

1 Bruce Thomas Murray (SBN 306504)  
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5 (626) 304-0828

6 Plaintiff, *in propria persona*

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 FOR THE COUNTY OF LOS ANGELES

9 **BRUCE THOMAS MURRAY,**  
10 Plaintiff  
11 v.  
12 **MEDICAL BOARD OF CALIFORNIA;**  
13 **KIMBERLY KIRCHMEYER,** in her  
14 capacity as executive director, Medical Board  
15 of California;  
16 **KERRIE D. WEBB,** in her capacity as staff  
17 counsel, Medical Board of California; and  
18 **DOES 1-11,** inclusive,  
19 Defendants

Case No.:  
VERIFIED COMPLAINT FOR DAMAGES,  
INJUNCTIVE RELIEF, AND  
DECLARATORY RELIEF  
1. **FAILURE TO PROVIDE PERSONAL  
INFORMATION,** in violation of Cal. Civ.  
Code § 1798.34  
2. **DENIAL OF PERSONAL  
INFORMATION** to an authorized  
representative and beneficiary, in violation of  
Cal. Civ. Code § 1798.24(c)  
3. **FAILURE TO ASSIST IN THE  
IDENTIFICATION OF RECORDS,** in  
violation of Cal. Gov. Code § 6253.1  
4. **FAILURE TO PROVIDE PUBLIC  
INFORMATION** in violation of Cal. Gov.  
Code § 6253 et seq.  
5. **ERRONEOUS INTERPRETATION  
AND APPLICATION** of Cal. Evid. Code §  
1040 and Cal. Gov. Code § 6255

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- ) **6. FAILURE TO PROVIDE ACCESS TO**
- ) **‘THE PEOPLE’S BUSINESS’** in violation of
- ) the California Constitution, Article I, section
- ) 3(b)
- ) **7. VIOLATION OF PUBLIC POLICY**, as
- ) set out in the Information Practices Act, the
- ) Business & Professions Code, the California
- ) Evidence Code, the California Constitution,
- ) and the California Public Records Act.
- ) ■ Request for injunctive and declaratory relief
- ) ■ Demand for damages more than \$25,000
- ) ■ Request for costs and attorney’s fees.

**I. SUMMARY**

1. Plaintiff Bruce Thomas Murray hereby submits this verified complaint against the Medical Board of California and its agents, Kimberly Kirchmeyer and Kerrie D. Webb, as well as any unknown parties (“DOES”), in accordance with Cal. Civ. Code § 1798.45 et seq.
2. Bruce T. Murray alleges that the Defendants wrongfully denied him personal information regarding his deceased mother, in violation of Cal. Civ. Codes §§ 1798.24-34, et seq. Furthermore, Defendants purposefully frustrated Plaintiff’s attempts to identify records and information responsive to his request, in violation of Cal. Gov. Code § 6253.1.
3. Pursuant to Cal. Civ. Code § 1798.46, Plaintiff seeks an injunction ordering the Medical Board to release all information in its possession regarding Audrey B. Murray’s medical condition, treatment and death. (Additional elements of the requested injunction are described in particularity below.)
4. In addition to injunctive relief, Plaintiff seeks declaratory relief, damages, costs and attorney’s fees, pursuant to Cal. Civ. Code § 1798.48, Cal. Code Civ. Proc. § 1021.5, and/or equitable principles.

1 5. If and to the extent that any of the records sought by Plaintiff are covered under the  
2 California Public Records Act (Cal. Gov. Code § 6250 et seq.), Plaintiff seeks an injunction  
3 commanding the release of such information under Cal. Gov. Code § 6258, as well as declaratory  
4 relief, costs and attorney’s fees under Cal. Gov. Code § 6259, Cal. Code Civ. Proc. § 1021.5,  
5 and/or equitable principles.

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7 **II. THE PARTIES, VENUE AND JURISDICTION**

8 6. Plaintiff, Bruce Thomas Murray is an individual domiciled in the city of Pasadena,  
9 California. Plaintiff is a surviving son and beneficiary of Audrey Bevan Murray. As such, he is  
10 an authorized representative entitled to receive her personal and medical information under Cal.  
11 Civ. Code § 1798.24 and Cal. Civ. Code § 56.11.

12 7. Defendant, the Medical Board of California, is a “board” under Cal. Bus. & Prof. Code §  
13 2002; an “agency” under Cal. Civ. Code § 1798.3; and a “state agency” under Cal. Gov. Code §  
14 6252(f). As such, the Medical Board is subject to the requirements of Cal. Civ. Code §§ 1798.24-  
15 34 (disclosure and inspection of personal information in records) and Cal. Gov. Code § 6253.1  
16 (Agency to assist in inspection of public record).

17 8. Defendant is headquartered at 2005 Evergreen Street, Suite 1200, Sacramento, CA  
18 95815. Venue is proper in the Los Angeles Superior Court, because under Cal. Civ. Code §  
19 1798.49, an action to enforce any liability created under CIPA “may be brought in any court of  
20 competent jurisdiction in the county in which the complainant resides.”

21 9. Defendant Kerrie D. Webb is the senior staff counsel of the Medical Board of California,  
22 and as such she has a duty to comply with the California Constitution, the Business &  
23 Professions Code, the California Information Practices Act, the California Public Records Act,  
24 and all other applicable state laws.

25 10. Defendant Kimberly Kirchmeyer is the executive director of the Medical Board of  
26 California, and in that position she is ultimately responsible for the operations of the MBC,  
27 including the actions of its agents and the MBC’s compliance with its duties under the law.

28 11. The true names and capacities, whether individual, corporate, associate, consultant or  
otherwise, of the Defendants named herein as DOES 1-11, inclusive, are unknown to Plaintiff at  
this time and therefore said Defendants are sued by such fictitious names. Plaintiff will seek

1 leave to amend this complaint to insert the true names and capacities of said Defendants when  
2 the same become known to Plaintiff. Plaintiff is informed and believes, and based thereupon  
3 alleges, that each of the fictitiously named Defendants is responsible for the wrongful acts  
4 alleged herein, and is therefore liable to Plaintiff as alleged hereinafter.

5 12. At all times relevant hereto, all Defendants, including those defendants named as DOES  
6 1-11, were the agents, employees, managing agents, supervisors and consultants of the Medical  
7 Board of California. Plaintiff is informed and believes, and based thereupon alleges that each of  
8 them, and in doing the things alleged herein, were acting at least in part within the course and  
9 scope of said agency, employment, consultancy, and with the permission and consent of each of  
10 the other Defendants.

11 13. Whenever and wherever reference is made in this complaint to any act or failure to act by  
12 a Defendant or co-Defendant, such allegations and references shall also be deemed to mean the  
13 acts and/or failures to act by each Defendant acting individually, jointly and severally.

