

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

In the Guardianship of:

OMANA THANKAMMA,

An Incapacitated Person.

No. 18-4-05231-6 SEA

**GUARDIAN'S REPLY IN SUPPORT  
OF PETITION FOR INSTRUCTIONS  
REGARDING MEDICAL CARE**

**COMES NOW**, CHANNA COPELAND, Full Guardian of the Person and Estate of Omana Thankamma, by and through her attorneys of record, REGEIMBAL, McDONALD & YOUNG, PLLC d/b/a DES MOINES ELDER LAW, and submits this Reply in support of her Petition for Instructions Regarding Medical Care intending to update the Court on the parties' actions and condition of the Incapacitated Person since this matter was continued from March 25, 2020.

This matter was continued from March 25<sup>th</sup> for purposes of (i) permitting the parties to explore the option of potentially relocating Ms. Thankamma to India by private flight and (ii) permitting additional time to provide a medical opinion on quality of life post-tracheotomy surgery. The parties have failed to reach any type of agreement to present to the Court on relocation and the most recent opinion confirms that there has been no positive change in medical condition or quality of life. As such, the Guardian maintains her request for instructions

1 as to medical care. Should the Court find conflicting facts or request further information then the  
2 Guardian requests appointment of a Guardian ad Litem for the limited purpose of investigating  
3 the preferences of the family, recommendations of the attending physicians, and submitting a  
4 final report to the Court as to a recommendation on end of life. The Guardian recommends Laura  
5 Sealey, the former GAL in the above entitled cause of action who is familiar with the  
6 background of the case, or Suzanne Thompson Wininger.<sup>1</sup>

7 The Guardian has a duty to represent the best interests of the Incapacitated Person, she  
8 has attempted alternatives to a code change with a very combative family but is currently faced  
9 with recommendations from attending physicians that the Incapacitated Person's quality of life is  
10 extraordinarily poor. As such, the Guardian seeks instructions from this Court sitting as Super  
11 Guardian. *See e.g. In Re Peterson's Estate*, 12 Wn.2d 686, 123 P.2d 733 (1942).<sup>2</sup>

12 **A. The Parties Spent Significant Time Attempting to Reach an Agreement on**  
13 **Potentially Relocating Ms. Thankamma and in the End the Thankamma Family**  
14 **Declined to Privately Fund Such Relocation.**

15 The then acting attorneys, Steven Phillips and William Budigan, for Jay Nair and the  
16 remaining Thankamma family members (who primarily reside in India) first were skeptical about  
17 Harborview and the medical opinions offered by the Guardian and so requested an independent  
18 doctor of their choosing conduct an assessment.<sup>3</sup> The Guardian acquiesced and engaged in

19  
20 <sup>1</sup> The Guardian further requests that the GAL either be paid at county pay expense or by the family Thankamma.

21 <sup>2</sup> "The probate court is not merely a referee in a contest between private disputants. Instead, it is the agency  
22 primarily charged with the important function of administering decedents' estates and of distributing to the proper  
23 parties in each case the balance left after paying the debts of the decedent, the expenses of his last illness and  
24 funeral, and the expenses of administration. This is done through its own duly appointed officers, acting, except in  
25 the case of nonintervention wills, under the close supervision of the court. Because of this peculiar position occupied  
by the probate court, it should accept direct responsibility for the proper administration of every estate. It may derive  
assistance from the activities of private parties having conflicting interests in the estate, but this fact should not be  
allowed to relieve it of the ultimate responsibility. And this obligation of the court is heightened because of the large  
number of proceedings incident to administration which are entirely ex parte, throwing upon the court the duty of  
safeguarding the rights of interested parties who are not present to do so for themselves."

<sup>3</sup> The Responding parties are referred to as the "Thankamma family" for purposes of convenience, no disrespect is  
intended.

1 several communications as well as drafting proposed stipulations attempting to set this up. *See*  
2 *Guardian's Exhibit 10, attached*. Eventually, this position was abandoned by the Thankamma  
3 family.

4 The Thankamma family then asserted that a petition for a change in code status was  
5 unnecessary if Ms. Thankamma could be relocated to India to be with her family. First, it was  
6 alleged that the Indian Consulate would relocate Omana Thankamma. No relevant  
7 communications were received even though the Guardian requested that the Consulate  
8 representative(s) appear in the action. *See Guardian's Exhibit 11, attached*. Afterwards, the  
9 parties engaged in a plethora of communications as to relocation being privately funded by the  
10 Thankamma family. *See Guardian's Exhibit 12, attached*. In the end, the cost was determined to  
11 be too much for the Thankamma family. The Thankamma family then backpedaled on their  
12 distrust of Harborview and sought to see what Harborview would charge. Harborview, having no  
13 obligation to participate in chartering a cross-country flight for a resident and particularly since  
14 they are involved in litigation at the federal court level with Mr. Nair, showed no interest in  
15 participating. The last relevant communication occurred on March 25<sup>th</sup>, 2020 wherein the  
16 Guardian requested that the Thankamma family deposit the funds needed for the private  
17 relocation (at least \$100,000.00) into the court registry if they were truly serious about chartering  
18 a flight. *Id.* No response was received.

19  
20 No further communications were received from the family Thankamma until recently,  
21 wherein they allege that India intends to repatriate Omana Thankamma. *See Guardian's Exhibit*  
22 *13*. Absent further Order by the Court, the Guardian does not intend to continue the dialogue as it  
23 is a significant financial drain on the Estate. The bottom line is: if the family Thankamma wanted  
24  
25

1 Omana Thankamma in a better or different living environment than they would have privately  
2 funded such when they had the opportunity to do so.

3 **B. The Condition and Quality of Life of the Incapacitated Person Remains the**  
4 **Same.**

5 An argument proposed by the family Thankamma was that having undergone a  
6 tracheotomy in mid-February, Ms. Thankamma's medical condition had improved. The  
7 Guardian requested an updated medical opinion post-tracheotomy. Attached hereto as  
8 *Guardian's Exhibit 14* is an opinion from Dr. Steinberg dated April 9, 2020 reflecting that the  
9 condition and quality of life has not improved.

