

Reference 3

1
2
3
4
5
6 SUPERIOR COURT OF WASHINGTON
7 FOR KING COUNTY

8
9 In re Guardianship of
10 OMANA THANKAMMA,
11 An Incapacitated Person.

No. 18-4-05231-6 SEA

DECLARATION OF PAUL A.
BARRERA

12
13
14 I, Paul A. Barrera, declare and say:

15 1. I am a citizen of the United States of America, over the age of 18, and not a party to
16 this action.

17 2. Jayakrishnan (Jay) Nair retained my firm to assist him in locating his mother, Omana
18 Thankamma, and then seeking his admission to visit her.

19 **The Search for Omana Thankamma**

20 3. Mr. Nair told me that he went to Harborview Medical Center at least six times since
21 July 2019, and that each time, Harborview said they had no information about his mother's
22 whereabouts.

23 4. On October 23, 2019, on behalf of Mr. Nair, I sent a letter via email to Ermin Ciric,
24 WSBA No. 52611, who I understood to be the attorney for the court-appointed guardian for Ms.
25 Thankamma, Chana Copeland (the "Guardian"). In that letter, I demanded to know the
26 whereabouts of Ms. Thankamma's whereabouts by October 30, 2019. A true and correct copy
27 of that email and letter is attached as **Exhibit A**.

28
DECLARATION OF PAUL A. BARRERA - 1

NORTH CITY LAW, PC
17713 Fifteenth Avenue NE, Suite 101
Shoreline, WA 98155-3839
Phone: 206.413.7288
Fax: 206.367.0120

1 5. That same day, Mr. Ciric accepted service of the letter on behalf of the Guardian in an
2 email requesting clarification of my role. A true and correct copy of email is attached as

3 **Exhibit B.**

4 6. I responded, indicating my intention at that time to appear on the record to terminate
5 the Guardianship. I also wrote to Mr. Ciric that we would be serving various materials the Court
6 previously ordered Mr. Nair to personally deliver to Mr. Ciric. Attached to that email was a
7 letter demanding the whereabouts of Ms. Thankamma within 24 hours. A true and correct copy
8 of that email and letter is attached as **Exhibit C.**

9 7. The next day, on October 24, Mr. Ciric emailed me a letter on behalf of the Guardian.
10 In that letter, he expressed that the Guardian had no objection to Mr. Nair's visits to his mother:

11 ...the Guardian has not acted to set any restriction as to Mr. Nair's
12 visitation with Ms. Thankamma (this is an issue the court will address on
13 November 6th, 2019 through the Guardian's re-noted Petition for
14 Instructions). As far as the Guardian is aware, Mr. Nair has not been
15 prevented from communicating with his mother. However, the Guardian is
16 aware that Haborview (not the Guardian) has placed restrictions on
17 visitation. To the best of our knowledge, Mr. Nair's visits must be
18 scheduled in advance and they must be supervised. So long as these
19 reasonable conditions are met, Mr. Nair can visit with his mother. Nr. Nair
20 can coordinate visits with Harborview.

21 Emphasis is mine. A true and correct copy of the email and attached letter are attached
22 as **Exhibit D.**

23 8. In that same letter, the Guardian claimed she had no duty to put Mr. Nair on an
24 allowed visitor list. She further claimed "Mr. Nair has the contact information for
25 [Haborview's] counsel of record." Mr. Nair informed me that the Guardian was describing
26 attorney Brian Waters, WSBA No. 36619, who I understand is counsel of record for Haborview
27 in the federal lawsuit Mr. Nair filed against it.

1 **Harborview Refuses to Allow Mr. Nair to Visit His Mother**

2 9. Beginning on October 24, I sent emails to Harborview's patient relations electronic
3 mailbox, comment@uw.edu, asking for Harborview to provide a time, place, and location
4 where Mr. Nair could visit his mother.

5 10. Mr. Waters and I also communicated, with Mr. Waters eventually writing to me on
6 October 28 that "First, as we discussed, I'm retained litigation counsel in the federal cases filed
7 by your client. The request is outside the scope of my representation. I don't have the ability or
8 authority to respond to it." A true and correct copy of that email thread, including my response,
9 is attached as **Exhibit E**.

10 11. On October 29, I went with Mr. Nair to Harborview Medical Center to confirm his
11 mother was indeed at Harborview, and to inquire about the person responsible for arranging Mr.
12 Nair's potential visits with her.

13 12. When he and I went up to the Information counter, the person at the desk told us the
14 same thing Mr. Nair said they told him the previous six times – she was not in Harborview's
15 system, and they have no information about her whereabouts. I asked the Information desk to
16 ask Security. The Information desk called Security, who told him to direct us to Patient
17 Admissions.

18 13. At the Patient Admissions counter, a woman took Ms. Thankamma's name, confirmed
19 she was there, and took a copy of Mr. Nair's photo identification. She then gave me a telephone
20 number for a social worker to arrange a visit.

21 14. I called the number provided, and the social worker told me she would need to talk to
22 her boss. I asked her the name of her boss, and she said Jacqueline Butin, Social Work
23 Supervisor. She and I disconnected the call.

24 15. 15 minutes later, Assistant Security Supervisor Mike Wallace met with Mr. Nair and I,
25 and informed us that Harborview was unable to directly reach the Guardian to confirm the
26 contents of Exhibit C, and would not allow Mr. Nair to visit his mother until Harborview
27 reviewed the results of the November 6 hearing.

1 16. I then emailed Ms. Butin a copy of the letter, explaining my purpose, that the
2 Guardian did not object to Mr. Nair's visit, and telling her I would call her in 10 minutes. A true
3 and correct copy of that email is attached as **Exhibit F**.

4 17. 10 minutes later, I called Ms. Butin, leaving a voice mail, specifically asking for her to
5 call me back, or provide the name of the assistant attorney general who represented her in her
6 official capacity. 10 minutes after that voice mail, left another voice mail, substantially the
7 same.

8 18. Ms. Butin never returned my call or email.

9 19. On October 31, Haborview replied to one of my several emails to comment@uw.edu,
10 attaching a letter describing Haborview's position regarding Mr. Nair's request to visit her
11 mother. Writing on behalf of Haborview, Tacy Gooding wrote that based on unproven
12 allegations, Haborview would not allow Mr. Nair to visit. A true and correct copy of that email
13 and letter is attached as **Exhibit G**.

14 **My Other Attempt to Secure Mr. Nair's Visit**

15 20. On October 30, 2019, Brian Waters sent me an email identifying Daniel R. Baker,
16 WSBA No 43034, as the assistant attorney general representing the Haborview personnel
17 responsible for Ms. Thankamma.

18 21. In response to the Guardian's various outstanding requests, and demanding the
19 Guardian and Haborview arrange Mr. Nair's visit by November 1, I sent a letter on Mr. Nair's
20 behalf. A true and correct copy of those emails and letter are attached as **Exhibit H**.

21 22. Neither Mr. Baker nor Mr. Ciric responded to my email or letter.

22 23. I support Mr. Nair in his efforts to visit his mother.

23 24. It is my understanding that Mr. Nair wishes to take his mother back to India.

24 25. However, I informed Mr. Nair of my ethical concerns on October 29, and promised
25 him this declaration.