### 14 **III. COMPLIANCE WITH GOVERNMENT CLAIMS ACT**

15 14. On May 30, 2018, Plaintiff submitted his claims to the California Department of General  
16 Services, in accordance with Cal. Gov. Code § 910 et seq. Along with his presentation of claims,  
17 Plaintiff submitted 25 exhibits, which includes the administrative record as is presently known to  
18 Plaintiff.

19 15. In his presentation of claims, Plaintiff alleged an accrual date of January 29, 2018, which  
20 is the date of Defendant Webb's third and final letter to the Plaintiff, in which Webb denied  
21 Plaintiff's requests for information under the CIPA.

22 16. On July 21, 2018, the Department of General Services sent Plaintiff notice of its rejection  
23 of his claim for damages. The DGS based its rejection on its erroneous determination that the  
24 Plaintiff's cause of action accrued on May 26, 2017, and thus "the claim was presented more  
25 than one year beyond the date the damages accrued." The May 26, 2017 date corresponds with  
26 the first of three letters that Defendant Webb sent to Plaintiff regarding his CIPA request.  
27 However, as the record will show, the May 26 letter was not "final" in any sense. Administrative  
28 remedies were not exhausted. Plaintiff and Defendant continued meeting and conferring on

1 Plaintiff's CIPA request up until January 29, 2018. Thus, Plaintiff's damages claim was timely,  
2 as presented to the DGS.

#### 3 IV. FACTS

4 17. At approximately 8 a.m. June 4, 2013, Dr. James C. Matchison (med. license no.  
5 A00097926) performed a cardiac catheterization procedure on Plaintiff's mother.

6 18. Due to complications during the procedure, the procedure was aborted.

7 19. At approximately 10 a.m. June 4, 2013, Audrey Murray was admitted to the Torrance  
8 Memorial Medical Center Progressive Care Unit (PCU) for post-procedure recovery.

9 20. At approximately 11:30 a.m. June 5, 2013, Mrs. Murray was discharged from Torrance  
10 Memorial and into the care of her eldest son, William E. Murray, who brought her home.

11 21. After she arrived home, Mrs. Murray began experiencing severe pain in her chest and  
12 shoulder, and difficulty in breathing. As her pain and distress increased, William called 911.

13 22. At approximately 3:30 p.m., Mrs. Murray was transported back to Torrance Memorial for  
14 emergency treatment.

15 23. At approximately 4 p.m. June 5, 2013, Audrey B. Murray, died in the emergency room at  
16 Torrance Memorial Medical Center.

17 24. On June 11, 2013, Bruce Murray spoke with Dr. Matchison over the phone, seeking an  
18 explanation for and the cause of his mother's death. The doctor provided none.

19 25. On May 15, 2014, Bruce Murray filed a complaint with the Medical Board, seeking an  
20 explanation for and cause of his mother's death.

21 26. In a letter to Plaintiff dated May 19, 2014, the Medical Board confirmed receipt of  
22 Plaintiff's complaint and assigned it Control Number 800 2014 005263.

23 27. In a letter to Plaintiff dated May 23, 2014, Linda Serrano, Medical Board Associate  
24 Enforcement Analyst, requested authorization for release of medical records and a copy of  
25 Audrey Murray's death certificate. The letter specified that the authorization must be signed by  
26 the "next of kin as shown on death certificate."

27 28. Peter B. Murray, Plaintiff's brother, is listed as the "informant" on Audrey Murray's  
28 death certificate. Peter Murray was the successor trustee of the Audrey B. Murray Trust, now  
terminated. Audrey Murray's testamentary papers did not specifically name a "personal  
representative" in accordance with Cal. Prob. Code §§ 42, 58.

1 29. In a letter to Linda Serrano dated September 4, 2014, Bruce Murray granted the Medical  
2 Board of California full permission and access to all of his mother's medical records, as  
3 necessary to conduct the investigation into her death. Plaintiff cited his authority to do so as  
4 "beneficiary or personal representative of the deceased patient," under Cal. Bus. & Prof. Code §  
5 2225.

6 30. On September 9, 2014, Peter Murray also sent Serrano an authorization for access to  
7 Audrey Murray's medical records, along with a copy of Audrey Murray's death certificate. Peter  
8 Murray also authorized the Medical Board to communicate directly with Bruce Murray regarding  
9 the matter.

10 31. September 2-9, 2014, Plaintiff exchanged emails with Cassandra Hockenson, JD, Public  
11 Affairs Manager of the Medical Board of California. Plaintiff requested assistance in locating the  
12 rules of procedure that the Medical Board of California follows when conducting investigations  
13 of licensees.

14 32. In a September 9, 2014 email to Plaintiff, Hockenson wrote, "We do not have rules for  
15 the process and procedures of an investigation. Our Investigative Unit has Enforcement  
16 Operations Manuals that lay out the procedures of investigating a matter. I'm not sure they are  
17 public though, and if they are they will likely need redacting."

18 33. On October 10, 2014, Plaintiff sent an email to Linda Serrano, requesting that the  
19 Medical Board provide Plaintiff with documents that Dr. Matchison would have filed pursuant to  
20 Cal. Bus. & Prof. Code § 2240 (Report for Death of Patient) and 16 C.C.R. § 1356.4 (Outpatient  
21 Surgery-Reporting of Death). Serrano did not reply to this email.

22 34. On December 15, 2014, Plaintiff sent another email to Linda Serrano, reiterating the  
23 request of his Oct. 10 email. Serrano did not reply to this email.

24 35. At various times during 2014 and 2015, Plaintiff called Serrano and left voice messages  
25 requesting the aforementioned documents. Serrano did not return these phone calls.

26 36. In a letter to Bruce Murray dated January 15, 2015, Serrano confirmed receipt of all  
27 records and documentation required for a review of his complaint.

28 37. On January 21, 2015, Plaintiff sent Serrano another email reiterating the requests of his  
Oct. 10 and Dec. 15 emails. This time, finally, Serrano replied to the email, stating only, "We do  
not provide copies of those reports."

1 38. On February 10, 2015, Plaintiff sent Defendant Kerrie Webb a letter requesting copies of  
2 any filings made by Dr. Matchison under Cal. Bus. & Prof. Code § 2240 (Report for Death of  
3 Patient) and 16 C.C.R. § 1356.4 (Outpatient Surgery-Reporting of Death). Plaintiff made this  
4 request pursuant to Cal. Gov. Code § 6253.1 (Agency to assist in inspection of public record).  
5 Plaintiff also noted, “As the son and beneficiary of my mother, I am entitled and authorized to  
6 receive any otherwise privileged and confidential information.”