10 DATED this 14<sup>th</sup> day of May, 2020.

11 **REGIMBAL, McDONALD & YOUNG, PLLC**  
12 *d/b/a Des Moines Elder Law*

13 *"I certify that this pleading contains 737 words*  
14 *consistent with KCLCR 7."*

15 By   
16 Ermin Ciric, WSBA No. 52611  
17 Attorneys for Guardian  
18  
19  
20  
21  
22  
23  
24  
25

**VERIFICATION**

I further certify/verify/declare under the laws of the State of Washington and subject to penalty of perjury as follows:

1. I am eighteen years of age or older and am legally competent to make this Verification, I do so based on my personal knowledge and as attorney for the Guardian as well as records custodian for my firm in this matter.
2. Attached hereto are true and correct copies of the following exhibits:

***GUARDIAN'S EXHIBIT 10*** – Communications regarding Thankamma family’s request for an independent assessment.

***GUARDIAN'S EXHIBIT 11*** – Emails exchanged with the Consulate General of India.

***GUARDIAN'S EXHIBIT 12*** – Several communications exchanged between the parties regarding privately funding a relocation to India.

***GUARDIAN'S EXHIBIT 13*** – May 12, 2020 email purporting to be from Ms. Thankamma’s daughter.

***GUARDIAN'S EXHIBIT 14*** – Dr. Steinberg opinion dated April 9, 2020.

Signed and dated this 14<sup>th</sup> day of May, 2020 at Des Moines, WA.

By

  
Ermin Ciric, WSBA No. 52611  
Attorneys for Guardian

# **EXHIBIT 1**

---

**From:** Ermin Ciric <Ermin.Ciric@rm-law.com>  
**Sent:** Friday, February 21, 2020 1:47 PM  
**To:** William Budigan <info@budiganlaw.com>  
**Subject:** Re: Guardianship of Amana Thankamma

Following up, as I was able to communicate with the Guardian.

First, Ms. Thankamma is still in the ICU and as far as the Guardian is aware her condition has not improved (particularly since the issues go beyond just breathing problems).

Second, the Guardian is agreeable to an independent Doctor assessing Ms. Thankamma, subject to a few conditions: (i) we need a list of a few proposed local doctors; (ii) date and time for assessment has to be specified; (iii) assessment purpose to be limited to determining whether Ms. Thankamma should remain full code or be transitioned to comfort care only, to the extent the doctor needs medical records then those are to be provided subject to this narrow scope and are to remain confidential and not shared; (iv) Harborview has to be on board, they previously agreed to visitation so I don't think this should be an issue; (v) the doctor needs to prepare a report and that needs to be shared with everyone, medical records to remain confidential; (vi) Jay Nair is to pay for all related costs and expenses; and (vii) VAPO remains, Jay Nair will not be there during the assessment.

I will forward our communications to Harborview, they may or may not have additional conditions. In the meantime, please prepare a stipulated motion and Order for review. As indicated, if need be we can continue the hearing on petition for instructions regarding medical care to give you sufficient time to have the assessment done. If everything ends up being agreed then it can be presented EPVC (ideally) to save time/costs. The Guardian wants to come to agreement on this issue as she feels the more information the court has on the issue, the better, and hopefully a report or assessment from someone the Thankamma family feels is "independent" will better promote decisions which are in the best interests of Ms. Thankamma.

Have a good weekend.

Best Regards,  
Ermin Ciric

LAW OFFICES OF

---

**REGEMBAL, MCDONALD & YOUNG, PLLC**

612 S. 22<sup>nd</sup> St.  
Des Moines, WA 98198  
Phone: 206-212-0220  
Fax: 206-408-2022  
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---

**From:** William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>  
**Sent:** Friday, February 21, 2020 1:26 PM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Subject:** Re: Guardianship of Amana Thankamma

Ermin:

Answers to your numbered:

1. Thank you for your response and phone number.
2. Yes and you should have it in your email.
- 3 I am spending lots of time arranging for a dr and need to know if you will allow if my client pays Dr will not be Harborviw and so they will have to have guardian approval to them to allow this out of hospital DR to come there. Your agreement to this concept today is so important. Can you get Guardian permission by your 2pm leaving? This should be a no brainer.
4. thank you for being open to relocation, but that is not the concern this moment, but certainly it will be an agreement in writing.

Please respond ASAP, As we really want to work this out ASAP and avoid court this afternoon.

Billl budigan  
206 284-5305

On Fri, Feb 21, 2020 at 12:58 PM Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)> wrote:  
Mr. Budigan,



1. 206-212-0220 is the best line, our main line goes off at 12pm on Fridays. Like many attorneys I have other matters that I attend to including hearings so I return calls and emails based on my availability not based on someone's email and then a followup less than 1 hour later.
2. Did you file the Notice of Appearance in the Guardianship action? If so, I did not receive efile confirmation. I raise this because we have run into two separate attorneys who represented Mr. Nair in the past, did not file Notices, and issues were raised before the court regarding potential RPC violations.
3. I want to be very **CLEAR** now, as Mr. Nair also had this tendency to try to dictate the pace of this matter in the past, I will not abide by arbitrarily imposed deadlines and timelines. Again, answer the question previously raised in full: what doctor, when, times, and I add who will be paying? If you present any matter ex parte please do so in SEA and please have the court phone me in (as this has happened numerous times in the past). If you have an Agreed Petition and Order on the matter that I can review, please forward that to me. I will be out of the office at 2pm today so request any petition you intend to submit be submitted next week. I also request the pleadings be forwarded to me prior to presentation.
4. A tracheotomy was performed on 2/18/2020, a Notice of Change in Circumstances was filed on 2/20/2020. The hearing on the petition for instructions is set for 3/6/2020 if a continuance is needed we can discuss that. As far as I am aware, Ms. Thankamma is still in the ICU and condition has not improved but I will follow up with the Guardian and try to get verification before the end of today.
5. I don't see the need to have another conversation with yet another attorney about relocation. As was promised to me by Counsel Phillips, please present the written proposal by the FAMILY, I will review, the Guardian will consider and if appropriate we can submit before the court.

