Id. ¶¶ 6-7.)

On May 15, 2014, Petitioner filed a complaint with the Medical Board, seeking an explanation and cause for his mother's death. (FAP ¶ 9, Exh. 1.) Petitioner complained that Dr. Matchison "either can't or won't tell me what caused her death." (Ibid.) The personal representative of Mrs. Murray provided the Board with authorizations for the release to the Board of medical records. (Id. Exh. 2c-2d.)

On October 10, 2014, Petitioner requested from Linda Serrano, an enforcement analyst handling Petitioner's complaint against Dr. Matchison, a copy of Dr. Matchison's "Report for Death of Patient" / "Outpatient Surgery - Reporting of Death" for Mrs. Murray pursuant to Business and Professions Code section 2240 and California Code of Regulations title 16, section 1356.4. (FAP Exh. 4.) Petitioner reiterated that request on December 15, 2014 and January 21, 2015. (Id. Exh. 5-7.) Petitioner stated that he was trying to obtain "copies of the forms

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Dr. Matchison was statutorily required to file with the Medical Board when my Mom died under his care. These forms are Cal Bus & Prof Code § 2240 --- Report for Death of Patient; and 16 CCR § 1356.4 - Outpatient Surgery-Reporting of Death." (Ibid.) On January 21, 2015, Serrano stated in an email "we do not provide copies of those reports." (Id. Exh. 7.)

On February 10, 2015, Petitioner sent to Kerrie Webb, Esq., staff counsel for the Medical Board, a formal CPRA request for the following documents: (1) the Report of Death of Patient pursuant to Business and Professions Code section 2240; and (2) the Outpatient Surgery-Reporting of Death pursuant to California Code of Regulations title 16, section 1356.4. (FAP Exh. 8.) Petitioner stated: "As the son and beneficiary of my mother, I am entitled and authorized to receive any otherwise privileged and confidential information under Cal Bus & Prof Code §2225(c)(2)." (Ibid.)

On February 20, 2015, attorney Kerrie Webb of the Medical Board responded to Petitioner's document request, stating:

Unfortunately, the Medical Board of California (Board) is unable to comply with your request. Records of complaints to, and investigations conducted by, state licensing agencies are not subject to disclosure

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pursuant to Government Code section 6254(f).  
In addition, records of complaints and investigations of state licensing agencies are privileged under Evidence Code section 1040. Reports for death of a patient are treated as complaints to the Board, and will not be disclosed.

Please feel free to contact me if you have any further questions. (FAP Exh. 9.)

On April 14, 2015, the Board, through Associate Enforcement Analyst Linda Serrano, advised Petitioner that it had completed its review of his complaint against Dr. Matchison. The Board stated that "it was the opinion of our consultant that the treatment rendered did not constitute a violation of the law as it relates to the practice of medicine." The Board therefore closed the case. (FAP Exh. 10.)

**Procedural History**

On October 5, 2015, Petitioner filed a petition for writ of mandate.

On November 23, 2015, Respondents filed a demurrer to the petition.

On January 7, 2016, before a ruling on the demurrer,

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**NATURE OF PROCEEDINGS:**

Petitioner filed a first amended petition.

On May 3, 2016, the court overruled Respondents' demurrer to the amended petition.

On December 19, 2016, Respondents' filed an answer.

The court has received Petitioner's opening brief in support of the petition, Respondents' opposition, and Petitioner's reply.

**Standard of Review**

There are two essential requirements to the issuance of an ordinary writ of mandate under Code of Civil Procedure section 1085: (1) a clear, present and ministerial duty on the part of the respondent, and (2) a clear, present and beneficial right on the part of the petitioner to the performance of that duty. (California Ass'n for Health Services at Home v. Department of Health Services (2007) 148 Cal.App.4th 696, 704.) "In general, when review is sought by means of ordinary mandate the inquiry is limited to whether the decision was arbitrary, capricious, or entirely lacking in evidentiary support." (Bunnett, supra at 849.)

Pursuant to the CPRA (Gov. Code § 6250, et seq.), individual citizens have a right to access government records. In enacting the CPRA, the

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California Legislature declared that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (Gov. Code, § 6250; see also County of Los Angeles v. Superior Court (2012) 211 Cal.App.4th 57, 63.) To facilitate the public's access to this information, the CPRA mandates, in part, that:

[E]ach state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available . . . (Gov. Code § 6253(b).)