26 26. Due to my participation as a witness in obtaining the information regarding the
27 whereabouts of Mr. Nair's mother, Omana Thankamma, then witnessing Harborview's refusal
28 to allow Mr. Nair to visit his mother, and the subsequent letter, I believe that I, and I alone,

1 could provide the information Mr. Nair needs to prove his case against the parties refusing to
2 allow him to visit his mother and return her to India. My first-hand account is critical to the case
3 to show Harborview's refusal and the Guardian's refusal to assist Mr. Nair visit his mother. For
4 those reasons, I believe that under RPC 3.7, I am a necessary witness at the November 6, 2019
5 hearing, and am therefore unable to represent Mr. Nair in that proceeding.

6
7 SIGNED at Shoreline, Washington, on November 3, 2019.

8
9 /s/ Paul A. Barrera
10 Paul A. Barrera, WSBA No. 51990

EXHIBIT A

Paul Barrera

From: Narmin Kerimova
Sent: Wednesday, October 23, 2019 3:13 PM
To: ermin.ciric@rm-law.com
Cc: Paul Barrera
Subject: Omana Thankamma
Attachments: 19.10.23 ltr to Ciric.pdf

Dear Mr. Ciric:

Enclosed please find a letter from attorney Paul A. Barrera on behalf of Jay Nair. Please expect a physical copy via certified mail. Thank you.

Best Regards,

Narmin V. Kerimova
Legal Assistant

Office 206-413-7288
Fax 206-367-0120
Email narmin@northcitylaw.com
Web www.northcitylaw.com



North City Law, PC
17713 15th Ave NE Suite 101
Shoreline, WA 98155

CONFIDENTIALITY NOTICE: The information transmitted in this e-mail message and attachments may be attorney-client information, including privileged and confidential material, and is intended only for the use of the individual or entity addressed to above. Any distribution, use, or review by unauthorized persons is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and permanently delete this transmission including attachments.



Paul A. Barrera | Attorney | paul@northcitylaw.com
M. Ian Wyckoff | Of Counsel | ian@northcitylaw.com
Narmin V. Kerimova | Legal Assistant | narmin@northcitylaw.com

17713 Fifteenth Avenue NE Suite 101, Shoreline, WA 98155
t: (206) 413-7288 | f: (206) 367-0120

October 23, 2019

Ermin Ciric
REGEIMBAL, McDONALD & YOUNG, PLLC
612 S 227th St
Des Moines, WA 98198-6826
f: (206) 408-2022

VIA EMAIL, FACSIMILE, AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Re: Omana Thankamma

Dear Mr. Ciric:

Jayakrishnan Nair has retained my firm to write this letter demanding information on the whereabouts of his mother, Omana Thankamma. My understanding is that you are the attorney of record for her Guardian, Channa Copeland.

Mr. Nair demands that the Guardian disclose his mother's location. He further demands that the Guardian alert the facility of his intentions to visit his mother and put him on an allowed visitor list, in order to ensure the facility will permit him to visit.

Mr. Nair demands this information and assistance within one week of this letter, that is, by October 30, 2019.

Very truly yours,

A handwritten signature in blue ink that reads 'Paul A. Barrera'. The signature is written in a cursive, flowing style.

Paul A. Barrera

EXHIBIT B

Paul Barrera

From: Ermin Ciric <Ermin.Ciric@rm-law.com>
Sent: Wednesday, October 23, 2019 4:16 PM
To: Narmin Kerimova
Cc: Paul Barrera
Subject: Re: Omana Thankamma
Attachments: 191023 Valetaegi Order on Civil Motion Against Nair.pdf

Received, I will forward the below to the Guardian and respond accordingly.

In which proceeding, if any, do you represent Mr. Nair? The guardianship, the two federal actions, the past Vulnerable Adult Action, or the current Vulnerable Adult Action? My office has still not received any of the documents/information Mr. Nair was Ordered to produce before the end of the day October 22nd, 2019. See attached. Do you have any information on this?

Best Regards,
Ermin Ciric
Associate Attorney

LAW OFFICES OF

REGINALD MCDONALD & YOUNG

612 S. 227th St.
Des Moines, WA 98198
Phone: 206-212-0220
Fax: 206-408-2022
E-mail: ermin@rm-law.com
Website: desmoineselderlaw.com

THE INFORMATION CONTAINED IN THIS EMAIL MAY BE PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE INDIVIDUAL IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY, DO NOT COPY OR SEND THE MESSAGE TO ANYONE ELSE AND DELETE THE ORIGINAL TRANSMITTAL. THANK YOU.

From: Narmin Kerimova <narmin@northcitylaw.com>
Sent: Wednesday, October 23, 2019 3:13 PM
To: Ermin Ciric <Ermin.Ciric@rm-law.com>
Cc: Paul Barrera <paul@northcitylaw.com>
Subject: Omana Thankamma

Dear Mr. Ciric:

Enclosed please find a letter from attorney Paul A. Barrera on behalf of Jay Nair. Please expect a physical copy via certified mail. Thank you.

Best Regards,

Narmin V. Kerimova
Legal Assistant

Office 206-413-7288

Fax 206-367-0120
Email narmin@northcitylaw.com
Web www.northcitylaw.com



North City Law, PC
17713 15th Ave NE Suite 101
Shoreline, WA 98155

CONFIDENTIALITY NOTICE: The information transmitted in this e-mail message and attachments may be attorney-client information, including privileged and confidential material, and is intended only for the use of the individual or entity addressed to above. Any distribution, use, or review by unauthorized persons is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and permanently delete this transmission including attachments.

EXHIBIT C

Paul Barrera

From: Paul Barrera
Sent: Thursday, October 24, 2019 2:59 PM
To: Ermin Ciric
Cc: Narmin Kerimova
Subject: RE: Omana Thankamma
Attachments: 19.10.24 Ltr to Ciric.pdf

Ermin:

I have spoken with Mr. Nair, and we will be appearing in the Guardianship for his petition to terminate.

Today, we received the binder and related documents mentioned in the Order. We will serve them to you by tomorrow at the latest.

Finally, I am sending you an amended letter for the Guardian, demanding that she disclose Ms. Thankamma's location and facilitate visitation within 24 hours. Please confirm receipt.

Best,
Paul

Paul A. Barrera | NORTH CITY LAW, PC
Attorney | Direct: (206) 259-7949

From: Ermin Ciric <Ermin.Ciric@rm-law.com>
Sent: Wednesday, October 23, 2019 4:16 PM
To: Narmin Kerimova <narmin@northcitylaw.com>
Cc: Paul Barrera <paul@northcitylaw.com>
Subject: Re: Omana Thankamma

Received, I will forward the below to the Guardian and respond accordingly.

In which proceeding, if any, do you represent Mr. Nair? The guardianship, the two federal actions, the past Vulnerable Adult Action, or the current Vulnerable Adult Action? My office has still not received any of the documents/information Mr. Nair was Ordered to produce before the end of the day October 22nd, 2019. See attached. Do you have any information on this?