Best Regards,  
Ermin Ciric

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**From:** William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>  
**Sent:** Friday, February 21, 2020 12:11 PM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Subject:** Re: Guardianship of Amana Thankamma

Mr. Ciric:

I have not received any response to me email of this morning and I just left you a call message at your number, which is not a direct number or cell but only an un-operated general mailbox

voicemail for your firm. Please call and email and provide a more direct number to communicate with you.

Thanks,  
Bill Budigan  
206 284-5305

On Fri, Feb 21, 2020 at 11:25 AM William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)> wrote:

Thank you for your response.

1. My Notice of appearance is attached for the guardianship case only.  
2. The authority to ask for an independent DR to examine and review her medical records there to report to the family about their mother's condition is because the guardian just filed a motion for approval for end of life care and just approved a trachrea tube and they seriously question whether she is imminently dying, as the son just saw her 2/7/20 and the doctors said she is fine and can go out of ICU with portable breathing and is otherwise healthy except for left-side paralysis and no indication whatsoever of needing end of life care. We assume they moved her out of ICU last night. The Harborview ethics opinion is very old and not current status of pneumonia resolved. If the Guardian would provide me an update this morning verifying no need for end of life care and striking of her motion for 3/6/20, there would be no need this moment for an independent exam.

3. If all are agreed she can relocate today, we can get to that conversation immediately. The VAPO does not in any way cause a barrier for your dealing with me as his attorney and this is certainly NOT interfering with her Harborview care in any way and is a very polite request for the Guardian to cooperate.

Please respond with the permission one way or another by noon, so we can have a hearing on it at 3:30P TODAY in SEattle ex parte, otherwise I will be there then, as time is of the essence given all the arrangements needed and the allegation of life ending for my client's mother.

Thank you,  
Bill Budigan  
206 284-5305

On Wed, Feb 19, 2020 at 7:03 PM Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)> wrote:

Mr. Budigan,

First, as there are several matters involving Mr. Nair and my client, Channa Copeland, please file a Notice of Appearance in whatever matter you represent him.

Second, i have no authority to agree to the request at this time. However, i request you please provide under what authority you are making a request to have Ms.

Thankamma evaluated, the purpose of such evaluation, what physician you are proposing, and times.

Third, confer with Mr. Nair that your sense of urgency does not run afoul or violate or lead a third party to violate the terms of the Vulnerable Adult Protection Order against Mr. Nair which, among other things, bars him from interfering with care or making medical decisions on behalf of Ms. Thankamma. I am out of the office so would ask you request a copy of the Order from Mr. Nair. I would also request you confer with Mr. Nair's other counsel (Steve Phillips, cc'd) as I am still waiting for a written relocation proposal from him. As you may or may not be aware, this is a guardianship of limited assets and I

am trying to limit repeat conversations as many issues have been previously addressed with many of the prior attorneys Mr. Nair retained.

Once the above are satisfied then we can talk about setting a time to discuss. Thanks.  
Get [Outlook for iOS](#)

---

**From:** William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>  
**Sent:** Wednesday, February 19, 2020 4:52:53 PM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Subject:** Guardianship of Amana Thankamma

Ermin:

Please call immediately so we can discuss the guardianship of Amana Thankamma. I need to arrange a doctor eval of her for tomorrow.

I have been hired by Jay Nair in this matter.

Thank you,  
Bill Budigan  
Budigan Law Firm  
206-284-5305

# **EXHIBIT 2**

## Omana Thankamma - Request for Information

Ermin Ciric <Ermin.Ciric@rm-law.com>

Sat 2/15/2020 7:14 PM

To: pacca.cgisf@mea.gov.in <pacca.cgisf@mea.gov.in>

Cc: Rebecca Jenkins <Rebecca.Jenkins@rm-law.com>

Bcc: Channa Copeland <channa@nscasemanagement.com>; Channa Copeland <channa@northstarconnections.org>

2 attachments (15 MB)

191114 Order Approving Care Plan, Inventory, 90 Day Report and Denying Petition to Terminate Guardianship.pdf;  
181129 Amended Order Appointing Guardian.pdf;

Good evening,

Responding to your below email. I am one of the attorneys that represent Ms. Copeland as Guardian of the Person and Estate of Omana Thankamma. Ms. Thankamma is subject to guardianship in the State of Washington under Cause No. 18-4-05231-6SEA. Please see the attached Orders.

Consistent with Washington statutory requirements, Ms. Thankamma's family has been kept updated as to her condition. In fact, they are represented by an attorney in the guardianship. The Guardian has no way to verify your information or involvement in the matter, the Guardian also has a duty to maintain confidentiality as to the medical condition of Incapacitated Persons. As such, we would request you file a Notice of Appearance or right to request special notice in the guardianship if you would like further information or would otherwise like to discuss the matter further. Thank you.

**From:** LALITHA SUBRAMONIAN <pacca.cgisf@mea.gov.in>

**Sent:** Thursday, February 13, 2020 11:58:56 AM

**To:** Channa Copeland <channa@nscasemanagement.com>

**Subject:** Consulate general of India San Francisco has received a complaint from the family members of Omana Thankamma.

Dear Channa Copeland,

The Consulate general of India San Francisco has received a complaint from the family members of Omana Thankamma, who is Indian national under your guardianship. Please let us know her present health condition.

With Regards

Suresh B

CIC Department

Consulate General of India

San Francisco

Tel: 415-668-0595

# **EXHIBIT 3**

**Re: Air Ambulance**

Ermin Ciric &lt;Ermin.Ciric@rm-law.com&gt;

Wed 3/25/2020 10:26 AM

To: Steve Phillips &lt;Steve@jaycareylaw.com&gt;; Baker, Daniel R. (ATG) &lt;daniel.baker@atg.wa.gov&gt;

Cc: Angela Barlow &lt;angelab@jaycareylaw.com&gt;

You can discuss HMC's interests with HMC. I am telling you where the Guardian is at: Nair now wants HMC to provide relocation services, HMC has not committed, Nair needs to commit to another service provider and provide source of funding. I expect confirmation before the end of this week.