The CPRA defines "public records" submit to its provisions as follows:

(e) "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975. (Gov. Code § 6252(e).)

While the CPRA provides express exemptions to its disclosure requirements, these exemptions must be

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narrowly construed and the agency bears the burden of showing that a specific exemption applies. (Sacramento County Employees' Retirement System v. Superior Court (2013) 195 Cal.App.4th 440, 453.)

"Where ... purely legal issues involve the interpretation of a statute an administrative agency is responsible for enforcing, [the court] exercise[s] [its] independent judgment, 'taking into account and respecting the agency's interpretation of its meaning.'" (Housing Partners I, Inc. v. Duncan (2012) 206 Cal.App.4th 1335, 1343; see also Yamaha Corp. of America v. State Bd. Of Equalization (1998) 19 Cal.4th 1, 11.)

**Analysis**

First Cause of Action - Denial of Request under Gov. Code § 6254

In the first cause of action, Petitioner alleges that Respondents abused their discretion in denying his CPRA request for a Report of Death of Patient pursuant to Business and Professions Code section 2240(a). Petitioner specifically challenges the Board's assertion that the report of death is a complaint exempt from disclosure under Government Code section 6254(f).

Documents Requested in Petitioner's CPRA Requests

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Petitioner requested the following records from the Medical Board: (1) the Report of Death of Patient pursuant to Business and Professions Code section 2240; and (2) the Outpatient Surgery-Reporting of Death pursuant to California Code of Regulations title 16, section 1356.4. (FAP Exh. 4-8.)

Business and Professions Code section 2240(a) provides: "A physician and surgeon who performs a medical procedure outside of a general acute care hospital, as defined in subdivision (a) of Section 1250 of the Health and Safety Code, that results in the death of any patient on whom that medical treatment was performed by the physician and surgeon, or by a person acting under the physician and surgeon's orders or supervision, shall report, in writing on a form prescribed by the board, that occurrence to the board within 15 days after the occurrence."

California Code of Regulations, Title 16, section 1356.4, titled "Outpatient Surgery - Reporting of Death," sets forth the information required in the reporting of a patient death pursuant to Business and Professions Code section 2240(a). 1

In support of the opposition brief, Respondents submit the declaration of Ramona Carrasco, a Staff Services Manager with the Medical Board whose duties

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MEDICAL BOARD OF CALIFORNIA ET

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include "supervising and directing the activities of Central Complaint Unit staff in the intake and review of complaints received by the Board to determine whether there has been a violation of the statutes and regulations governing healing arts licensees." Carrasco shows familiarity with the Board's process for handling reports mandated by Business and Professions Code section 2240(a). (Carrasco Decl. ¶¶ 1-3.)

Carrasco declares that she has searched the Board's database and determined that there is no record of receipt of a report pursuant to section 2240(a) relating to the death of Mrs. Murray filed by or on behalf of Dr. James C. Matchison. She declares that she is familiar with a complaint received by the Board relating to the care and treatment of Mrs. Murray by Dr. Matchison. She declares that she has reviewed all materials received by the Board relating to this complaint and that "no reports of death, as set forth in Business and Professions Code section 2240, are contained within the materials." (Carrasco Decl. ¶¶ 4-5.) The foregoing evidence, which has not been rebutted (see Reply 4), is sufficient to establish that the Medical Board does not have possession of a Report of Death submitted pursuant to section 2240(a) or regulation 1356.4.

Petitioner's own allegations support this conclusion. A report of death is required under

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section 2240(a) when a physician performs a medical procedure "outside of a general acute care hospital ... that results in the death of any patient on whom that medical treatment was performed ." Regulation 1356.4, titled "Outpatient Surgery-Reporting of Death," requires the physician to report, inter alia, "the name and address of the outpatient setting where the surgery was performed" and the "the full name of each entity which licenses, certifies or accredits the outpatient setting where the surgery was performed and the types of outpatient procedures performed at that setting." Petitioner does not specifically allege or submit evidence that Mrs. Murray underwent surgery in an outpatient setting. Although the amended petition does not clearly specify where the surgery occurred, it is most reasonably interpreted to allege that the surgery occurred at Torrance Memorial Medical Center. (FAP p. 3.) Record releases were provided by Mrs. Murray's representative for that facility. (Id. Exh. 2c-2d.) Petitioner alleges that after surgery, Mrs. Murray was transferred to the hospital's Progressive Care Unit for recovery, not that Mrs. Murray was transferred from an outpatient setting. (FAP p. 3.) Petitioner, who has the burden of proof, fails to submit any evidence that the surgery at issue occurred at an outpatient setting. Therefore, Petitioner fails to show that the Medical Board would have within its possession a report under section 2240(a).