Best Regards,
Ermin Ciric
Associate Attorney

LAW OFFICES OF

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

E-mail: ermin@rm-law.com
Website: desmoineselderlaw.com

THE INFORMATION CONTAINED IN THIS EMAIL MAY BE PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE INDIVIDUAL IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY, DO NOT COPY OR SEND THE MESSAGE TO ANYONE ELSE AND DELETE THE ORIGINAL TRANSMITTAL. THANK YOU.

From: Narmin Kerimova <narmin@northcitylaw.com>
Sent: Wednesday, October 23, 2019 3:13 PM
To: Ermin Ciric <Ermin.Ciric@rm-law.com>
Cc: Paul Barrera <paul@northcitylaw.com>
Subject: Omana Thankamma

Dear Mr. Ciric:

Enclosed please find a letter from attorney Paul A. Barrera on behalf of Jay Nair. Please expect a physical copy via certified mail. Thank you.

Best Regards,

Narmin V. Kerimova
Legal Assistant

Office 206-413-7288
Fax 206-367-0120
Email narmin@northcitylaw.com
Web www.northcitylaw.com



North City Law, PC
17713 15th Ave NE Suite 101
Shoreline, WA 98155

CONFIDENTIALITY NOTICE: The information transmitted in this e-mail message and attachments may be attorney-client information, including privileged and confidential material, and is intended only for the use of the individual or entity addressed to above. Any distribution, use, or review by unauthorized persons is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and permanently delete this transmission including attachments.



Paul A. Barrera | Attorney | paul@northcitylaw.com
M. Ian Wyckoff | Of Counsel | ian@northcitylaw.com
Narmin V. Kerimova | Legal Assistant | narmin@northcitylaw.com

17713 Fifteenth Avenue NE Suite 101, Shoreline, WA 98155
t: (206) 413-7288 | f: (206) 367-0120

October 24, 2019

Ermin Ciric
REGEIMBAL, McDONALD & YOUNG, PLLC
612 S 227th St
Des Moines, WA 98198-6826

VIA EMAIL AND NEXT-DAY PERSONAL DELIVERY

Re: Omana Thankamma

Dear Mr. Ciric:

Jayakrishnan Nair has retained my firm to write this letter demanding information on the whereabouts of his mother, Omana Thankamma. My understanding is that you are the attorney of record for her Guardian, Channa Copeland.

Mr. Nair demands that the Guardian disclose his mother's location. He further demands that the Guardian alert the facility of his intentions to visit his mother and put him on an allowed visitor list, in order to ensure the facility will permit him to visit.

Mr. Nair demands this information and assistance within **24 hours** of this letter, that is, **by 3:00 p.m on October 25, 2019.**

Very truly yours,

A handwritten signature in blue ink that reads "Paul A. Barrera". The signature is written in a cursive, flowing style.

Paul A. Barrera

EXHIBIT D

Paul Barrera

From: Ermin Ciric <Ermin.Ciric@rm-law.com>
Sent: Thursday, October 24, 2019 3:59 PM
To: Paul Barrera; Narmin Kerimova
Cc: Rebecca Jenkins
Subject: Re: Omana Thankamma
Attachments: 191024 Ltr to Barrera re Visitation Request.pdf

Mr. Barrera,

Please see the attached responsive letter.

Upon appearing, please include my paralegal Rebecca (cc'd herein) on future correspondence.

Courtesy copy also sent by US mail.

Best Regards,
Ermin Ciric
Associate Attorney

LAW OFFICES OF

REGINALD MCDONALD & YOUNG

612 S. 227th St.
Des Moines, WA 98198
Phone: 206-212-0220
Fax: 206-408-2022
E-mail: ermin@rm-law.com
Website: desmoineselderlaw.com

THE INFORMATION CONTAINED IN THIS EMAIL MAY BE PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE INDIVIDUAL IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY, DO NOT COPY OR SEND THE MESSAGE TO ANYONE ELSE AND DELETE THE ORIGINAL TRANSMITTAL. THANK YOU.

From: Paul Barrera <paul@northcitylaw.com>
Sent: Thursday, October 24, 2019 2:58 PM
To: Ermin Ciric <Ermin.Ciric@rm-law.com>
Cc: Narmin Kerimova <narmin@northcitylaw.com>
Subject: RE: Omana Thankamma

Ermin:

I have spoken with Mr. Nair, and we will be appearing in the Guardianship for his petition to terminate.

Today, we received the binder and related documents mentioned in the Order. We will serve them to you by tomorrow at the latest.

Finally, I am sending you an amended letter for the Guardian, demanding that she disclose Ms. Thankamma's location and facilitate visitation within 24 hours. Please confirm receipt.

Best,
Paul

Paul A. Barrera | NORTH CITY LAW, PC
Attorney | Direct: (206) 259-7949

From: Ermin Ciric <Ermin.Ciric@rm-law.com>
Sent: Wednesday, October 23, 2019 4:16 PM
To: Narmin Kerimova <narmin@northcitylaw.com>
Cc: Paul Barrera <paul@northcitylaw.com>
Subject: Re: Omana Thankamma

Received, I will forward the below to the Guardian and respond accordingly.

In which proceeding, if any, do you represent Mr. Nair? The guardianship, the two federal actions, the past Vulnerable Adult Action, or the current Vulnerable Adult Action? My office has still not received any of the documents/information Mr. Nair was Ordered to produce before the end of the day October 22nd, 2019. See attached. Do you have any information on this?

Best Regards,
Ermin Ciric
Associate Attorney

LAW OFFICES OF

REGINALD MCDONALD & YOUNG

612 S. 227th St.
Des Moines, WA 98198
Phone: 206-212-0220
Fax: 206-408-2022
E-mail: ermin@rm-law.com
Website: desmoineselderlaw.com

THE INFORMATION CONTAINED IN THIS EMAIL MAY BE PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE INDIVIDUAL IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY, DO NOT COPY OR SEND THE MESSAGE TO ANYONE ELSE AND DELETE THE ORIGINAL TRANSMITTAL. THANK YOU.

From: Narmin Kerimova <narmin@northcitylaw.com>
Sent: Wednesday, October 23, 2019 3:13 PM
To: Ermin Ciric <Ermin.Ciric@rm-law.com>
Cc: Paul Barrera <paul@northcitylaw.com>
Subject: Omana Thankamma

Dear Mr. Ciric:

Enclosed please find a letter from attorney Paul A. Barrera on behalf of Jay Nair. Please expect a physical copy via certified mail. Thank you.

Best Regards,

Narmin V. Kerimova

Legal Assistant

Office 206-413-7288

Fax 206-367-0120

Email narmin@northcitylaw.com

Web www.northcitylaw.com



North City Law, PC

17713 15th Ave NE Suite 101

Shoreline, WA 98155

CONFIDENTIALITY NOTICE: The information transmitted in this e-mail message and attachments may be attorney-client information, including privileged and confidential material, and is intended only for the use of the individual or entity addressed to above. Any distribution, use, or review by unauthorized persons is strictly prohibited. If you have received this transmission in error, please immediately notify the sender and permanently delete this transmission including attachments.