Best Regards,  
Ermin Ciric

---

**LAW OFFICES OF****REGAIMBAL, MCDONALD & YOUNG, PLLC**

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Des Moines, WA 98198

Phone: 206-212-0220

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---

**From:** Steve Phillips <Steve@jaycareylaw.com>**Sent:** Wednesday, March 25, 2020 10:23 AM**To:** Ermin Ciric <Ermin.Ciric@rm-law.com>; Baker, Daniel R. (ATG) <daniel.baker@atg.wa.gov>**Cc:** Angela Barlow <angelab@jaycareylaw.com>**Subject:** RE: Air Ambulance

Ermin,

I beg to differ,

HMC has an interest in freeing up the place in ICU that she is occupying.

HMC could have been a lot more helpful by not letting us go on wild goose chases for private jets when they knew that there were ways to do it on commercial flights. She could have been gone already. Now there may be lockdown issues but they will end.

How about you folks trying to help solve problems instead of being obstructionist?

Steve Phillips

---

**From:** Ermin Ciric [mailto:[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)]**Sent:** Wednesday, March 25, 2020 10:17 AM**To:** Steve Phillips; Baker, Daniel R. (ATG)

**Cc:** Angela Barlow  
**Subject:** Re: Air Ambulance

Steve,

Following up on the below regarding a quote from HMC. Mr. Baker has indicated that there was some confusion in the past but the \$40-70k range was related to patients on commercial flights. For private air ambulance services the quote is over \$100k. I have cc'd Mr. Baker herein.

I share this information because I want to reiterate as I have in the past, although I do not represent HMC, I don't believe they have any interest (one can most certainly understand why, considering the circumstances) in being involved in any type of relocation to India. As such, I again request continued consideration of the other entities (I have still not received a copy of the actual estimate from you). Quite frankly I am a bit frustrated, we have spent a lot of time and effort to get a quote and Mr. Nair is now saying it is too pricey. With your withdrawal I need to see that the family can actually get the funds together for relocation. I request a deposit into the court registry via motion in the guardianship action or confirmation that funds have been deposited into your IOLTA before the end of this week. Otherwise, I will consider the relocation effort concluded and move on to other issues.

Best Regards,  
Ermin Ciric

LAW OFFICES OF

---

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Website: [desmoineselderlaw.com](http://desmoineselderlaw.com)

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---

**From:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>  
**Sent:** Monday, March 23, 2020 2:37 PM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>; Baker, Daniel R. (ATG) <[daniel.baker@atg.wa.gov](mailto:daniel.baker@atg.wa.gov)>  
**Cc:** Angela Barlow <[angelab@jaycareylaw.com](mailto:angelab@jaycareylaw.com)>  
**Subject:** RE: Air Ambulance

Ermin,

Here's the answer to iii. Raji will serve as the custodian.

Will get you answers to I and ii as soon as possible.

---

**From:** Ermin Ciric [<mailto:Ermin.Ciric@rm-law.com>]  
**Sent:** Monday, March 23, 2020 12:31 PM  
**To:** Steve Phillips; Baker, Daniel R. (ATG)



**Cc:** Angela Barlow  
**Subject:** Re: Air Ambulance

I am agreeable to a quote being provided by HMC. Can you forward the quotes received from the third parties and answer my outstanding questions: (i) funds deposited into your IOLTA; (ii) continuance of 3/25 hearing on petition for instructions on medical care; (iii) family member willing to serve as custodian for any such transport...

Best Regards,  
Ermin Ciric

LAW OFFICES OF

---

**REGEIMBAL, MCDONALD & YOUNG, PLLC**

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Website: [desmoineselderlaw.com](http://desmoineselderlaw.com)

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---

**From:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>  
**Sent:** Monday, March 23, 2020 11:39 AM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>; Baker, Daniel R. (ATG) <[daniel.baker@atg.wa.gov](mailto:daniel.baker@atg.wa.gov)>  
**Cc:** Angela Barlow <[angelab@jaycareylaw.com](mailto:angelab@jaycareylaw.com)>  
**Subject:** Air Ambulance

Gentlemen,

I have contacted companies that provide air ambulance services. Their estimates are way more than 40-70K I am assuming that Harborview has some kind of relationships with such companies that give them a lower rate. I would like to get the estimate of what it would cost if Harborview arranges the flight.

I realize that it is likely that such a transport can't happen today because of the Coronavirus situation but that will change at some point.

Please advise.

Thank you.

*Steven G. Phillips, WSBA#22789*  
*Jay Carey Law Offices*  
*PO Box 190/420 N MacLeod*  
*Arlington, WA 98223*  
*360.435.5707*  
*360.435.0996 Fax*

**RE: Status?**

Steve Phillips <Steve@jaycareylaw.com>

Wed 3/18/2020 3:09 PM

To: Ermin Ciric <Ermin.Ciric@rm-law.com>; Michael Arens <MichaelA@jaycareylaw.com>

You're right. I didn't catch it. You will have revised ones shortly.

---

**From:** Ermin Ciric [mailto:Ermin.Ciric@rm-law.com]

**Sent:** Wednesday, March 18, 2020 2:58 PM

**To:** Steve Phillips; Michael Arens

**Subject:** Re: Status?

See my email below, I did raise the issue. I am not concerned about your office or Jay but the problem is a third party who does business out of State/Country. Please provide a space for them and I will sign.

Best Regards,  
Ermin Ciric

LAW OFFICES OF

---

**REGIMBAL, MCDONALD & YOUNG, PLLC**

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E-mail: [ermin@rm-law.com](mailto:ermin@rm-law.com)

Website: [desmoineselderlaw.com](http://desmoineselderlaw.com)

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---

**From:** Steve Phillips <Steve@jaycareylaw.com>

**Sent:** Wednesday, March 18, 2020 2:55 PM

**To:** Ermin Ciric <Ermin.Ciric@rm-law.com>; Michael Arens <MichaelA@jaycareylaw.com>

**Subject:** RE: Status?

You didn't say that you wanted the air ambulance company to sign it.