7 39. In a letter dated February 20, 2015, Defendant Webb denied Plaintiff’s request for these  
8 documents on three bases: (1) “Records of complaints to, and investigations conducted by, state  
9 licensing agencies are not subject to disclosure pursuant to government Code section 6254(f);”  
10 because, she asserted (2) “[r]eports for the death of a patient **are treated** as complaints to the  
11 Board, and will not be disclosed.” [Emphasis added.] And (3) “[i]n addition, records of  
12 complaints and investigations of state licensing agencies are privileged under Evidence Code  
section 1040.”

13 40. In her Feb. 20 letter, Defendant Webb did not cite any authority for her interpretations of  
14 Cal. Gov. Code § 6254, Cal. Evid. Code § 1040, Cal. Bus. & Prof. Code § 2240, and 16 C.C.R. §  
15 1356.4. Specifically, (1) she failed to provide any authority for “treating” reports for the death of  
16 patient as “complaints to the Board”; (2) she did not cite any authority for exempting these  
17 documents from the disclosure requirements of Cal. Gov. Code § 6253.1; and (3) she did not cite  
18 any authority for assigning an absolute privilege to the information sought by Plaintiff (rather  
19 than the qualified privilege of § 1040).

20 41. Also in her Feb. 20 letter, Defendant Webb failed to “provide suggestions for overcoming  
21 any practical basis for denying access to the records or information sought,” as is required by  
22 Cal. Gov. Code § 6253.1(a)(3).

23 42. In a letter dated April 14, 2015, the Medical Board provided Plaintiff with a report of its  
24 conclusion of case number 800 2014 005263. The report contains six-sentences and 108 words.  
25 The report states, “It was the opinion of our consultant that the treatment rendered did not  
26 constitute a violation of the law as it relates to the practice of medicine. ... Thank you for  
contacting the Medical Board of California.”

27 43. The letter does not state the bases for the Medical Board’s conclusion, nor does it include  
28 any facts or analysis of the facts involved in the investigation. Most critically, the report does not

1 provide any explanation for or the cause of Audrey Murray's death – the central issue of  
2 Plaintiff's initial complaint to the board. Therefore, the final report is entirely useless to Plaintiff.

3 44. On October 5, 2015, Bruce Murray filed a petition for writ of mandate in the Los  
4 Angeles Superior Court (No. BS158575), requesting that the court compel the Medical Board to  
5 release documents filed with the Medical Board in accordance with Cal. Bus. & Prof. Code §  
6 2240 (Report for Death of Patient) and 16 CCR 1356.4 (Outpatient Surgery--Reporting of Death)  
7 regarding the death of Audrey Bevan Murray. Petitioner also asked the court to compel the  
8 Medical Board to release any information it had obtained regarding the cause of Audrey  
9 Murray's death.

10 45. On October 7, 2015, Petitioner served Audrey Murray's two other beneficiaries, William  
11 E. Murray and Peter B. Murray, copies of the petition; and Petitioner lodged proof of service  
12 with the court. William and Peter did not opt to join the action.

13 46. On November 20, 2015, Defendants demurred to the petition.

14 47. On January 2, 2016, Petitioner filed an amended petition. The amended petition  
15 contained five causes of action: (1) Abuse of discretion in denying Plaintiff's requests for  
16 information under Cal. Gov. Code § 6254; (2) Abuse of discretion in the interpretation and  
17 application of Cal. Evid. Code § 1040; (3) Violation of Cal. Gov. Code § 6250, et seq. (Failure to  
18 Properly Respond to a Request under the California Public Records Act); (4) Violation of the  
19 California Constitution, Article I, section 3(b) (Failure to Provide Access to 'The People's  
20 business'); and (5) Violation of Public Policy with Respect to the California Constitution, the  
21 California Public Records Act, the Medical Practice Act and the California Evidence Code.

22 48. The Amended petition requested (1) all information, reports and statements acquired by  
23 the Medical Board regarding Audrey B. Murray's medical condition, treatment and death; (2) all  
24 documents contained in MBC file number 800 2014 005263 that contain information regarding  
25 the cause and circumstances Audrey B. Murray's death; (3) all statements made to the Medical  
26 Board by Dr. James Matchison and any other third parties regarding Audrey B. Murray's  
27 medical condition, treatment and death; and (4) all documents filed with the Medical Board  
28 pursuant to Cal. Bus. & Prof. Code § 2240 and 16 C.C.R. 1356.4 – **or the equivalent  
underlying information** – regarding the death of Audrey Bevan Murray.

49. On February 8, 2016, Defendants demurred to the amended petition.

1 50. On May 3, 2016, Judge Mary H. Strobel overruled the demurrer in its entirety.

2 51. On November 17, 2016, Petitioner filed his Motion for Judgment on the Writ.

3 52. On January 17, 2017, Judge Strobel denied the writ – primarily on the bases of failure to  
4 exhaust administrative remedies and mootness. Thus, the case was not decided on the merits.  
5 The case was moot, the court determined, because the documents that Petitioner had initially  
6 requested (reports filed under Cal. Bus. & Prof. Code § 2240 and 16 C.C.R. 1356.4) did not  
7 exist. Nonetheless, the court noted the logical inconsistency with the Medical Board’s denial of  
8 Plaintiff’s request: “Webb denied the CPRA request based on an exemption, as if the report  
9 existed. If the report did not exist, there was no reason for Webb to claim that the report was  
10 exempt. As stated by Petitioner, perhaps ‘mistakes were made.’”

11 53. Between January 31 and July 24, 2017, Peter Murray, as trustee of the Audrey B. Murray  
12 Trust, made the final substantial distributions from ABM Trust to the beneficiaries (in amounts  
13 ranging from \$31,333.33 to \$30,536.15).

14 54. In a letter to Kerrie Webb dated April 27, 2017, Bruce Murray requested that she provide  
15 him “with all information in the Medical Board’s possession regarding Audrey B. Murray’s  
16 medical condition, treatment and the circumstances and cause(s) of her death.” Plaintiff  
17 requested this information “in accordance with the Information Practices Act (Cal. Civ. Code §  
18 1798.34 et seq.) and all other applicable laws of this state.”

19 55. In a letter dated May 26, 2017, Kerrie Webb denied Plaintiff’s request. Webb justified  
20 her denial by stating: “The Information Practices Act prohibits an agency from disclosing any  
21 personal information in a manner that would link the information disclosed to the individual to  
22 whom it pertains unless the disclosure falls within a particular category set forth in Civil Code  
23 section 1798.24. As relevant here, Civil Code section 1798.24, subdivision (g), provides that  
24 information may be produced pursuant to the California Public Records Act. The records sought  
25 in Category 1 are exempt from disclosure under the Public Records Act.”