Law Offices of Regeimbal, McDonald & Young, PLLC

A Professional Limited Liability Company

Michael V. Regeimbal
mike@rm-law.com

Robert P. McDonald
robert@rm-law.com

Saphronia R. Young
saphronia@rm-law.com

Ermin Ciric
ermin@rm-law.com

October 24, 2019

North City Law
17713 Fifteenth Avenue NE Suite 101
Shoreline, WA 98155

Email: paul@northcitylaw.com;
narmin@northcitylaw.com

Re: *Guardianship of Omana Thankamma; Request for Information*

Dear Mr. Barrera:

This correspondence is in response to your letter dated October 23rd, 2019 and your email from about an hour ago, “demanding” disclosure of Ms. Thankamma’s location and facilitating visitation. It also appears from your recent email that the “demand” has been shortened from one week to twenty-four hours.

First, considering that you may be unfamiliar with the various proceedings that Mr. Nair has been and is currently involved in (the guardianship, two federal actions, and two vulnerable adult protection actions), I will not take the demanding tone of your communications to heart but interpret them as a request for information. That being said, I do take issue with the frivolous nature of the requests.

Mr. Nair has always known the location of Omana Thankamma. Ms. Thankamma is still at Harborview Medical Center, 325 9th Ave, Seattle, WA 98104. Mr. Nair has visited Harborview multiple times to see Ms. Thankamma, Mr. Nair’s friends recently went to see Ms. Thankamma, Mr. Nair has access to Ms. Thankamma’s MyChart medical records which reflect her location (he has actually filed the documents in the federal actions), Mr. Nair has filed several pleadings in the federal actions all confirming that Ms. Thankamma is still at Harborview, and Mr. Nair has sued Harborview because of his allegations that he is being improperly restrained from visiting. Mr. Nair now seems to be pleading ignorance in some misguided attempt to once again try to paint the Guardian as acting improperly. Regardless, the Guardian will file a Notice in the guardianship action should Ms. Thankamma’s residence change in the future and Mr. Nair will be provided a copy as a notice party.

Second, the Guardian has no duty to put Mr. Nair on an “allowed visitor list” and likely cannot do so until she is provided direction by the court as to the surrounding issues. To be clear, the Guardian has not acted to set any restriction as to Mr. Nair’s visitation with Ms. Thankamma (this is an issue the court will address on November 6th, 2019 through the Guardian’s re-noted

Petition for Instructions). As far as the Guardian is aware, Mr. Nair has not been prevented from communicating with his mother. However, the Guardian is aware that Harborview (**not** the Guardian) has placed restrictions on visitation. To the best of our knowledge, Mr. Nair's visits must be scheduled in advance and they must be supervised. So long as these reasonable conditions are met, Mr. Nair can visit with his mother. Mr. Nair can coordinate visits with Harborview himself.

I would also recommend you confirm this information with Harborview directly, Mr. Nair has the contact information for their counsel of record as he has sued the physician who originally recommended restrictions. As a courtesy, I have also enclosed herein the Guardian's Notice of Change in Circumstances which outlines why Harborview likely put these restrictions in place. In simple terms, Mr. Nair is abusive and aggressive towards staff and Mr. Nair continues to ignore staff's instructions as to his improper interactions with Ms. Thankamma. This has all led to disruption in the care that not only Harborview is able to provide Ms. Thankamma but the Guardian as well. The Guardian previously sought court instruction as to these issues in August of 2019. However, on the eve of the hearing (literally 4:18PM the night before), Mr. Nair filed two separate federal actions and sought removal of the guardianship. This resulted in significant delay and costs. The Federal court recently dismissed Mr. Nair's request for removal and the State court is once again vested with jurisdiction to instruct the Guardian.

Due to the fact that Mr. Nair does not seem to understand this point, although it has been emphasized in correspondence after correspondence and pleading after pleading, the Guardian wants to make it clear once again: considering the circumstances, the Guardian **cannot** make substantial decisions impacting Ms. Thankamma's rights without direction from the Court. If Mr. Nair wants to advocate a certain position or request then he should appear on November 6th at the hearing and do so.

Third, thank you for clarifying that you will "be appearing in the Guardianship for his petition to terminate." However, as I would like to avoid allegations of improper communications if Mr. Nair is represented and as Mr. Nair continues to file pro se pleadings with the court without properly serving the Guardian, I would like written confirmation that you do not represent Mr. Nair in any other proceeding. If you represent Mr. Nair in the federal actions or his recently filed VAPO (Cause No. 19-2-26860-3 SEA), can you please explain why Mr. Nair failed to provide the documents to my office on October 22nd, 2019 as Ordered by Commissioner Velategui? I have again enclosed the relevant Order dated October 21st, 2019 for your review.

The Guardian has re-noted her Petition for Instructions, it was timely served upon Mr. Nair and is set for hearing on November 6th, 2019. Mr. Nair has not only failed to abide by the recent court Order but he has also failed to satisfy KCLCR 98.04, his pleadings should have been provided at least fourteen (14) days prior to hearing. If Mr. Nair maintains his petitions/motions or whatever else he has filed for November 6th, I will move to strike and seek terms against him and counsel of record. Please provide me copies of everything that has been filed by Mr. Nair and confirm that the matters will be stricken and/or re-noted to comply with the Local Rules.

I look forward to your response. In the interim, should you have any additional questions or concerns, please feel free to contact me at my office line.

Very Truly Yours,
REGEIMBAL, McDONALD & YOUNG, PLLC



Ermin Ciric

*Enclosures: Notice of Change
in Circumstances; Order on
Civil Motion*

1
2
3
4
5
6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE
7 COUNTY OF KING

8 Case No. 18-4-05231-6 SEA

9 In the Guardianship of:

NOTICE OF CHANGE IN
CIRCUMSTANCES

10 Omana Thankamma

Clerk's code: (NTCCIR)

11 An Incapacitated Person.

12 The following circumstances have changed with regards to the Incapacitated Person.

13 On June 13th, 2019 Omana Thankamma was moved from Paramount Rehab, 2611 South Dearborn
14 Seattle, WA to Harborview Medical Center 325 9th Ave Seattle WA 98104. She no longer is able to return
15 to Paramount Rehabilitation after several months of chronic issues stemming from her sons Mr. Jay Nairs
16 behavior.

17 Mrs. Thankamma's stay at Paramount Rehab, as well as all of her medical care, has been funded
18 completely by Harborview's "Bed Readiness Program". She originally carried private insurance that was
19 funded through Mr. Nair, however, her insurance was canceled December 2018. The policy had multiple
20 late payments and was not reinstated. Mrs. Thankamma does not qualify for Medicaid as she is not a US
21 Citizen, nor does she have any sort of visa that would allow for a Medicaid application. Mrs. Thankamma
22 was here on a B1B2 "visitors" visa when she suffered a massive stroke.

23 At the onset of this guardianship the Guardian, in the presence of Mr. Nairs attorney, presented
24 multiple options regarding the placement of Mrs. Thankamma to Mr. Nair. These included Mr. Nair private
25 paying for an adult family home, Mr. Nair private paying for professional care staff that would be hired and
monitored by the guardian, and the last option was that he do nothing and Mrs. Thankamma would be

discharged to Paramount at the expense of Harborview Medical Center. Mr. Nair was also asked to put six
NOTICE OF CHANGE IN CIRCUMSTANCES

1 months worth of care expenses into a blocked account, as well as make monthly payments to the facility.
2 This was due to multiple reports to several agencies that caregivers had been hired and not paid by Mr.
3 Nair and the guardian felt that a safety net needed to be in place.