We can a place for them to sign and send it right back to you.

---

**From:** Ermin Ciric [mailto:Ermin.Ciric@rm-law.com]

**Sent:** Wednesday, March 18, 2020 2:54 PM

**To:** Michael Arens

**Cc:** Steve Phillips

**Subject:** Re: Status?

How is Air ambulance a party to this if not signed off then this does nothing to contractually obligate them to destroy and limit production of medical information?

Best Regards,

Ermin Ciric

LAW OFFICES OF

**REGIMBAL, MCDONALD & YOUNG, PLLC**

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**From:** Michael Arens <MichaelA@jaycareylaw.com>  
**Sent:** Wednesday, March 18, 2020 10:54 AM  
**To:** Ermin Ciric <Ermin.Ciric@rm-law.com>  
**Cc:** Steve Phillips <Steve@jaycareylaw.com>  
**Subject:** RE: Status?

Mr. Ciric,

Attached please find the Agreement signed by Mr. Phillips and Jay Nair.

Michael Arens  
Paralegal For Steven G. Philips  
Law Offices of Jay Carey  
420 North Mcleod  
Arlington, WA 98223  
360 435 5707  
360 435 0996

**From:** Michael Arens  
**Sent:** Wednesday, March 18, 2020 10:24 AM  
**To:** 'Ermin Ciric' <Ermin.Ciric@rm-law.com>  
**Cc:** Steve Phillips <Steve@jaycareylaw.com>  
**Subject:** RE: Status?

For your review and signature

Michael Arens  
Paralegal For Steven G. Philips  
Law Offices of Jay Carey  
420 North Mcleod  
Arlington, WA 98223  
360 435 5707  
360 435 0996

**From:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Sent:** Tuesday, March 17, 2020 4:02 PM  
**To:** Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>  
**Cc:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>  
**Subject:** Re: Status?

I would like the following revisions added:

1. Since you are withdrawing, Mr. Nair is to sign off as a party.
2. The purpose was to have Air Ambulance Services keep the documents confidential, is an agent signing off on their behalf?
3. Add to the last sentence: "...supplied ONLY to Air Ambulance Services for purposes of obtaining a quote for an air ambulance transport, there shall be no further distribution or release of such records. Upon the quote being provided Air Ambulance Services shall shred and destroy the documents."
4. Add "Jurisdiction and venue surrounding any dispute related to this Agreement shall vest in the Superior Court of WA State, County of King."
5. Add "Prevailing party to any dispute related to enforcement of this Agreement shall be awarded its reasonable attorneys' fees/costs."

Once the above are addressed, I will sign off.

Best Regards,  
Ermin Ciric

---

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---

**From:** Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>  
**Sent:** Tuesday, March 17, 2020 3:50 PM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Cc:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>  
**Subject:** RE: Status?

Mr. Ciric,

I spoke to you the other day and I was expecting to hear back from you. Mr. Phillips would like to try to resolve this before the Withdraw Notice takes effect.

Thank you,

Michael Arens  
Paralegal For Steven G. Philips

Law Offices of Jay Carey  
420 North Mcleod  
Arlington, WA 98223  
360 435 5707  
360 435 0996

**From:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Sent:** Tuesday, March 17, 2020 3:44 PM  
**To:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>; Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>  
**Subject:** Re: Status?

Steve,

I thought you were withdrawing? Can you re-forward it to me, I had reviewed but with this virus issue going about office has been in a bit of a scramble mode and transitioning to digital appearance.

Best Regards,  
Ermin Ciric

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---

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---

**From:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>  
**Sent:** Tuesday, March 17, 2020 3:29 PM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>; Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>  
**Subject:** RE: Status?

Ermin,

What's happening with the confidentiality agreement?  
It's been 3 days!

Steve Phillips

---

**From:** Ermin Ciric [<mailto:Ermin.Ciric@rm-law.com>]  
**Sent:** Thursday, March 12, 2020 2:17 PM  
**To:** Steve Phillips; Michael Arens  
**Subject:** Re: Status?

Makes sense to me, the scope identified below. Please put something together and I will do my best to review ASAP and have the Guardian sign off.

Best Regards,  
Ermin Ciric

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---

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---

**From:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>  
**Sent:** Thursday, March 12, 2020 11:10 AM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>; Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>  
**Subject:** RE: Status?

Yes we can. The Air Ambulance companies are asking for her medical info. So they can determine what her needs would be in order to give us a quote.

Thank you.

Steve Phillips

---

**From:** Ermin Ciric [<mailto:Ermin.Ciric@rm-law.com>]  
**Sent:** Wednesday, March 11, 2020 6:09 PM  
**To:** Michael Arens  
**Cc:** Steve Phillips  
**Subject:** Re: Status?

Can we release pursuant to some form of confidentiality agreement? Does not need to be a treatise but at least something to ensure that the documents/information does not needlessly get distributed.

Best Regards,  
Ermin Ciric

LAW OFFICES OF

---

**REGEIMBAL, MCDONALD & YOUNG, PLLC**

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---

**From:** Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>  
**Sent:** Wednesday, March 11, 2020 2:24 PM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Cc:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>  
**Subject:** RE: Status?

Mr. Ciric,

Several of the companies I have contacted to provide air ambulance services would like details of Mrs. Thankamma's condition before they can quote a cost. Can we release the information provided here to those vendors?

Michael Arens  
Paralegal For Steven G. Philips  
Law Offices of Jay Carey  
420 North Mcleod  
Arlington, WA 98223  
360 435 5707  
360 435 0996

**From:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Sent:** Tuesday, March 10, 2020 11:09 AM  
**To:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>; William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>  
**Cc:** Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>; Rebecca Jenkins <[Rebecca.Jenkins@rm-law.com](mailto:Rebecca.Jenkins@rm-law.com)>  
**Subject:** Re: Status?