26 56. In the May 26 letter, Webb additionally stated, “The Board is in possession of certified  
27 medical records relating to the care and treatment of Audrey Murray, which were obtained  
28 through releases executed by Ms. Murray’s trustee, Peter Murray. At this time, the Board lacks  
sufficient documentation that the Board is authorized to release personal information to you, as  
opposed to Ms. Murray’s trustee. Should such documentation be produced, the Board will

1 evaluate the documentation to determine whether release of this personal information is  
2 permitted.” Since Webb’s letter clearly leaves the door open for further communication related to  
3 Plaintiff’s request, her denial of Plaintiff’s CIPA request is not final for the purposes of accrual  
4 under CIPA, the Government Claims Act or the doctrine of exhaustion of administrative  
5 remedies.

6 57. Along with her May 26 letter, Webb purported to “produce” documents responsive to  
7 Plaintiff’s request. However, this small cache of documents consisted of writings that Plaintiff  
8 himself had previously provided to Defendants, as well as letters and emails that Defendants had  
9 previously sent to Plaintiff.

10 58. In a letter to Kerrie Webb dated July 10, 2017, Plaintiff objected to her bases for refusing  
11 to release any information responsive to his request: “You skip CIPA and go directly to CPRA  
12 by invoking Cal. Civ. Code § 1798.24(g). However, this provision of CIPA simply allows  
13 personal information otherwise protected by CIPA to be released via CPRA. But you use §  
14 1798.24(g) as a shortcut to the CPRA exemptions – and then deny my request on that basis. This  
15 is an invalid analysis. Section 1798.24(g) is not a trapdoor getaway clause out of CIPA. If the  
16 clause could be used in this way, this entire section of the CIPA would effectively cease to exist  
17 and simply fold into CPRA. One law cannot be used to nullify another in this manner.”

18 59. In a letter from Kerrie Webb to Bruce Murray dated August 4, 2017, Webb justified her  
19 asserted exemption under the Public Records Act by stating, “First, once it was determined that  
20 1) you were seeking information relating to another person; 2) you were not the trustee of  
21 Audrey B. Murray’s estate; and 3) the letter signed by trustee Peter B. Murray was not sufficient  
22 to permit the Board to release Ms. Murray’s medical records to you, it was appropriate to  
23 evaluate the request as a Public Records Act request, and respond accordingly. Absent additional  
24 documentation, the Board is unable to release Ms. Murray’s medical records to you.” Again, as  
25 in her May 26 letter, Webb leaves the door open for further communication related to Plaintiff’s  
26 request. Thus, her denial of Plaintiff’s CIPA request is not final for the purposes of accrual under  
27 either CIPA or the Government Claims Act.

28 60. On August 30, 2017, the Audrey B. Murray Trust account went down to zero – thus  
triggering the operation of Cal. Prob. Code § 15407 (Termination of trust; Trustee’s powers on  
termination), i.e., “A trust terminates when ... (2) the trust purpose is fulfilled.”

1 61. On September 8, 2017, R. Thomas Peterson, attorney for the trustee, reported to the  
2 beneficiaries that “the trust has been dissolved.” He also reported a notice of credit from the IRS  
3 for the tax account of Audrey B. Murray in the amount of \$1,248. Any pending remaining trust  
4 business falls under Cal. Prob. Code § 15407(b) – “On termination of the trust, the trustee  
5 continues to have the powers reasonably necessary under the circumstances to wind up the  
6 affairs of the trust.”

7 62. Along with a letter dated January 8, 2018, Bruce Murray sent Kerrie Webb a copy of the  
8 August, 2017 bank statement for the Audrey B. Murray Trust, showing the bank account going  
9 down to zero. “Thus, the role of trustee ... is a nullity, and the issue of trustee authorization is  
10 moot,” Murray wrote in the letter. “Notwithstanding ... the status of Audrey B. Murray’s  
11 testamentary trust is irrelevant to my request for information from the Medical Board. There was  
12 never any need for the trustee to authorize the release of information, as you assert. In this  
13 context, the law makes no distinction between beneficiaries, trustees, executors and personal  
14 representatives. This is true across the California Civil Code, the Confidentiality of Medical  
15 Information Act, the Business & Professions Code, the Public Health & Safety Code, the  
16 Information Practices Act, the Probate Code, the Code of Civil Procedure and the common law.”  
17 Thus, as his mother’s beneficiary, Plaintiff is “the authorized representative of the individual to  
18 whom the information pertains” (Cal. Civ. Code § 1798.24(c)); and further, he is entitled to  
19 receive his mother’s medical information under Cal. Civ. Code § 56.11(c) and Cal. Evid. Code §  
20 993 (Physician-Patient Privilege).

21 63. In a letter from Kerrie Webb to Bruce Murray dated January 29, 2018, Webb denied  
22 Plaintiff’s well-documented legal right to receive the information he seeking; she denied the  
23 sufficiency of Peter Murray’s prior authorization; and she ignored the information Plaintiff  
24 provided regarding the termination of trust. Instead, Webb wrote, “If you provide a proper  
25 written authorization from Peter Murray, the Board will consider releasing Ms. Murray’s medical  
26 records to you. Alternatively, as the Board has previously advised, you are free, with the proper  
27 release, to obtain Ms. Murray’s medical records directly from the facilities and medical providers  
28 who provided care and treatment to Ms. Murray as the creators and custodians of those records.”  
Thus, even with a legally unnecessary authorization from Peter Murray, Webb suggests that the  
only information she would release is information that Plaintiff himself has already provided to

1 the Medical Board and is already in Plaintiff's custody and control. Therefore, Webb's pledge to  
2 "consider releasing Ms. Murray's medical records" is circular and illusory.

3 64. In a letter to Kerrie Webb dated February 9, 2018, Plaintiff stated, "This is your third  
4 denial of my requests – beginning with my initial letter April 27, 2017; my second letter July 10,  
5 2017; and finally my Jan. 29, 2018 letter. In each response, you wrongfully denied my requests. I  
6 think it is fair to say that at this point, administrative remedies have been exhausted; and this  
7 matter is ripe for judicial review."

8 65. Plaintiff received no response to his Feb. 9 letter.

9 66. On Nov. 3, 2018, Plaintiff shared a copy of this complaint with Audrey Murray's two  
10 other sons and beneficiaries, William Murray and Peter Murray, via Dropbox. There are no other  
11 beneficiaries. Previously, on May 30, 2018, Plaintiff shared a copy of his presentation of claims  
12 and all supporting exhibits with the other two beneficiaries, and neither expressed an interest in  
13 joining this action.