4 There have been multiple reports that have come out of Harborview Medical Center as well as
5 Paramount Rehab regarding concerns about Mr. Nairs behavior. All of the reports have the same types of
6 behaviors present as those in the GAL reports and Mrs. Edwards medical evaluation. These include
7 concerns that Mrs. Omana's face is red and irritated when Mr. Nair visits, that Mrs. Thankamma often
8 vomits when Mr. Nair is present due to Mr. Nair laying her bed flat, Mr. Nair giving Mrs. Thankamma liquid
9 by mouth, and Mr. Nair being found manipulating her legs that are severely contracted causing her pain.

10 On January 15, 2019, Mr. Nair placed a camera in Mrs. Thankamma's room at Paramount to live
11 stream video from her bedside. This video also included 45 minutes of video where Mr. Nair is laying his
12 upper body on top of his mother, roughly rubbing his face and facial hair against her face, as well as him
13 kissing all over her face. Mrs. Thankamma is clearly seen in the video attempting to push Mr. Nair off of her
14 which he ignores completely. There have been multiple recording devices removed from Mrs.
15 Thankamma's room.

16 On February 18th, 2019, after multiple requests made to Mr. Nair to not lay his mother flat Mr. Nair
17 was caught in her bed, with the bed flat, one leg draped over her torso and his arm around her. Mrs.
18 Thankamma's gown was pulled up exposing her brief and one breast. This was witnessed by a staff who
19 then notified the Director who also witnessed it and contacted the police. A report was made and Mr. Nair
20 was asked to not return to the facility.

21 The Guardian mediated between Nair and the facility to allow for visits to resume with Mr. Nairs
22 word that he would follow the recommendations of the medical staff and facility. That he would not adjust
23 her bed and that he would leave at an appropriate time as he often comes very late at night not allowing
24 Mrs. Thankamma to rest.

25 On May 7th, 2019 Mr. Nair was found to be giving Ms. Thankamma liquids by mouth. He was
confronted about this and he stated that his mothers previous speech therapist said this was acceptable. I

reached out to the speech therapist and requested records. This was untrue, in fact it specifically stated
NOTICE OF CHANGE IN CIRCUMSTANCES

1 that Ms. Thankamma is to be NPO unless considering palliative care, this is when they would stopping
2 treatments of all kind allowing her to pass away and giving her Chai Tea was a for quality of life. Mr. Nair
3 was again asked to leave the facility and he was not allowed to return.

4 On May 15, 2019 I received an email from Christopher Henderson, an attorney who began
5 representing Mr. Nair, asking how we could resume visits as Mr. Nair was desperate to see his mother. The
6 attorney was informed of the ongoing issues with Mr. Nair. Mr. Henderson spoke with Mr. Nair and I was
7 assured that there would be no issues and that Mr. Nair would not give his mother anything by mouth. We
8 agreed to start visits again with the assurance from the attorney that Mr. Nair would comply on May 20th,
9 2019.

10 Visits resumed.

11 On May 25th 2019 Mr. Nair visited the facility and stated his mother was unresponsive and wanted
12 her taken to Harborview. She was transported to Harborview. They admitted her for testing, everything
13 returned negative.

14 On May 28, 2019 I received a call from Harborview. There had been multiple concerns about
15 behaviors from Mr. Nair. It was reported that he was again giving her liquid by mouth. He was found leaning
16 on his mother's chest with his elbows while holding and kissing her all over her face. When he was asked
17 not to close the curtain and that he needed to not give her anything by mouth he got verbally abusive with
18 staff. When I confronted Mr. Nair about giving her food again by mouth, his response was that he only
19 agreed not to give her anything at Paramount, he never agreed to not give her anything at Harborview.

20 She was again returned to Paramount due to all her tests being negative showing that she was
21 stable and at her baseline. Mr. Henderson notified me on May 30th, 2019 that he was no longer representing
22 Mr. Nair.

23 On June 13th, 2019 there was a relative visiting with Mrs. Thankamma the relative who is reportedly
24 an adopted daughter of Mrs. Thankamma who is visiting from India. Within an hour Mrs. Thankamma began
25 to get large blisters on her hand. There are no chemicals allowed at a nursing facility that could cause
chemical burns. The blisters did not appear to come from heat burns according to the burn unit. Mrs.

Thankamma's daughter was with her for quite a while before the blisters were reported. The daughter even
NOTICE OF CHANGE IN CIRCUMSTANCES

1 came to request Mrs. Thankamma be changed and no blisters were noticed. She had a skin check 16 hours
2 prior and there were no blisters. The activity coordinator had come to paint her fingernails earlier that day
3 and did not note blisters. The blisters remain under investigation. Mrs. Thankamma was taken to
4 Harborview for treatment.

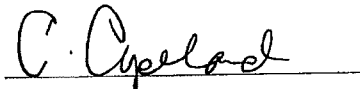
5 On Friday July 5th, 2019 I received a call from Harborview concerned that Mr. Nair was refusing to
6 keep the curtain open in the room. It was reported that staff had multiple conversations with Mr. Nair where
7 he became verbally abusive with staff about closing the curtain. A nurse had come to reopen the curtain
8 and found that Mr. Nair had put something into Mrs. Thankamma's feeding tube. There was a brown mixture
9 with a sugar like texture that was found in the feeding tube. The feeding tube was flushed.

10 On July 6th, 2019 I received a call from Harborview concerned about continuing to allow Mr. Nair to
11 visit given the most recent events. Mr. Nair had confronted the doctors stating he would not return to visit
12 due to allegations that he is trying to harm his mother. Despite his comment to the doctor the hospital with
13 the support of risk management formally requested that to not return for two weeks. During this time Mr.
14 Nair filed a 25 page complaint with APS, RCS, the Ombudsman's office, Civil Rights Groups, as well as
15 multiple politicians and legislators. He also filed a police report. All investigations are ongoing but have
16 brought no concerns except for those surrounding Mr. Nairs behaviors and mental health.

17 I have received several hundred threatening and abusive emails from Mr. Nair. I was forced to file
18 a report for cyber stalking and harassment after I received emails with my home address and multiple
19 threats against my family. He also created a website that his attorney recommend he take down due to the
20 risk of him being liable for defamation and libel.

21
22 **DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON**
23 **THAT THE FOREGOING IS TRUE AND CORRECT.**

24 Signed at Orting, Washington this 8th day of August, 2019.

25 

Channa Copeland, CPG

EXHIBIT E

Paul Barrera

From: Paul Barrera
Sent: Wednesday, October 30, 2019 12:49 PM
To: Brian Waters
Cc: Erica Hupf
Subject: RE: Omana Thankamma

Brian:

Thank you for connecting me with Daniel Baker. I'm going to drop you from that thread. I've narrowed my scope to assisting Mr. Nair visit his mother, which I understand is outside the scope of your rework. I have not appeared on the record in any matter, and I do not intend to do so.

I hope this email suffices for your purposes.