Gentlemen,

An update:

1. The Guardian has obtained the most recent chart notes, they do not reflect an improved change in condition or a change in recommendation as to comfort care post tracheotomy. Ms. Thankamma is still not responsive and is being restrained to a bed to stop her from pulling her Trach out. She opens her eyes on occasions but does not follow any commands. *See attached.*
2. HMC is still looking at 3 doctors for a second opinion with Harborview privileges. I will provide the opinion upon receipt.
3. HMC has indicated that they cannot make a recommendation one way or the other about the hospital in India as they don't know anything about it.
4. I have not received any other quote besides \$40k-\$70k for the flight. I have not received any written confirmation as to this issue but my belief is that (considering the allegations by Mr. Nair and past conduct) HMC does not want to have anything to do with the flight, does not believe it to be safe or otherwise in the best interests of Ms. Thankamma.

Thoughts? Is your client able to obtain a quote for privately funding the flight with this information and without HMC? I would think that air ambulance flights can be chartered through a service in the US or India and an estimate can be provided from them? I would also submit that if we are going to move forward, I need confirmation as to the family's ability to fund this trip. I propose a deposit into the court registry of the higher end (\$70k).

The court is likely to have concerns about discharge. As I had discussed with Steve before, I would request confirmation and assumption of liability from another family member (it cannot be Mr. Nair, for obvious reasons) who is willing to be the responsible party subjected to court Order.

Best Regards,  
Ermin Ciric

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---

**From:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Sent:** Monday, March 9, 2020 12:37 PM  
**To:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>; William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>  
**Cc:** Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>; Rebecca Jenkins <[Rebecca.Jenkins@rm-law.com](mailto:Rebecca.Jenkins@rm-law.com)>  
**Subject:** Re: Status?

Nope. I followed up on Friday and have received no response back from HMC yet.

Outstanding:

1. Medical opinion post tracheotomy which would go to both code status and travel issue
2. Invoice or estimate for potential trip to India
3. Opinion as to whether proposed hospital in India is a safe discharge option

Best Regards,  
Ermin Ciric

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Website: [desmoineselderlaw.com](http://desmoineselderlaw.com)

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**From:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>  
**Sent:** Monday, March 9, 2020 12:27 PM  
**To:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>; William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>; Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Cc:** Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>; Rebecca Jenkins <[Rebecca.Jenkins@rm-law.com](mailto:Rebecca.Jenkins@rm-law.com)>  
**Subject:** RE: Status?

Ermin,

Do we have an answer?

Thanks.

Steve Phillips

---

**From:** Steve Phillips  
**Sent:** Friday, March 6, 2020 11:15 AM  
**To:** 'William Budigan'; Ermin Ciric  
**Cc:** Michael Arens; Rebecca Jenkins  
**Subject:** RE: Status?

Gentlemen,

I'm not going to accuse anybody of anything, but, I have said before that I don't understand why it is taking so long to get these 2 questions answered. I can't conceive of any valid reason for it.

I also want an answer right away. The holdup needs to be eliminated. If we need to contact Bob Ferguson to get an answer from Harborview then let's do it so we can get this over with.

Thank you.

Steve Phillips

---

**From:** William Budigan [<mailto:info@budiganlaw.com>]  
**Sent:** Friday, March 6, 2020 9:29 AM  
**To:** Ermin Ciric  
**Cc:** Steve Phillips; Michael Arens; Rebecca Jenkins  
**Subject:** Re: Status?

No. That was your request to continue. WE all from our side of this, Steve included, want Harborview opinion on travel and cost and arrangements 2 weeks ago. And by the way, I have appeared in the case and have been dealing with you both and am to be in on any continuances. Look, the bottom line is that you say harborview spent the time to tell you they will not pay a dime and want to keep her in ICU, but you seem to not be able to get them to tell us the 2 pieces of info that gets this done . There is no reason you cannot demand this of Harborview for Monday. this is not drama it is simply a guardian dragging feet. At this rate will will be back in court still arguing your guardian's drama in not working with Harborview. Act immediately this AM with harborview to get this done. The guardian is just running up all our fees of four attys.


Bill Budigan  
206 284-5305

On Fri, Mar 6, 2020 at 9:20 AM Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)> wrote:

Mr. Budigan,

Communicating with you is unproductive. I continued the hearing **BECAUSE** that is what Steve and I had discussed, it also made sense under the circumstances. Steve literally emailed me yesterday to confirm that we were not having the hearing. Again, cut the drama and do not include your client in emails as I have an ethical duty to avoid direct communications with a represented individual.

Best Regards,  
Ermin Ciric

 1474493465200\_PastedImage

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E-mail: [ermin@rm-law.com](mailto:ermin@rm-law.com)

Website: [desmoineselderlaw.com](http://desmoineselderlaw.com)

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---

**From:** William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>

**Sent:** Friday, March 6, 2020 9:09 AM

**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>; Jayakrishnan Nair <[jknaair@gmail.com](mailto:jknaair@gmail.com)>

**Cc:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>; Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>; Rebecca Jenkins <[Rebecca.Jenkins@rm-law.com](mailto:Rebecca.Jenkins@rm-law.com)>

**Subject:** Re: Status?

Ermin:

No. I have been a GAL for 35 years and deal with Harborview and requests for emergency or end of life issues and the courts and it simply does not take 3 weeks for Harborview to update about ability to travel for an ICU patient they do not want to pay for. This can get done today if the Guardian will only get off the dime. You are dragging your feet. We should have had the hearing you scheduled today 3/6/20 and the court tell your client guardian to get going and order Harborview to report monday ( but you insisted on moving the hearing to 3/25/20 for no good reason). Lets get this done early next week so she can travel before the week is out.

Bill Budigan

206 284-5305

On Fri, Mar 6, 2020 at 8:49 AM Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)> wrote:

We are not dragging anything out. As I said, I will update you as I receive information until then I would appreciate you strike a different tone and limit the unnecessary emails. It is one thing to have your client constantly making allegations and another for a licensed attorney to engage in the practice. Limit the drama, thanks.