14 67. The Medical Board's consistent and longstanding refusal to provide Plaintiff with the  
15 information to which he is legally entitled leaves Plaintiff aggrieved and exhausted of any  
16 administrative remedy. Plaintiff has no plain, speedy and adequate recourse under the law other  
17 than to seek relief from the court.

18 **FIRST CAUSE OF ACTION:**

19 **FAILURE TO PROVIDE PERSONAL INFORMATION, IN VIOLATION OF**

20 **CAL. CIV. CODE § 1798.34**

21 **As against all Defendants**

22 68. Plaintiff incorporates the allegations of the preceding paragraphs as though fully set forth  
23 herein.

24 69. The California Information Practices Act states: "[E]ach agency shall permit any  
25 individual upon request and proper identification to inspect all the personal information in any  
26 record containing personal information." Cal. Civ. Code § 1798.34(a).

27 70. In his April 27, 2017 letter to Kerrie Webb, Plaintiff made a valid request under the  
28 Information Practices Act, asking that the Medical Board provide him "with all information in

1 the Medical Board’s possession regarding Audrey B. Murray’s medical condition, treatment and  
2 the circumstances and cause(s) of her death.”

3 71. Defendant Webb, instead of disclosing the information or providing a proper analysis  
4 under the Information Practices Act, responded by improperly invoking to the California Public  
5 Records Act and erroneously concluding, “The records sought [by Plaintiff] are exempt from  
6 disclosure under the Public Records Act.” Webb’s “analysis” is arbitrary, capricious and entirely  
7 lacking any legal or factual support. As Plaintiff stated in his July 10, 2017 response to Webb,  
8 “You skip CIPA and go directly to CPRA by invoking Cal. Civ. Code § 1798.24(g). However,  
9 this provision of CIPA simply allows personal information otherwise protected by CIPA to be  
10 released via CPRA. But you use § 1798.24(g) as a shortcut to the CPRA exemptions – and then  
11 deny my request on that basis. This is an invalid analysis. Section 1798.24(g) is not a trapdoor  
12 getaway clause out of CIPA. If the clause could be used in this way, this entire section of the  
13 CIPA would effectively cease to exist and simply fold into CPRA. One law cannot be used to  
14 nullify another in this manner.”

15 72. Defendants had a duty to maintain accurate information regarding Audrey B. Murray and  
16 the investigation of her death (Cal. Civ. Code § 1798.18); and the Medical Board also had a duty  
17 to share that information with her authorized representative upon request. Cal. Civ. Code §§  
18 1798.24-34. But Defendants breached that duty by wrongfully denying Plaintiff’s beneficial  
19 status and wrongfully denying his request for his mother’s personal information.

20 73. The Medical Board’s arbitrary and erroneous interpretation and application of the law  
21 call for a declaratory judgment that accurately states the rights and duties of the parties with  
22 respect to the Information Practices Act. Based on that determination, Plaintiff seeks an  
23 injunction compelling the release of the information that he is seeking, pursuant to Cal. Civ.  
24 Code § 1798.47.

25 74. As a direct and proximate result of Defendants’ wrongful actions, Plaintiff has incurred  
26 costs and undertaken substantial legal work in order to vindicate his rights. Vindication of  
27 Plaintiff’s rights would also confer a significant benefit on the general public by compelling the  
28 Medical Board to be more responsive to similarly situated citizens. Plaintiff therefore requests  
recovery of his costs, together with reasonable attorney’s fees, in accordance with Cal. Civ. Code  
§ 1798.48(b), Cal. Code Civ. Proc. § 1021.5, and/or equitable principles.

1 75. As a further direct and proximate result of Defendants’ conduct, Plaintiff has suffered  
2 general damages and non-economic damages in the form mental and emotional pain. It has been  
3 more than five years since Plaintiff’s mother died, and precisely what triggered her death  
4 following surgery is still a mystery. Defendants have insight into the circumstances of Audrey  
5 Murray’s death, but they wrongfully refuse to share it with Plaintiff. Plaintiff is deeply troubled  
6 by this state of affairs. In accordance with Cal. Civ. Code § 1798.48(a), Plaintiff is entitled to  
7 recover damages for his mental suffering. The amount of damages stemming from Defendants’  
8 conduct is not fully ascertained but within the jurisdiction of the court and subject to proof at the  
9 time of trial.

10 **SECOND CAUSE OF ACTION:**

11 **DENIAL OF PERSONAL INFORMATION TO AN AUTHORIZED REPRESENTATIVE**  
12 **AND BENEFICIARY, IN VIOLATION OF CAL. CIV. CODE § 1798.24**

13 **As against all Defendants**

14 76. Plaintiff incorporates the allegations of the preceding paragraphs as though fully set forth  
15 herein.

16 77. The Information Practices Act states: “An agency shall not disclose any personal  
17 information in a manner that would link the information disclosed to the individual to whom it  
18 pertains **unless** the information is disclosed ... (c) To the duly appointed guardian or conservator  
19 of the individual **or a person representing the individual** if it can be proven with reasonable  
20 certainty through the possession of agency forms, documents or correspondence that this person  
21 is the **authorized representative** of the individual to whom the information pertains.” Cal. Civ.  
22 Code § 1798.24. [Emphasis added.]

23 78. The statute does not discuss how to deal with the personal information of deceased  
24 persons. Nor does the statute make any distinctions between beneficiaries, trustees or executors  
25 for assigning the right of authorized representatives to receive the personal information of  
26 deceased parents. Nor does any case law interpreting this statute read such distinctions into the  
27 law.

28 79. The standard for releasing the personal medical information of deceased persons is set  
out in the Confidentiality of Medical Information Act: “An authorization for the release of

1 medical information by a provider of health care, health care service plan, pharmaceutical  
2 company, or contractor shall be valid if it ... (c) is signed and dated by one of the following ...  
3 **(4) The beneficiary or personal representative of a deceased patient.**” Cal. Civ. Code §  
4 56.11(c). [Emphasis added.] This standard is applied to the Information Practices Act: “The  
5 disclosure of medical information regarding a patient that is subject to Civ. Code § 1798.24(b)  
6 (disclosure with prior written consent of individual under Information Practices Act) requires an  
7 authorization that complies with the provisions of Civ. Code §§ 56–56.37.” 37-429 California  
8 Forms of Pleading and Practice--Annotated § 429.203.

8 80. As Plaintiff pointed out in his Jan. 8, 2018 letter to Webb, no law makes a distinction  
9 between beneficiaries, trustees and executors for the purpose of authorizing and receiving the  
10 personal information of deceased persons. For example, “Any patient representative shall be  
11 entitled to inspect patient records.” Cal. Health & Saf. Code § 123110. “‘Patient’s  
12 representative’” or ‘representative’ means any of the following ... (4) The **beneficiary** as  
13 defined in Section 24 of the Probate Code **or personal representative** as defined in Section 58  
14 of the Probate Code, of a deceased patient.” Cal. Health & Saf. Code § 123105(e). [Emphasis  
15 added.]