Best,
Paul

Paul A. Barrera | NORTH CITY LAW, PC
Attorney | Direct: (206) 259-7949

From: Brian Waters <WatersB@JGKMW.com>
Sent: Monday, October 28, 2019 7:44 PM
To: Paul Barrera <paul@northcitylaw.com>
Cc: Erica Hupf <HupfE@JGKMW.com>
Subject: RE: Omana Thankamma

Paul,

A couple of things. First, as we discussed, I'm retained litigation counsel in the federal cases filed by your client. The request is outside the scope of my representation. I don't have the ability or authority to respond to it. Second, can you please clarify for me exactly what the scope of your representation is? I need to understand what the split is in terms of what you are representing your client on, and what he's representing himself on. Can you send me something to the effect of a representation letter?

Thanks,

Brian

From: Paul Barrera [<mailto:paul@northcitylaw.com>]
Sent: Monday, October 28, 2019 3:17 PM
To: Brian Waters
Cc: Erica Hupf
Subject: RE: Omana Thankamma

Brian:

Any update regarding Mr. Nair's request to visit his mother?

Best,
Paul

Paul A. Barrera | NORTH CITY LAW, PC
Attorney | Direct: (206) 259-7949

From: Paul Barrera <paul@northcitylaw.com>
Sent: Friday, October 25, 2019 4:35 PM
To: Brian Waters <WatersB@JGKMW.com>
Cc: Erica Hupf <HupfE@JGKMW.com>
Subject: Re: Omana Thankamma

I've talked to him about the communication issue. How soon can he visit his mother? He is genuinely trying his hardest to make the rounds.

Paul A. Barrera | NORTH CITY LAW, PC
Office: (206) 413-7288
Direct: (206) 259-7949

From: Brian Waters <WatersB@JGKMW.com>
Sent: Friday, October 25, 2019 3:37:27 PM
To: Paul Barrera <paul@northcitylaw.com>
Cc: Erica Hupf <HupfE@JGKMW.com>
Subject: FW: Omana Thankamma

Paul, Please instruct your client not to contact me directly on matters within the scope of your representation. Per my understanding of your role, this falls squarely within that scope. Obviously, there will be no meeting within the hour. I have passed the letter you sent to me on to my contact at UW. I will likely have more information to provide next week. I won't be responding to your client's email. Brian

-----Original Message-----

From: Jayakrishnan Nair [<mailto:jknair@gmail.com>]
Sent: Friday, October 25, 2019 3:21 PM
To: Brian Waters; HMC PATIENT RELATIONS
Cc: Rajakumari Susheelkumar; Paul Barrera
Subject: Fwd: Omana Thankamma

Ms. Flaherty and Ms. Waters:

Your client Mr. Paul Ramsey, and your institution Harborview Medical Center, are in serious violations of both my mother Omana's and her family's federal civil rights, as well as state guardianship statutes. Please see attached. She has been held in illegal isolation for nearly 4 months, despite being a clinically depressed patient needing Family's emotional support to survive and practice Hindu religion.

As you are aware, we will ensure these matters are heard before a Federal Jury. The guardian as well as Dr. Andrew Hahn maintains that Harborview Risk Management is responsible for this atrocity and both of them were merely following instructions from Dr. Ramsey. Therefore, to continue this illegal isolation any further would further escalate the damages we are seeking from Dr. Ramsey and Harborview for your illegal activities.

Please find the complaints attached, which have already been served and Dr. Ramsey must respond to Federal Court on the summons served on him by King County Sheriff.

We are asking that you arrange a meeting with our mother in the next hour. No further delays are admissible and will result in further escalation of legal action and public involvement through social media and Internet. It will be in your best interests to stop this CRIME immediately as you are fully responsible according to the Guardian's statement.

Rajakumari (on cc) and Jayakrishnan
Omana's children

----- Forwarded message -----

From: Paul Barrera <paul@northcitylaw.com>
Date: Thu, Oct 24, 2019 at 6:03 PM
Subject: Omana Thankamma
To: comment@uw.edu <comment@uw.edu>
Cc: Jayakrishnan (Jay) Nair (Home) <jknair@gmail.com>

Hello:

I am an attorney representing Jay Nair, the son of Omana Thankamma. I attach a letter from the attorney for her court appointed guardian, acknowledging that no restrictions from her exist for Mr. Nair to visit. Mr. Nair would like to visit his mother tomorrow. Please advise as to how he may visit her, where, and at what time.

Best,
Paul

Paul A. Barrera | NORTH CITY LAW, PC
Office: (206) 413-7288
Direct: (206) 259-7949

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

EXHIBIT F

Paul Barrera

From: Paul Barrera
Sent: Tuesday, October 29, 2019 1:17 PM
To: jeckie@uw.edu
Subject: Omana Thankamma
Attachments: Scan Oct 29, 2019.pdf

Good afternoon, Ms. De John:

I am here at Harborview with my client Jay Nair. He has retained me to help him visit his mother.

I attach a letter from the attorney for the Guardian explaining she has no objections to Mr. Nair's visit. The portion about visitation is addressed in the paragraph that begins at the bottom of page one.

I will call you in 10 minutes.

Best,
Paul

Paul A. Barrera | NORTH CITY LAW, PC
Office: (206) 413-7288
Direct: (206) 259-7949

Law Offices of Regeimbal, McDonald & Young, PLLC

A Professional Limited Liability Company

Michael V. Regeimbal
mike@rm-law.com

Robert P. McDonald
robert@rm-law.com

Saphronia R. Young
saphronia@rm-law.com

Ermin Ciric
ermin@rm-law.com

October 24, 2019

North City Law
17713 Fifteenth Avenue NE Suite 101
Shoreline, WA 98155

Email: paul@northcitylaw.com;
narmin@northcitylaw.com

Re: *Guardianship of Omana Thankamma; Request for Information*

Dear Mr. Barrera:

This correspondence is in response to your letter dated October 23rd, 2019 and your email from about an hour ago, “demanding” disclosure of Ms. Thankamma’s location and facilitating visitation. It also appears from your recent email that the “demand” has been shortened from one week to twenty-four hours.

First, considering that you may be unfamiliar with the various proceedings that Mr. Nair has been and is currently involved in (the guardianship, two federal actions, and two vulnerable adult protection actions), I will not take the demanding tone of your communications to heart but interpret them as a request for information. That being said, I do take issue with the frivolous nature of the requests.

Mr. Nair has always known the location of Omana Thankamma. Ms. Thankamma is still at Harborview Medical Center, 325 9th Ave, Seattle, WA 98104. Mr. Nair has visited Harborview multiple times to see Ms. Thankamma, Mr. Nair’s friends recently went to see Ms. Thankamma, Mr. Nair has access to Ms. Thankamma’s MyChart medical records which reflect her location (he has actually filed the documents in the federal actions), Mr. Nair has filed several pleadings in the federal actions all confirming that Ms. Thankamma is still at Harborview, and Mr. Nair has sued Harborview because of his allegations that he is being improperly restrained from visiting. Mr. Nair now seems to be pleading ignorance in some misguided attempt to once again try to paint the Guardian as acting improperly. Regardless, the Guardian will file a Notice in the guardianship action should Ms. Thankamma’s residence change in the future and Mr. Nair will be provided a copy as a notice party.

