

FILED

LOS ANGELES SUPERIOR COURT

JUL 23 1996

JOHN A. CLARKE, CLERK

C. L. Hudson
BY C. L. HUDSON, DEPUTYSUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

VICKI GEORGES HUFNAGEL, M.D.

Petitioner,

v.

THE MEDICAL BOARD OF CALIFORNIA,
et al.,

Respondents.

Case No. C 730 624

STATEMENT OF DECISION

(Code Civ. Proc. 5 632.)

Dept. 69

Judge: Hon. David Yaffe

JUN 26 1996

FILED

EDWARD M. KRITZMAN, CLERK

This matter came regularly before this court on June 7, 1996, for hearing. Frank Frisenda, Jr. appeared as attorney for Petitioner. Daniel E. Lungren, Attorney General of the State of California, by and through Gloria A. Barrios, Deputy Attorney General appeared as attorney for Respondents. The matter was argued and submitted.

~~As stated during the hearing on this matter, this court~~
has reviewed and considered the entire file, including the
~~complete administrative record.~~

As directed by the District Court of Appeal, the matter

1 involved two separate issues. First, was the Medical Board of
2 California's (hereinafter "the Board['s]") findings numbered IV,
3 VII, XIII and XLVII supported by the weight of the evidence?
4 Second, was the Board's decision supported by the totality of the
5 findings?

6 The Court, in exercising its independent judgment,
7 determines that the weight of the evidence supports the Board's
8 finding number IV. The Court finds substantial evidence that
9 Petitioner unnecessarily sutured patient Marsha C.'s uterus after
10 surgery when the patient was healing and not bleeding.

11 The Court, in exercising its independent judgment,
12 determines that the weight of the evidence supports the Board's
13 finding number VII. The Court finds substantial evidence that
14 Petitioner's performance of a uterine suspension on patient
15 Marsha C. was not indicated because of the degree of
16 inflammation.

17 The Court, in exercising its independent judgment,
18 determines that the weight of the evidence supports the Board's
19 finding number XIII. The Court finds substantial evidence that
20 the second surgery exposed the patient Jolina C. to risk.

21 The Court, in exercising its independent judgment,
22 determines that the weight of the evidence supports the Board's
23 finding number XLVII. The Court finds substantial evidence that
24 Petitioner unnecessarily exposed patient Karen G. to risk.

25 The Board's findings are therefore sufficient under the
26 standard set out in Topanga Assn. for a Scenic Community v.
27 County of Los Angeles (1974) 11 Cal.3d 506.

1 The Court, in exercising its independent judgment,
2 determines that the penalty of revocation is appropriate under
3 the totality of the circumstances shown by the evidence. The
4 Court denies Petitioner's request for a stay. The Petition for
5 Writ of Mandate is denied.

6 Dated: JULY 17, 1996
~~JUNE 25, 1996~~

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9 By David P. Gault
10 DAVID JAFFE
11 Judge of the Superior Court
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