Best Regards,  
Ermin Ciric

**Error! Filename not specified.**

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Des Moines, WA 98198

Phone: 206-212-0220  
Fax: 206-408-2022  
E-mail: [ermin@rm-law.com](mailto:ermin@rm-law.com)  
Website: [desmoineselderlaw.com](http://desmoineselderlaw.com)

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---

**From:** William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>  
**Sent:** Friday, March 6, 2020 8:46 AM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Cc:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>; Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>; Rebecca Jenkins <[Rebecca.Jenkins@rm-law.com](mailto:Rebecca.Jenkins@rm-law.com)>  
**Subject:** Re: Status?

And PLEASE demand Harborview to do the needed evaluation of her ability to travel next week. Away we go . There is no reason for the Guardian to keep dragging this out.

Thanks,  
Bill Budigan  
206 284-5305

On Fri, Mar 6, 2020 at 8:34 AM Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)> wrote:

I will ask HMC to provide an invoice and follow up with you upon receipt.

Best Regards,  
Ermin Ciric

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---

**From:** William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>  
**Sent:** Thursday, March 5, 2020 6:45 PM  
**To:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>  
**Cc:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>; Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>; Rebecca Jenkins <[Rebecca.Jenkins@rm-law.com](mailto:Rebecca.Jenkins@rm-law.com)>  
**Subject:** Re: Status?

Ermin:  
Please help us get her back to India next week. It is the right thing to do. We need the estimate of travel and Harborview update report on ability to travel.

The weeks are passing by without action. Advise the Guardian to get this done in her best interest, please.

Bill Budigan  
206 284-5305

On Thu, Mar 5, 2020 at 5:03 PM Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)> wrote:

Ermin,

My client is making arrangements to get the funding. He will have to borrow it and he needs to present an invoice or estimate, with specifics, from Harborview in order to make that happen. Would you please ask them to supply that as soon as possible.

Thank you.

Steve Phillips

---

**From:** Ermin Ciric [mailto:[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)]  
**Sent:** Wednesday, March 4, 2020 1:02 PM  
**To:** Steve Phillips; William Budigan  
**Cc:** Michael Arens; Rebecca Jenkins  
**Subject:** Re: Status?

Confirmed, I will be filing a Re-Note momentarily. How about we set it for 3/25? That will ideally give us time to get more information.

Also, responding to the below the \$40-70k number is the only information Harborview has provided to date. If the family is intending to fund then I would lean towards the higher end of \$70k.

Best Regards,  
Ermin Ciric

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Fax: 206-408-2022  
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Website: [desmoineselderlaw.com](http://desmoineselderlaw.com)

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---

**From:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>  
**Sent:** Wednesday, March 4, 2020 12:44 PM  
**To:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>; Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>; William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>  
**Cc:** Michael Arens <[MichaelA@jaycareylaw.com](mailto:MichaelA@jaycareylaw.com)>  
**Subject:** RE: Status?

Ermin,

Will you please confirm that we aren't having a hearing on Friday?

Thanks.

Steve

---

**From:** Steve Phillips  
**Sent:** Tuesday, March 3, 2020 4:48 PM  
**To:** 'Ermin Ciric'; William Budigan  
**Cc:** Michael Arens  
**Subject:** RE: Status?

Ermin,

Will you see if you can get an actual amount for the cost of the air ambulance to India. My client wants to know so that he can work on gathering the funds.

Please confirm that there will not be a hearing on the 6<sup>th</sup>.

Thanks.

Steve Phillips

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**From:** Ermin Ciric [mailto:[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)]  
**Sent:** Monday, March 2, 2020 3:10 PM  
**To:** William Budigan  
**Cc:** Steve Phillips  
**Subject:** Re: Status?

Steve and Bill,

Following up:

1. HMC has confirmed they are unwilling to fund any relocation effort. That leaves either Mr. Nair privately funding or the India Consulate (I just received a separate email from them, will cc you in the response).
2. What is necessary for relocation is air ambulance care. The cost would be between \$40-70k.
3. I am still waiting on the second medical opinion.

Best Regards,  
Ermin Ciric

LAW OFFICES OF

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**REGIMBAL, MCDONALD & YOUNG, PLLC**

612 S. 227th St.  
Des Moines, WA 98198  
Phone: 206-212-0220  
Fax: 206-408-2022

E-mail: [ermin@rm-law.com](mailto:ermin@rm-law.com)  
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**From:** William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>  
**Sent:** Monday, March 2, 2020 12:23 PM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Cc:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>  
**Subject:** Re: Status?

Thank you for the update.  
Bill Budigan  
206 284-5305

On Mon, Mar 2, 2020 at 12:22 PM Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)> wrote:

She is obviously unable to travel with no medical safeguards in place. An opinion as to ability to travel and what that will require post-tracheotomy was requested last week and I followed up again today after discussing the issue with Steve. Once I get an update, will let you know.

Best Regards,  
Ermin Ciric

**Error! Filename not specified.**

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**From:** William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>  
**Sent:** Monday, March 2, 2020 12:17 PM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Cc:** Steve Phillips <[Steve@jaycareylaw.com](mailto:Steve@jaycareylaw.com)>  
**Subject:** Re: Status?

Ermin:  
We are all spending lots of money and time on this without knowing what Harborview thinks about her ability to travel and that is the initial determination.  
We need this answer today. Please contact attorney for Harborview, Mr. Baker, and let's get this done. He has said he is waiting for Guardian.  
Let's get this done today. PLEASE.  
Bill Buidgan  
2006 284-5305

On Mon, Mar 2, 2020 at 11:43 AM Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)> wrote:

I just got off the phone with Counsel Phillips.

1. No new update from HMC as to when we will be getting a second opinion or a list of approved doctors who do not work at HMC but have privileges.
2. I will follow up with HMC as to their (i) willingness to pay (my most recent communications indicated they are unwilling); (ii) what would be needed for flight or relocation and (iii) is the proposed hospital safe for discharge.
3. Steve will follow up as to resources, assuming HMC, does not pay the Consulate seemed agreeable and will discuss with Mr. Nair if he is willing to finance and what dollar amount(s) (he will not be permitted to be on the flight physically).
4. If we do not have set agreement by 3/4 then the Guardian will re-note the petition on medical care.