Second, the Guardian has no duty to put Mr. Nair on an “allowed visitor list” and likely cannot do so until she is provided direction by the court as to the surrounding issues. To be clear, the Guardian has not acted to set any restriction as to Mr. Nair’s visitation with Ms. Thankamma (this is an issue the court will address on November 6th, 2019 through the Guardian’s re-noted

Petition for Instructions). As far as the Guardian is aware, Mr. Nair has not been prevented from communicating with his mother. However, the Guardian is aware that Harborview (**not** the Guardian) has placed restrictions on visitation. To the best of our knowledge, Mr. Nair's visits must be scheduled in advance and they must be supervised. So long as these reasonable conditions are met, Mr. Nair can visit with his mother. Mr. Nair can coordinate visits with Harborview himself.

I would also recommend you confirm this information with Harborview directly, Mr. Nair has the contact information for their counsel of record as he has sued the physician who originally recommended restrictions. As a courtesy, I have also enclosed herein the Guardian's Notice of Change in Circumstances which outlines why Harborview likely put these restrictions in place. In simple terms, Mr. Nair is abusive and aggressive towards staff and Mr. Nair continues to ignore staff's instructions as to his improper interactions with Ms. Thankamma. This has all led to disruption in the care that not only Harborview is able to provide Ms. Thankamma but the Guardian as well. The Guardian previously sought court instruction as to these issues in August of 2019. However, on the eve of the hearing (literally 4:18PM the night before), Mr. Nair filed two separate federal actions and sought removal of the guardianship. This resulted in significant delay and costs. The Federal court recently dismissed Mr. Nair's request for removal and the State court is once again vested with jurisdiction to instruct the Guardian.

Due to the fact that Mr. Nair does not seem to understand this point, although it has been emphasized in correspondence after correspondence and pleading after pleading, the Guardian wants to make it clear once again: considering the circumstances, the Guardian **cannot** make substantial decisions impacting Ms. Thankamma's rights without direction from the Court. If Mr. Nair wants to advocate a certain position or request then he should appear on November 6th at the hearing and do so.

Third, thank you for clarifying that you will "be appearing in the Guardianship for his petition to terminate." However, as I would like to avoid allegations of improper communications if Mr. Nair is represented and as Mr. Nair continues to file pro se pleadings with the court without properly serving the Guardian, I would like written confirmation that you do not represent Mr. Nair in any other proceeding. If you represent Mr. Nair in the federal actions or his recently filed VAPO (Cause No. 19-2-26860-3 SEA), can you please explain why Mr. Nair failed to provide the documents to my office on October 22nd, 2019 as Ordered by Commissioner Velategui? I have again enclosed the relevant Order dated October 21st, 2019 for your review.

The Guardian has re-noted her Petition for Instructions, it was timely served upon Mr. Nair and is set for hearing on November 6th, 2019. Mr. Nair has not only failed to abide by the recent court Order but he has also failed to satisfy KCLCR 98.04, his pleadings should have been provided at least fourteen (14) days prior to hearing. If Mr. Nair maintains his petitions/motions or whatever else he has filed for November 6th, I will move to strike and seek terms against him and counsel of record. Please provide me copies of everything that has been filed by Mr. Nair and confirm that the matters will be stricken and/or re-noted to comply with the Local Rules.

I look forward to your response. In the interim, should you have any additional questions or concerns, please feel free to contact me at my office line.

Very Truly Yours,
REGEIMBAL, McDONALD & YOUNG, PLLC



Ermin Ciric

*Enclosures: Notice of Change
in Circumstances; Order on
Civil Motion*

Paul Barrera

From: HMC PATIENT RELATIONS <comment@uw.edu>
Sent: Thursday, October 31, 2019 3:53 PM
To: Paul Barrera
Subject: RE: Omana Thankamma
Attachments: Barrera response.pdf

Hello Paul,

In response to your email below, please see attached letter.

Thank you,

Darius Parker
Patient Relations Representative

Harborview Medical Center
Box 359942
325 9th Ave.
Seattle, WA 98104
Phone (206) 744-5518
Fax (206) 744-4114

The above email may contain patient identifiable or confidential information. Because email is not secure, please be aware of associated risks of email transmission. If you are a patient, communicating to a UW Medicine Provider via email implies your agreement to email communication; see <http://www.uwmedicine.org/Global/Compliance/EmailRisk.htm>

The information is intended for the individual named above. If you are not the intended recipient, any disclosure, copying, distribution or use of the contents of this information is prohibited. Please notify the sender by reply email, and then destroy all copies of the message and any attachments. See our Notice of Privacy Practices at www.uwmedicine.org.

From: Paul Barrera [mailto:paul@northcitylaw.com]
Sent: Thursday, October 24, 2019 6:03 PM
To: HMC PATIENT RELATIONS
Cc: Jayakrishnan (Jay) Nair (Home)
Subject: Omana Thankamma

Hello:

I am an attorney representing Jay Nair, the son of Omana Thankamma. I attach a letter from the attorney for her court appointed guardian, acknowledging that no restrictions from her exist for Mr. Nair to visit. Mr. Nair would like to visit his mother tomorrow. Please advise as to how he may visit her, where, and at what time.

Best,
Paul

Paul A. Barrera | NORTH CITY LAW, PC
Office: (206) 413-7288
Direct: (206) 259-7949

UW Medicine

HARBORVIEW MEDICAL CENTER

October 31, 2019

Paul A. Barrera
North City Law
17713 Fifteenth Avenue NE Suite 101
Shoreline, WA 98155

Email: paul@northcitylaw.com

Dear Mr. Barrera:

This letter is in response to your requests for visitation on behalf of your client, Mr. Jayakrishnan Nair. Until recently, it was Harborview's understanding that the guardian was opposed to Mr. Nair's visitation. While the guardian has now indicated that she would not oppose visitation under supervision and with notice, Harborview has elected to maintain restricted visitation at this time. Under Harborview's Family and Visitor Policy 5.9, visitation is permitted so long as the visitation will not interfere with the delivery of care and the provision of a reasonably safe or secure environment. Please see policy attached. Harborview is concerned that Mr. Nair's presence will both interfere with the delivery of care and the provision of a safe environment for the patient, as well as staff.

This concern arises out of prior visitation by Mr. Nair in which he exhibited behaviors that put patient safety at risk. He has also had interactions with staff in which he has been abusive or threatening which further impacts our ability to provide a safe environment in which to deliver care. In addition, we have received information from the referring facility about similar behaviors in that care environment.

It is Harborview's understanding that the issues causing Harborview's concern may be addressed at a court hearing related to the guardianship matter on November 6, 2019. Therefore, Harborview is willing to revisit the restriction following that hearing.

Sincerely,



Tracy Gooding
Director, Patient Relations

Patient Relations

Box 359942 325 Ninth Avenue Seattle WA 98104-2499
VM (206) 744-5000 FAX (206) 744-4114 comment@uw.edu

UW MedicineHARBORVIEW
MEDICAL CENTER

Administrative Policies and Procedures

FAMILY and VISITOR POLICY (5.9)

Policy Number: 5.9
Division: Administration
Effective Date: 11/1972
Review Date: 12/2016
Reviewer: Tracy Gooding

POLICY PURPOSE:

Includes: Inpatient, Outpatient and Ancillary Services Areas

Visitation of patients by families and significant others is encouraged. The therapeutic benefits of having significant others involved in the care of a hospitalized patient is well documented. This policy establishes guidelines for visitation in order to ensure that family, friends, and significant others have adequate and appropriate access to their loved one. Establishing the optimal visiting arrangement is determined by the patient's nurse and family according to the patient's condition and special circumstances (Attachment 1: **Guiding Principles**).