16 81. The Medical Board’s own section of the Business & Professions Code places  
17 beneficiaries and personal representatives on equal footing: “[I]n any investigation that involves  
18 the death of a patient, the board may inspect and copy the medical records of the deceased  
19 patient without the **authorization of the beneficiary or personal representative** of the  
20 deceased patient ... Nothing in this subdivision shall be construed to allow the board to inspect  
21 and copy the medical records of a deceased patient without a court order when **the beneficiary**  
22 **or personal representative** of the deceased patient has been located and contacted but has  
23 refused to consent.” Cal. Bus. & Prof Code § 2225(c)(1). [Emphasis added.] Thus, the code  
24 enables either a beneficiary or the personal representative to authorize or refuse the Board’s  
25 access to medical records of a deceased patient. The beneficiary and personal representative have  
26 equal footing.

26 82. Even if the law did place trustees above beneficiaries in this context, the termination of  
27 trust equals them: “When the patient’s estate has no interest in preserving confidentiality, or  
28 when the estate has been distributed and the representative discharged, the importance of

1 providing complete access to information relevant to a particular proceeding should prevail over  
2 whatever remaining interest the decedent may have had in secrecy.” Cal. Evid. Code § 993, Law  
3 Revision Commission Comments (1965).

4 83. Not only does the law clearly assign Plaintiff’s right to receive the information that he  
5 seeks, his own court precedent establishes it: In Plaintiff’s writ action against the Medical Board,  
6 he conclusively established his standing and beneficial right to receive the information that he  
7 seeks. At no point during the proceedings – from the demurrer to the trial – did the Medical  
8 Board ever challenge Plaintiff’s beneficial right. Thus, Defendants should be estopped from  
9 challenging his beneficial right in this action.

10 84. Despite the overwhelming weight of the law, the facts and issue preclusion, Defendants  
11 nonetheless deny Plaintiff’s status as a beneficiary and authorized representative to receive his  
12 mother’s personal medical information. Defendants’ position is arbitrary, capricious and entirely  
13 lacking any legal or factual support.

14 85. The Medical Board’s arbitrary interpretation and application of myriad state laws  
15 regarding beneficiaries call for a declaratory judgment by the court in order to clarify Plaintiff’s  
16 rights as a beneficiary. In accordance with Cal. Civ. Code § 1798.47, Plaintiff requests injunctive  
17 relief in order to compel the release of the information that he is seeking.

18 86. As a direct and proximate result of Defendants’ conduct, Plaintiff has incurred costs and  
19 undertaken substantial legal work in order to vindicate his rights. Vindication of Plaintiff’s rights  
20 would also confer a significant benefit on the general public by compelling the Medical Board to  
21 be more responsive to similarly situated citizens. Plaintiff therefore requests recovery of his  
22 costs, together with reasonable attorney’s fees, in accordance with Cal. Civ. Code § 1798.48(b),  
23 Cal. Code Civ. Proc. § 1021.5, and/or equitable principles.

24 87. As a further direct and proximate result of Defendants’ conduct, Plaintiff has suffered  
25 general damages and non-economic damages in the form mental and emotional pain. The amount  
26 of damages stemming from Defendants’ conduct is not fully ascertained but within the  
27 jurisdiction of the court and subject to proof at the time of trial.  
28

**THIRD CAUSE OF ACTION:**  
**FAILURE TO ASSIST IN THE IDENTIFICATION OF RECORDS,**  
**IN VIOLATION OF CAL. GOV. CODE § 6253.1.**

**As against all Defendants**

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88. Plaintiff incorporates the allegations of the preceding paragraphs as though fully set forth herein.

89. The California Public Records Act (CPRA) states: “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, shall ... (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 ... [and] (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.” Cal. Gov. Code § 6253.1.

90. On February 10, 2015, Plaintiff made a public records request to the Medical Board, requesting documents relating to his mother’s death filed under Cal. Bus. & Prof. Code § 2240 (Report for Death of Patient) and 16 C.C.R. § 1356.4 (Outpatient Surgery-Reporting of Death). Defendant Webb responded by denying Plaintiff’s request for these documents on three bases: (1) “Records of complaints to, and investigations conducted by, state licensing agencies are not subject to disclosure pursuant to government Code section 6254(f);” because, she asserted (2) “[r]eports for the death of a patient **are treated** as complaints to the Board, and will not be disclosed.” [Emphasis added.] And (3) “[i]n addition, records of complaints and investigations of state licensing agencies are privileged under Evidence Code section 1040.”

91. Defendants did nothing to assist Plaintiff to identify records or information that was responsive to his request, nor did they provide suggestions for overcoming any practical basis for denying access to the records or information he sought. Instead, Plaintiffs stonewalled, and proffered fictional legal justifications for doing so.

92. During the subsequent writ proceedings, Defendants denied the existence of the report(s) Petitioner requested. But Defendants never explained why it was that they would deny the disclosure of nonexistent documents. “Mistakes were made, perhaps,” the court wrote, quoting

1 Petitioner. Whether an omission or an evasion, Defendants demonstrate that they serve the public  
2 poorly. This state of affairs should not be allowed to continue.

3 93. When Plaintiff made his initial request to the Medical Board, he was unaware of the  
4 Information Practices Act, and therefore he made his request under the Public Records Act.<sup>1</sup> It is  
5 now clear that Plaintiff's request should have been under CIPA rather than CRPA at the onset.  
6 "Mistakes were made." But Defendants did nothing to correct Plaintiff's mistake of law. The  
7 magic words had to be precise. Most egregiously and inexplicably, Defendants did nothing to  
8 assist with Plaintiff's ignorance of fact – that the documents he was seeking did not exist.  
9 Instead, Defendants strung Plaintiff along.

10 94. In reliance on Defendants' misleading statements and omissions, Plaintiff commenced his  
11 writ action against the Medical Board and brought the case all the way to trial. Had Defendants'  
12 not misrepresented both the law and the facts, Plaintiff would not have pursued an illusory writ  
13 of mandate to obtain non-existent documents. Defendants sent Plaintiff on a wild goose chase –  
14 and a very expensive one at that.

15 95. As a direct and proximate result of Defendants' misfeasance and nonfeasance, Plaintiff  
16 has incurred costs and undertaken substantial legal work in order to vindicate his rights.  
17 Vindication of Plaintiff's rights would also confer a significant benefit on the general public by  
18 compelling the Medical Board to be more responsive to similarly situated citizens. Plaintiff  
19 therefore requests recovery of his costs, together with reasonable attorney's fees, in accordance  
20 with Cal. Gov. Code § 6259(d), Cal. Code Civ. Proc. § 1021.5, and/or equitable principles.  
21 Alternately, the costs and fees of the prior writ action constitute part of his actual damages in the  
22 present case, pursuant to Cal. Civ. Code § 1798.48.