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Petitioner correctly points out that Kerrie Webb, Senior Staff Counsel for Medical Board, did not inform Petitioner in her February 20, 2015 letter that a section 2240(a) report for Mrs. Murray did not exist. (FAP Exh. 9; see Reply 4.) Rather, Webb denied the CPRA request based on an exemption, as if the report existed. (Id. Exh. 9.) If the report did not exist, there was no reason for Webb to claim that the report was exempt. As stated by Petitioner, perhaps "mistakes were made." (Reply 4.) In any event, Webb's response is not sufficient evidence that the requested report under section 2240(a) actually exists or is in the Board's possession.

In the alternative to their argument that the report does not exist, Respondents assert that outpatient reports of death are exempt from disclosure as a complaint for an investigation by the Board. (Oppo. 5-8.) "California courts will decide only justiciable controversies. The concept of justiciability is a tenet of common law jurisprudence and embodies '[t]he principle that courts will not entertain an action which is not founded on an actual controversy....'" (Wilson & Wilson v. City Council of Redwood City (2011) 191 Cal.App.4th 1559, 1573.) "The pivotal question in determining if a case is moot is therefore whether the court can grant the plaintiff any effectual relief." (Ibid.) Here, the court cannot grant any

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effective relief with respect to the documents requested, as they do not exist. Neither party shows grounds for the court to exercise its discretion to decide a moot case. (Santa Monica Baykeeper v. City of Malibu (2011) 193 Cal.App.4th 1538, 1548.) Courts generally do not issue advisory opinions. (People ex ref. Lynch v. Superior Court (1970) 1 Cal.3d 910, 912.)

**Information and Documents Not Requested in Petitioner's CPRA Requests**

In his amended petition, Petitioner requests, inter alia, "all information, reports and statements acquired by the Medical Board regarding Audrey B. Murray's medical condition, treatment and death"; "all documents contained in MBC file number 800 2014 005263" containing information about Mrs. Murray's death; and all statements made by Dr. Matchison and third parties regarding Mrs. Murray's death. To the extent this information is privileged, Petitioner requested that the Board produce a privilege log. (FAP p. 15.)

In opposition, Respondents contend that Petitioner did not exhaust his administrative remedies with respect to this information and documents. 2 In the alternative, Respondents contend that the Board's investigative file is exempt from disclosure under Government Code section 6254(f) and (k),

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section 6255, and Evidence Code section 1040. (Oppo. 8-14.)

Exhaustion of administrative remedies is "a jurisdictional prerequisite to judicial review." (Cal. Water Impact Network v. Newhall County Water Dist. (2008) 161 Cal.App.4th 1464, 1489.) "The principal purposes of exhaustion requirements include avoidance of premature interruption of administrative processes, allowing an agency to develop the necessary factual background of the case, letting the agency apply its expertise and exercise its statutory discretion, and administrative efficiency and judicial economy." (Ibid.)

To facilitate the public's access to this information, the CPRA mandates, in part, that: "[E]ach state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available...." (Gov. Code § 6253(b).)

The CPRA further provides as follows: "Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify

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the person making the request of the determination and the reasons therefor." (Gov. Code § 6253(c).)

Here, Petitioner's communications with Respondents described only (1) the Report of Death of Patient pursuant to Business and Professions Code section 2240; and (2) the Outpatient Surgery-Reporting of Death pursuant to California Code of Regulations title 16, section 1356.4. 3 (FAP Exh. 4-8.) Liberally construing Petitioner's CPRA requests in favor of Petitioner, the court cannot conclude that Petitioner requested any other records or information regarding Mrs. Murray's medical condition, treatment and death; other documents from the complaint file regarding her death; or statements by Dr. Matchison or third parties. (FAP Exh. 1, 4-8.)

