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Richard S. v. Dept. of Developmental Serv. of Cal.



MR-CA-004-005

Attorneys for: Richard S. et al.

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

RICHARD S., CYNTHIA R., VALDINA )  
R., and ROES 1 through 800, )  
individually and on behalf of all )  
those similarly situated by )  
WILLIAM CABLE, M.D. as Guardian )  
ad Litem )

Plaintiffs,

vs.

DEPARTMENT OF DEVELOPMENTAL )  
SERVICES OF THE STATE OF )  
CALIFORNIA, FAIRVIEW )  
DEVELOPMENTAL CENTER, SOUTH )  
COAST REGIONAL PROJECT, HARBOR )  
REGIONAL CENTER, REGIONAL CENTER )  
OF ORANGE COUNTY, SAN DIEGO )  
REGIONAL CENTER, SOUTH CENTRAL )  
LOS ANGELES REGIONAL CENTER, )  
WESTSIDE REGIONAL CENTER, DENNIS )  
G. AMUNDSON, as Director of the )  
DEPARTMENT OF DEVELOPMENTAL )  
SERVICES STATE OF CALIFORNIA, )  
HUGH KOHLER, as Executive )  
Director of FAIRVIEW )  
DEVELOPMENTAL CENTER, LILIA TAN )  
FIGUEROA, M.D., as Medical )  
Director of FAIRVIEW )  
DEVELOPMENTAL CENTER, DAWN )  
LEMONDS as director of SOUTH )  
COAST REGIONAL PROJECT, and Does )  
1 through 500, inclusive, )

Defendants

CASE NO:

DECLARATION OF WILLIAM  
CABLE, M.D., IN SUPPORT OF  
PLAINTIFFS' APPLICATION FOR  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION

Date: March 20, 1997  
Time: 10:00 a.m.  
Place: Federal District  
Court, Santa Ana, California

1 I, WILLIAM CABLE, M.D., declare

2 1. I am a Neurologist/Psychiatrist, Internist and  
3 Pediatrician and have been employed at Fairview State Hospital,  
4 Costa Mesa, California since May, 1994.

5 2. I am the present elected Chief of the Medical Staff at  
6 Fairview having assumed that position on January 1, 1997.

7 3. I am a 1970 medical graduate from the University of  
8 Otago, New Zealand. I completed my internship at Rush Medical  
9 Center, Presbyterian, St. Lukes's Hospital in Chicago. I then  
10 served my residencies in Neurology, Psychiatry, Internal  
11 Medicine and Pediatrics at the Massachusetts General Hospital,  
12 Boston, Massachusetts. Prior to that I had obtained a grant  
13 and completed a short fellowship at the National Institutes of  
14 Health in Washington, D.C. and completed a second fellowship in  
15 Neuro-pathology at the University of Lauzanne, Switzerland.

16 4. I am a Board Certified Neurologist and Psychiatrist  
17 and Board Eligible in Internal Medicine and Pediatrics.

18 5. I have practiced in Orange County for more than  
19 fifteen (15) years. I was elected and served for two years as  
20 Chairman of the Department of Neurology and Psychiatry at Hoag  
21 Memorial Hospital Presbyterian in Newport Beach. I was also  
22 elected and served as the Chairman of the Department of Internal  
23 Medicine at Huntington Beach Community Hospital. After two  
24 years at FAIRVIEW I was elected as the Chief of Staff-Elect,  
25 becoming Chief of Staff on January 1, 1997. I am also on the  
26 courtesy staff at Fountain Valley Community Hospital and still  
27 maintain a small private practice in Newport Beach, CA.

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6. There is an immediate risk to life from premature

1 discharge from Fairview Developmental Center to community  
2 placement. Clients are being discharged to unsafe environments  
3 under the care of poorly or inadequately trained personnel.  
4 Many recent reports of deaths appears to validate the published  
5 peer review data.

6 7. The Courts intervention is need now to prevent  
7 unnecessary deaths and injuries. There is an immediate need to  
8 at least a temporary hold on these discharges.

9 8. Patients are being discharged without adequate medical  
10 oversight and physicians are under threat of suspension or worse  
11 for opposing discharges on medical grounds.

12 9. The community mortlaity rate is almost twice that of  
13 the institution in California for the adult developmentally  
14 disabled. There has been an increase in anecdotal reports of  
15 death and injury.

16 10. There is an expected increase in discharges in the  
17 next few months to make room for transfers from Camarillo State  
18 Hospital in Ventura which is closing this summer.

19 11. Physicians have been retaliated against including  
20 myself.

21 12. I was suspended for 10 days without pay and charged  
22 under California Government Code §19572 with "dishonesty" and  
23 inexcusable neglect of duty for writing a letter to a regional  
24 center doctor informing him that important medical information  
25 had been deleted from the medical record. I had opposed the  
26 discharge of a profoundly retarded individual with multiple and  
27 serious medical problems. I was also charged with opposing  
28 state policy. This is untrue.

13. Parents of clients are not informed of exit

1 conferences.

2 14. Clients without conservators are the ones most at  
3 risk. Without a parent or physician or to assert their rights  
4 these patients have been preferentially selected by regional  
5 centers for discharge.

6 15. There is no avenue for them to appeal decisions which  
7 are being made by non medical personnel.

8 16. The remaining clients at Fairview are almost all  
9 profoundly retarded with serious medical problems. Such  
10 decisions can not be allowed to remain in the hands of untrained  
11 personnel.

12 17. Considerable medical judgment is needed in evaluating  
13 the appropriateness of these remaining clients.

14 18. Physicians are denied access to crucial client  
15 information.

16 19. The Medical Executive Committee, of which I am  
17 Chairman, was recently subjected to a "cease and desist" order  
18 when trying to investigate hip fractures at Fairview.

19 20. The recent death of young 30 year old mother and the  
20 serious injuries to her three children is most disturbing.  
21 Client "JW", discharged from Fairview a little over two years  
22 ago over the strong protests of the parents because of his  
23 history of aggressive behavior, is alleged to have freed himself  
24 from his seat belt on a bus and attacked a bus driver resulting  
25 in the crash of the bus. Parental and physician input is  
26 ignored.

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1 I declare under penalty of perjury under the laws of  
2 the State of California and of the United States that the  
3 foregoing is true and correct.

4 Executed on: March 19th 1997.

5  
6 William Cable  
7 WILLIAM CABLE, M.D., DECLARANT  
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