23 96. If and to the extent that any of the information that Plaintiff seeks is public information,  
24 Plaintiff seeks declaratory and injunctive relief under Cal. Gov. Code § 6258, clarifying the  
25 rights and duties of the parties, and enjoining the Medical Board to the release of the information  
26 Plaintiff seeks.

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27  
28 <sup>1</sup> When Plaintiff first contacted the Medical Board, he was a second-year law student.

1 **FOURTH CAUSE OF ACTION:**

2 **FAILURE TO PROVIDE PUBLIC INFORMATION IN VIOLATION OF**  
3 **CAL. GOV. CODE § 6253 ET SEQ.**

4 **As Against All Defendants**

5 97. Plaintiff incorporates the allegations of the preceding paragraphs as though fully set forth  
6 herein.

7 98. The California Public Records Act (CPRA) states: “Except with respect to public records  
8 exempt from disclosure by express provisions of law, each state or local agency, upon a request  
9 for a copy of records that reasonably describes an identifiable record or records, shall make the  
10 records promptly available ... Any reasonably segregable portion of a record shall be available  
11 for inspection by any person requesting the record after deletion of the portions that are  
12 exempted by law.” Cal. Gov. Code § 6253.

13 99. If and to the extent that any of the information that Plaintiff seeks is public information,  
14 Plaintiff seeks injunctive relief under Cal. Gov. Code § 6258, compelling the release of the  
15 information Plaintiff seeks. If any of that information is contained in documents containing other  
16 information that is lawfully exempt from disclosure, Plaintiff requests an in-camera inspection  
17 and release of the non-exempt information.

18 **FIFTH CAUSE OF ACTION:**

19 **ERRONEOUS INTERPRETATION AND APPLICATION OF CAL. EVID. CODE § 1040**  
20 **AND CAL. GOV. CODE § 6255**

21 **As Against All Defendants**

22 100. Plaintiff incorporates the allegations of the preceding paragraphs as though fully set forth  
23 herein.

24 101. California Evidence Code section 1040 creates a two-tiered privilege regime for “official  
25 information ... acquired in confidence by a public employee in the course of his or her duty”:  
26 (1) an unqualified privilege, when “disclosure is forbidden by an act of the Congress of the  
27 United States or a statute of this state”; and (2) a qualified privilege for all other official  
28 information.

1 102. The qualified privilege in Cal. Evid. Code § 1040(b)(2) sets forth a balancing test for the  
2 withholding of official information “if ... disclosure of the information is against the public  
3 interest because there is a necessity for preserving the confidentiality of the information that  
4 outweighs the necessity for disclosure in the interest of justice.” Moreover, “in determining  
5 whether disclosure of the information is against the public interest, **the interest of the public**  
6 **entity as a party in the outcome of the proceeding may not be considered.**” [Emphasis  
7 added.]

8 103. The California Public Records Act sets forth a similar balancing test for public agencies  
9 to justify withholding records from disclosure: “The agency shall justify withholding any record  
10 by demonstrating that the record in question is exempt under express provisions of this chapter  
11 or that on the facts of the particular case the public interest served by not disclosing the record  
12 **clearly outweighs the public interest** served by disclosure of the record.” Cal. Gov. Code §  
13 6255.

14 104. Defendant Webb variously invokes the Evidence Code and the CPRA balancing tests in  
15 her letters to Plaintiff. Not surprisingly, in Webb’s analysis, the purported “public interest” in  
16 non-disclosure always outweighs Plaintiff’s interest in receiving the information that he seeks.  
17 However, the real interest here in withholding information is not the public interest, but the  
18 Medical Board’s own bureaucratic interest. Defendants’ analysis is entirely self-serving and  
19 should not be accepted by the court.

20 105. Webb asserts that the records sought by Plaintiff are exempt under Cal. Gov. Code §  
21 6254, i.e., “This chapter does not require the disclosure of any of the following records ... (f)  
22 Records of complaints to, or investigations conducted by ... any other state or local agency for  
23 correctional, law enforcement, or licensing purposes.” First of all, this provision of the Public  
24 Records is not mandatory – it does not say the state agency *shall* withhold, but it may withhold.  
25 Second, this provision does not prevent “any reasonably segregable portion of a record” from  
26 being selectively disclosed, redacted or presented for in camera inspection. Cal. Gov. Code §§  
27 6253, 6259. Finally, and most importantly, Plaintiff seeks personal information that is privileged  
28 to him as a survivor and beneficiary of his mother. Cal. Civ. Code § 1798.34. Defendants illicitly  
convert Plaintiff’s Information Practices Act request into a Public Records Act request, and then

1 claim an absolute exemption and privilege for themselves. In fact, the Medical Board is  
2 unlawfully withholding privileged information that belongs to the Plaintiff.

3 106. Defendants' improper assertions of exemption and privilege necessitate intervention by  
4 the court in order to conduct a proper and unbiased balancing test. Plaintiff therefore seeks a  
5 declaration regarding his rights under Cal. Evid. Code § 1040. Plaintiff then requests an  
6 injunction, commanding the Medical Board to release the information that he seeks.

7 107. As a direct and proximate result of Defendants' conduct, Plaintiff has incurred costs and  
8 undertaken substantial legal work in order to vindicate his rights. Vindication of Plaintiff's rights  
9 would also confer a significant benefit on the general public by compelling the Medical Board to  
10 be more responsive to similarly situated citizens. Plaintiff therefore requests recovery of his  
11 costs, together with reasonable attorney's fees, in accordance with Cal. Civ. Code § 1798.48(b),  
12 Cal. Gov. Code § 6259(d), Cal. Code Civ. Proc. § 1021.5, and/or equitable principles.

13 108. As a further direct and proximate result of Defendants' wrongful withholding of  
14 information, Plaintiff has suffered general damages and non-economic damages in the form  
15 mental and emotional pain. Plaintiff is entitled to recover such damages under Cal. Civ. Code §  
16 1798.48(a). The amount of damages stemming from Defendants' conduct is not fully ascertained  
17 but within the jurisdiction of the court and subject to proof at the time of trial.

18 **SIXTH CAUSE OF ACTION:**

19 **FAILURE TO PROVIDE ACCESS TO 'THE PEOPLE'S BUSINESS' IN VIOLATION**  
20 **OF THE CALIFORNIA CONSTITUTION, ARTICLE I, SECTION 3(B)**

21 **As Against All Defendants**

22 109. Plaintiff incorporates the allegations of the preceding paragraphs as though fully set forth  
23 herein.