In reply, Petitioner argues that Respondents elevate form over substance in contending that he failed to exhaust administrative remedies. He admits that he only specifically requested the Outpatient Report of Death, but contends that his communications should have been interpreted to request the "underlying information" contained in the form, such as the "circumstances of the patient's death." (Reply 5.) Although Petitioner does not cite authorities on point, the court notes case law suggesting that the agency must consider the information that is being requested, not only the precise types of records.

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(Fredericks v. Sup. Ct. (2015) 233 Cal.App.4th 209, 217.) On the other hand, "a person who seeks public records must present a reasonably focused and specific request, so that the public agency will have an opportunity to promptly identify and locate such records and to determine whether any exemption to disclosure applies." (Ibid.)

Petitioner's reply arguments about exhaustion fail for several reasons. Because an Outpatient Report of Death does not exist for Mrs. Murray, there is no "underlying information" from that report. It is true that regulation 1356.4 requires disclosure of "(c) The date of the surgery; the name and address of the outpatient setting where the surgery was performed; and the circumstances of the patient's death." That regulation, titled "Outpatient Surgery - Reporting of Death," only applies where the patient undergoes surgery in an outpatient setting. As discussed, Petitioner submits no evidence that Mrs. Murray's surgery occurred in an outpatient setting.

To the extent Petitioner requests information about the circumstances of Mrs. Murray's death or statements made by Dr. Matchison that would be included in other records in Board's possession, Petitioner did not reasonably describe such records or the information he now requests. (See FAP Exh. 1, 4-8.) While the agency must consider the

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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 01/17/17

DEPT. 82

HONORABLE MARY H. STROBEL

JUDGE

N. DIGIAMBATTISTA

DEPUTY CLERK

HONORABLE  
10

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

B. HALL C/A

Deputy Sheriff

B. JAMES CSR# 9296

Reporter

9:30 am

BS158575

Plaintiff

Counsel IN PRO PER (x)

BRUCE THOMAS MURRAY

VS

Defendant

MEDICAL BOARD OF CALIFORNIA ET

Counsel PEGGIE B. TARWATER (X)

**NATURE OF PROCEEDINGS:**

information requested, and not only the precise records identified, Petitioner's CPRA requests did not reasonably inform the agency that he was seeking other information. The request for documents is quite focused and specific - it did not seek information generally regarding the cause of death of Petitioner's mother. "I hereby request copies of the following documents . . . Cal. Bus & Prof Code § 2240 - Report for Death of Patient; 16 CCR § 1356.4 - Outpatient Surgery- Reporting of Death." (FAP, Exh. 8) Therefore, the court concludes that Petitioner has not exhausted his administrative remedies with respect to the other information requested in his petition.

In reply, Petitioner quotes at length from his May 15, 2014 letter to the Board. This letter is a complaint about Dr. Matchison, not a CPRA request for information. This is shown by the Board's response dated May 23, 2014, and that Mrs. Murray's representative submitted an authorization for release of medical records, as requested by the Board as part of the complaint process. (FAP Exh. 1-2b.) Moreover, Petitioner did not make reasonably focused request for documents or information in this letter.

Given the breadth of information requested by Petitioner in his writ petition that was not included in his CPRA requests, it would be

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**NATURE OF PROCEEDINGS:**

beneficial to administrative efficiency and judicial economy for the Medical Board to address Petitioner's CPRA requests for additional records/information about Mrs. Murray's death in the first instance.

The first cause of action is DENIED.

Second Cause of Action - Application of Evid. Code § 1040

In his second cause of action, Petitioner contends that Respondents abused their discretion in denying his CPRA request based on exemptions contained in Government Code section 6254(k) and Evidence Code section 1040. To the extent Petitioner seeks the Outpatient Report of Death in this cause of action or information from that report, his claim is moot because the undisputed evidence shows that this document does not exist for Mrs. Murray.

Both parties brief the court on their legal positions on whether the Outpatient Report of Death, if it existed, would be exempt from disclosure pursuant to the official information privilege under section 1040(b)(2). As stated, with respect to the Outpatient Report of Death, there is no justiciable controversy because the record does not exist with respect to Mrs. Murray. To the extent the parties make these arguments with respect to other

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**NATURE OF PROCEEDINGS:**

information about Mrs. Murray within the Medical Board's files, Petitioner did not make a CPRA request for such information/records and has not exhausted his administrative remedies.