Best Regards,  
Ermin Ciric

LAW OFFICES OF

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---

**From:** William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)>  
**Sent:** Monday, March 2, 2020 11:29 AM  
**To:** Ermin Ciric <[Ermin.Ciric@rm-law.com](mailto:Ermin.Ciric@rm-law.com)>  
**Subject:** Re: Status?

Ermin:  
Please call me so we can get this settled today.  
Bill Budigan  
206 284-5305

On Fri, Feb 28, 2020 at 12:40 PM William Budigan <[info@budiganlaw.com](mailto:info@budiganlaw.com)> wrote:

Cedric Ermin:  
Status?  
Bill budigan  
206 284-5305

# **EXHIBIT 4**



**From:** Raji Susheel <rajithankam99@gmail.com>  
**Sent:** Tuesday, May 12, 2020 3:19 PM  
**To:** Robert McDonald <Robert.McDonald@rm-law.com>  
**Cc:** Channa Copeland <channa@nscasemanagement.com>  
**Subject:** Ms. Thankamma Repatriation \_ Requesting Cooperation and Antibody results

Dear Mr. McDonald:

It is my understanding your office represents Ms. Copeland. I am Ms. Thankamma's daughter, and from the information we received it seems that all she had in December was an infection from COVID19 (it is a well established fact that the virus had been silently circulating in Seattle as early as November 2019), and although she has recovered from it, it has left her with a ventilator dependency (as it has done to thousands across the globe).

<https://mynorthwest.com/1742815/seattle-flu-study-coronavirus-spread/>

<https://www.weforum.org/agenda/2020/05/coronavirus-spread-around-world-2019-study/>

We wish to update that she has been registered with the Government of India's largest evacuation in human history to return all expatriates to India.

<https://economictimes.indiatimes.com/news/politics-and-nation/covid-19-india-evacuation-indians-in-the-u-s-are-ready-to-be-rescued/videoshow/75654152.cms>

The External Affairs Ministry has informed us the flight will likely be end of May of early June. They want to know the level of assistance she would need. From our understanding she is now fully medically stable and back to her baseline, which is a stable hemiplegia (paralysis on one side) that has not affected her cognition or alertness. She is still communicative, want to be with family and wanting to live her life to the fullest, which can be for years on a portable ventilator. Please note her situation is no different from thousands of patients across the globe that have been left with a ventilator dependency after a COVID19 infection that has damaged their respiratory system, as has happened to our mother after she was moved to Queen Anne Healthcare in late December 2019 where she contracted the virus.

The External Affairs Ministry also need to know whether she has developed antibodies to the COVID19 - which would mean she is no longer necessary to undergo the 14 day quarantine for repatriates that is otherwise required. Therefore we request your client to provide us with this medical information (a blood test for COVID19 antibodies). Furthermore, if she can travel lying down in the business class of an Air India flight (all evacuation flights are arranged by India's national carrier) then all she needs is a nurse accompanying her. We already got the agreement from Ms. Ashley Redican CNA who has taken care of her for long time, to be in the flight

accompanying her to India. It is assumed a full medical ambulance is not needed, as portable ventilators are certified to be used in commercial flights and millions of patients worldwide do travel on airlines with portable ventilators.

After she is returned to India, she will receive full care at the top-rated Ananthapuri Multi-Speciality Hospital near our home in Thiruvananthapuram, Kerala, India. Please see attached. Therefore we request your cooperation to bring this matter to a successful closure reuniting our mother with her loving family in India so we can ensure she spends her remaining years in peace and happiness. Kindly strike the hearing on May 15 to remove her from the ventilator and murder her (when she is medically stable and wants to live). Also, please note we would appreciate if all communications are handled through any attorney other than Mr. Ciric, as we do not wish to have any contact with him given his past unethical and pugilistic conduct. Therefore we request you to kindly have another attorney from your office handle this to completion.

If all of us are aligned for the best outcome for Ms. Thankamma, this is the best route for us so she can terminate the guardianship and return to live under my care in India. All we care about really is getting her safely back to India and request your kind cooperation.

Best Regards

Raji (on behalf of Ms. Thankamma's family in India)

# **EXHIBIT 5**

**UW Medicine**  

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**DEPARTMENT OF MEDICINE**

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April 9, 2020

Channa Copeland  
channa@nscasemanagement.com  
(206) 406-3383

RE: Omana Thankamma  
MRN H-3897689

Dear Ms. Copeland:

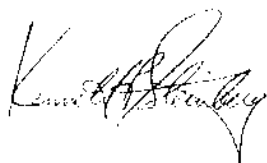
I am writing to you as the current attending physician for Omana Thankamma, a patient in the Medical ICU at Harborview Medical Center (HMC).

As you know, Ms. Thankamma has been a patient here at HMC since December 28, 2019. She is a 78 yo woman with a history of a CVA (stroke) that has left her with a dense aphasia, severe lower extremity contractures, and she has a tracheotomy and is chronically mechanically ventilated. She has a feeding tube (PEG) but is now not tolerating her enteral feedings very well.

Her quality of life remains extraordinarily poor. She is bedridden, has severe contractures, does not interact cognitively with her caregivers, and is entirely dependent on others for all of her hygiene, nutrition, breathing, and toileting. She is able to move her right arm but is otherwise immobile. Even when turned, her body does not bend, and she has to be turned as a whole. Nursing is barely unable to get a pillow between her knees to prevent pressure sores on the bony prominences.

Given this extraordinarily poor quality of life and the lack of any chance of improvement, I strongly believe that care focused on comfort measures only, and not providing further artificial life sustaining therapy (i.e., mechanical ventilation, enteral nutrition), is the medically and ethically appropriate course of action for Ms. Thankamma. That course of action best respects the dignity of her life and prevents her from further suffering.

Sincerely,



Kenneth P. Steinberg, M.D., FACP, FCCP  
Professor of Medicine  
Division of Pulmonary and Critical Care Medicine  
University of Washington School of Medicine

Department of Medicine

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