24 110. Article I, Section 3(b) of the California Constitution, provides that "the people have the  
25 right of access to information concerning the conduct of the people's business, and, therefore ...  
26 the writings of public officials and agencies shall be open to public scrutiny."

27 111. If and to the extent that any of the information Plaintiff seeks constitutes "the people's  
28 business," Defendants must provide access to this information; and the court should enjoin the  
Medical Board accordingly, in addition to awarding Plaintiff damages, costs and fees.



1 vigorous, objective enforcement of the Medical Practice Act.” Unfortunately, by shrouding itself  
2 in an impenetrable cone of silence, the public has no way of evaluating how well the Medical  
3 Board is performing on its mission. Consumers can only hope that “control prevails over chaos,”  
4 and that somehow everything will work out well in the end. But as this case demonstrates, the  
5 Medical Board’s mission statement is nothing but empty words.

6 118. California Evidence Code, section 1040 states that “in determining whether disclosure of  
7 the information is against the public interest, the interest of the public entity as a party in the  
8 outcome of the proceeding may not be considered.” But here, by “balancing” non-disclosure in a  
9 patently self-serving way, the Medical Board makes its own interests paramount rather than the  
10 public interest.

11 119. The California Public Records Act states, “In enacting this chapter, the Legislature,  
12 mindful of the right of individuals to privacy, finds and declares that access to information  
13 concerning the conduct of the people’s business is a **fundamental and necessary right** of every  
14 person in this state.” Cal. Gov. Code § 6250. [Emphasis added.] However, in this instance, the  
15 Medical Board has treated the public’s right of access as disposable and optional rather than  
16 fundamental and necessary. The Medical Board’s “construing” of the law runs contrary to all  
17 legislative declarations set out in the statutes.

18 120. The California Constitution states, “A statute, court rule, or other authority, including  
19 those in effect on the effective date of this subdivision, shall be broadly construed if it furthers  
20 the people’s right of access, and narrowly construed if it limits the right of access.” Cal. Const,  
21 Art. I § 3(b)(2). However, in this instance, the Medical Board has done just the opposite: It has  
22 broadly construed the Evidence Code in order to limit the right of access, and it has narrowly  
23 construed the Public Records Act to deny access. As this case amply demonstrates, the Medical  
24 Board’s practices are bureaucratically self-serving, and therefore contrary to law and public  
25 policy.

26 121. In its final report to Petitioner regarding the death of Audrey B. Murray, Defendant  
27 Medical Board failed to provide Petitioner any information responsive to the central issue of his  
28 initial complaint to the Board, i.e., an explanation for and cause of his mother’s death. The  
MBC’s failure to provide any substantive information renders Petitioner’s entire effort of

1 bringing a complaint to the Board futile. A futile consumer complaints system – one that is  
2 wholly unresponsive to the public – is contrary to public policy.

3 122. Defendants’ wrongful acts against the Plaintiff, therefore, constitute wrongful acts against  
4 the public. Because vindication of the Plaintiff’s rights is in the greater public interest, Plaintiff  
5 requests that the court apply its inherent equitable discretion in awarding Plaintiff fees for his  
6 legal work.

7  
8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays for judgment in his favor on all causes of action against  
10 all Defendants; and he requests both equitable and legal remedies, as well as costs and fees.

11  
12 A. In the category of equitable remedies, Plaintiff requests that the court issue an  
13 injunction commanding Defendants to release all of the following documents and information as  
14 follows:

- 15 1. All information in the Medical Board’s possession regarding Audrey B. Murray’s  
16 medical condition, treatment and death, subject to Cal. Civ. Code § 1798.46;
- 17 2. All information in the Medical Board’s possession relating to the cause and  
18 circumstances of Audrey Murray’s death, subject to Cal. Civ. Code § 1798.46;
- 19 3. All reports, statements and other information acquired by the Medical Board during its  
20 investigation of Dr. James Matchison’s treatment of Audrey Murray (MBC file number  
21 800 2014 005263), subject to Cal. Civ. Code § 1798.46;
- 22 4. All statements made to the Medical Board by Dr. James Matchison and any other third  
23 parties regarding Audrey B. Murray’s medical condition, treatment and death, including  
24 but not limited to information covered by the physician-patient privilege (Cal. Evid. Code  
25 § 993); and
- 26 5. If and to the extent that any of the documents described here are public documents,  
27 Plaintiff requests their release, subject to Cal. Gov. Code § 6259.
- 28 6. Plaintiff further seeks a declaratory judgment in order to clarify his rights and  
Defendants’ duties under Cal. Civ. Code §§ 1798.24-34; Cal. Civ. Code § 56.11; Cal.

1 Gov. Code §§ 6253-55; and Cal. Evid. Code §§ 993, 1040.

2  
3 B. Plaintiff requests monetary damages, in an amount according to proof but estimated to  
4 be no less than \$100,000 as follows:

- 5 7. General, non-economic damages for mental suffering, as provided by Cal. Civ. Code §  
6 1798.48(a), in an amount according to proof;
- 7 8. General economic damages, representing the costs and fees stemming from the prior writ  
8 action, as well as any other general damages in an amount according to proof at the time  
9 of trial, as provided by Cal. Civ. Code § 1798.49 (remedies not exclusive);
- 10 9. Any special damages, in an amount according to proof at the time of trial;
- 11 10. For prejudgment interest on each of the foregoing at the legal rate from the date the  
12 obligation became due through the date of judgment in this matter;
- 13 11. For post-judgment interest.

14 C. Finally, Plaintiff requests costs and fees as follows:

- 15 12. Costs of suit, including reasonable attorney's fees pursuant to Cal. Civ. Code §  
16 1798.48(b), Cal. Code Civ. Proc. § 1021.5, and/or equitable principles.
- 17 13. If applicable, costs and reasonable attorney's under Cal. Gov. Code § 6259(d);
- 18 14. For any other relief that is just and proper.

19 DATED: November 1, 2018

20  
21 By:

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23  
24 Bruce Thomas Murray, Esq.  
25 Plaintiff *in propria persona*

1 **VERIFICATION**

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5 I, Bruce Thomas Murray, declare that I am the Plaintiff in the above-entitled proceeding;

6 that I have written and read the foregoing complaint, and know the contents thereof; that the

7 same is true of my own knowledge except as to the matters which are therein alleged on

8 information or belief, and, as to those matters, I also believe them to be true.

9

10 I declare under the penalty of perjury under the laws of the State of California that the

11 foregoing is true and correct. Executed this first of November, in Pasadena, California.

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14 Bruce Murray

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