The second cause of action is DENIED.

Third Cause of Action - Failure to Properly Respond under the CPRA

In his third cause of action, Petitioner alleges that Respondent Webb erroneously classified the information sought by Petitioner as exempt under section 6254(f). He also alleges that "by inappropriately applying a blanket privilege to all information sought by Petitioner, Respondent Webb failed to identify and release 'any reasonably segregable portion' of the records." (FAP p. 12.) Petitioner contends that Respondents violated Government Code section 6253.1. (Reply 9.)

Government Code section 6253.1 provides in relevant part:

(a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records,

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**NATURE OF PROCEEDINGS:**

shall do all of the following, to the extent reasonable under the circumstances:

(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2) Describe the information technology and physical location in which the records exist.

(3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records. [¶]

(d) This section shall not apply to a request for public records if any of the following applies:

[¶] (2) The public agency determines that the request should be denied and bases that

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**NATURE OF PROCEEDINGS:**

determination solely on an exemption listed in Section 6254.

"Under Government Code section 6253.1, the [agency] has the duty to respond to requests for disclosure of the information in public records, including assisting the requester in formulating reasonable requests, because of the [agency's] superior knowledge about the contents of its records." (Community Youth Athletic Center v. City of National City (2013) 220 Cal.App.4th 1385, 1417.)

Here, as discussed above, Petitioner's CPRA requests were limited to (1) the Report of Death of Patient pursuant to Business and Professions Code section 2240; and (2) the Outpatient Surgery-Reporting of Death pursuant to California Code of Regulations title 16, section 1356.4. (FAP Exh. 4-8.) The evidence shows that these documents do not exist for Mrs. Murray. As stated above, while the agency must consider the information requested, and not only the precise records identified, Petitioner's CPRA requests did not reasonably inform the agency that he was seeking other information. Under these circumstances, Petitioner has not shown a violation of section 6253.1.

The third cause of action is DENIED.

Fourth and Fifth Causes of Action - Violations of Constitution and Public Policy

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**NATURE OF PROCEEDINGS:**

The alleged constitutional and public policy violations at issue in the fourth and fifth causes of action are derivative of Petitioner's claims discussed above. For the reasons already stated, the fourth and fifth causes of action are DENIED.

**Fees and Costs**

Because Petitioner has not prevailed in this action, he is not entitled to fees and costs. (Gov. Code § 6259(d).)

**Conclusion**

The petition is DENIED.

- 1- Section 1356.4 states that the report shall include the following information: "(a) The patients' full name, address, date of birth, social security number, medical record number, and the physical location of the medical record. (b) The full name, license number, practice specialty and the American Board of Medical Specialties certification or certification by a board-approved specialty board, if any, of the physician who performed the surgery. (c) The date of the surgery; the name and address of the outpatient setting where the surgery was performed; and the circumstances of the patient's death. (d) The

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**NATURE OF PROCEEDINGS:**

full name of each entity which licenses, certifies or accredits the outpatient setting where the surgery was performed and the types of outpatient procedures performed at that setting. (e) The name and address of the hospital or emergency center to which the patient was transferred or admitted. (f) The date of the report and the full name of the person who completed the report."

- 2- In the court's ruling on demurrer, the court only addressed the ripeness of Petitioner's CPRA request for the Outpatient Report of Death.
- 3- It appears these are actually the same document, i.e. the report required by section 2240(a).

Respondent is to give notice and to prepare, serve and lodge the proposed judgment within ten days. The court will hold the proposed judgment ten days for objections.

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **BRUCE THOMAS MURRAY v. MEDICAL BOARD OF CALIFORNIA**  
No.: **BS158575**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On January 27, 2017, I served the attached [PROPOSED] JUDGMENT DENYING PETITION FOR WRIT OF MANDATE by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Bruce Thomas Murray  
1931 E Street  
San Diego, CA 92102

Petitioner In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 27, 2017, at Los Angeles, California.

\_\_\_\_\_  
S. Barshefski  
Declarant

\_\_\_\_\_  
  
Signature