DEFINITION:

Family: UW Medicine adopts the following definition of "family" for the purposes of this hospital visitation policy: "Family" means any person(s) who plays a significant role in an individual's life. This may include a person(s) not legally related to the individual. Members of "family" include spouses, domestic partners, and both different-sex and same-sex significant others. "Family" includes a minor patient's parents, regardless of the gender of either parent. Solely for purposes of the visitation policy, the concept of parenthood is to be liberally construed without limitation as encompassing legal parents, foster parents, same-sex parent, step-parents, those serving in loco parentis, and other persons operating in caretaker roles.

PROCEDURE:

Family/Visitor guidelines

1. Each patient has the right, subject to his or her consent, to receive the visitors whom he or she designates, including, but not limited to, a spouse, a domestic partner (including a same-sex domestic partner), another family member, or a friend, and has the right to withdraw or deny such consent at any time. Such access is permitted as long as it does not interfere with the delivery of care and the provision of a reasonably safe or secure environment. Any restrictions on communication are fully explained to the patient and/or family.
2. Visitation privileges are not restricted, limited or denied on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation or disability. All visitors enjoy full and equal visitation privileges consistent with patient preferences.
3. Patients have the right to privacy and may request not to have visitors.
4. In order to provide a safe care environment, visitors must follow infection control guidelines which include hand hygiene when entering and exiting any patient room and restricting visitation to those who have respiratory symptoms or signs and symptoms of other illnesses (Attachment 2: **Infection Control Guidelines for Visitors**).
5. Visitors are encouraged to leave the medical center by 10:00 pm in order to support a quiet healing environment for the patients.
6. Visitors requesting to stay past 10:00 pm will be asked to wear a visitor badge. Badges can be obtained from the unit charge nurse, HMC Security Services or the patient/family liaison.
7. Visitors exhibiting conduct that is deemed inappropriate for the medical center or visitors not displaying appropriate identification will be restricted or evicted from the premises.

8. After-hours visitors will enter the Medical Center through the 1 East Hospital entrance and sign in with the security officer on duty. The security officer will contact the unit charge nurse for visitor approval. If the charge nurse approves the visit, the visitor will be given a visitor identification pass to be prominently displayed on his/her person while on the Medical Center premises. It is suggested that the charge nurse speak directly to the visitor or explain rationale when a visit is not allowed.
9. Weekend visitors need to check in with Security at the 8th Avenue Lobby or the 1 East Hospital entrance.
10. HMC is a weapons-free campus, visitors will be asked to remove all metal objects from their person before walking through a metal detector. All bags, purses, etc. will be screened through a baggage scanner. Legal knives (2 ½ inches) long blade or shorter will be checked in with the Security officer before entering the hospital. All visitors are asked to leave their firearms or knives at home.
11. Visitation of patients under the supervision of law enforcement or other outside agencies needs to be approved by the appropriate agency.

ADDITIONAL guidelines for ICU areas

1. Visiting early in the day is encouraged to allow for rest and recovery in the late evening and overnight. If 1 or 2 adult decision-making visitors wish to stay overnight, arrangements need to be made with the charge nurse.
2. Quiet time is observed on the unit and the hours are posted. During this time there is limited or no visiting activity to promote uninterrupted patient rest and healing.
3. The number of visitors at the bedside is limited to two at a time. We are unable to accommodate visits for children under the age of 12 in the ICU but please discuss with the nurse, charge nurse or nurse manager to make special arrangements.
4. Visitors may enter the patient room when the curtain is open. If the curtain is closed, please check with a staff member prior to entering.
5. Visitors may be asked to leave the bedside for short periods of time for complex procedures, patient personal care, or to allow for patient rest.
6. Cell phones must be set to vibrate mode or off when in patient areas. We encourage visitors to use cell phones in the family waiting area.
7. No flowers, latex balloons or visitor food or drink is permitted in the Intensive Care Units.

ADDITIONAL guidelines for outpatient areas

We do not recommend that children accompany patients to clinic visits, treatments or procedures. If children must accompany parent-patients, the following conditions are required:

1. For the safety of all, children must be accompanied by and closely supervised by a responsible person while they are visiting in the medical center or a clinic.
2. If this is not possible, care may need to be rescheduled. Responsibility for the child's behavior and safety rests with the parent and/or the parent's designee.
3. HMC staff does not provide child care services or supervision of children who accompany or visit patients.
4. Some areas may be inappropriate for children and/or may have additional guidelines.
5. Patients admitted from a clinic to an inpatient area who are accompanied by a child will be asked to find a responsible adult to take the child home.

ADDITIONAL GUIDELINES FOR PSYCHIATRIC UNITS

1. Visiting hours are 0830 to 2000 and visits should not occur in patient rooms. Exceptions may be made by the Charge RN.
2. All items brought to the unit by visitors must be inspected by staff prior to giving anything to the patients.

- 3. The guidelines for visits by children 17 years and younger: children will be accompanied and supervised by an adult and should be pre-arranged so that an appropriate visiting area can be reserved.
- 4. To encourage effective transition back to the community, patients may not visit the unit for 30 days following discharge except to conduct business with staff.

CROSS REFERENCE:

- HMC APOP: Patient Rights and Responsibilities (5.32)
- HMC APOP: Interpretation/Linguistic Access for Persons with Communication Limitations (60.3)
- HMC APOP: Animals on Medical Center Premises: Service Animals, Therapy Animals & Pet Visits (5.40)
- HMC APOP: Care of Prisoner-Patients (5.41)
- UWAMC Privacy Policy #13—Use & Disclosure of PHI Related to Facility Directories
- HMC Security Department Procedure Manual
- Patient Care Services Inpatient Unit and Pediatric Policies
- HMC Infection Control Manual

ATTACHMENT:

Attachment 1: Guiding Principles for Visitor Policy
 Attachment 2: Infection Control Guidelines for Visitors

REVIEW/REVISION DATES:

11/1972, 11/1980, 07/1990, 08/1993, 07/1999, 07/2002, 04/2003, 01/2008, 06/2011, 06/02/2015 (reformatted only), 12/2016

SIGNATURE:

Chief Nursing Officer &
 Sr. Associate Administrator: _____ Date: _____

Medical Director: _____ Date: _____

Executive Director: _____ Date: _____

EXHIBIT H

Paul Barrera

From: Paul Barrera
Sent: Wednesday, October 30, 2019 1:41 PM
To: Daniel Baker; Ermin Ciric
Subject: RE: Omana Thankamma visit
Attachments: October 30 Nair Ltr to Guardian and Harborview.pdf

Good afternoon, Dan and Ermin:

I attach a letter on behalf of Mr. Nair. Please confirm receipt of this email.

Best,
Paul

Paul A. Barrera | NORTH CITY LAW, PC
Attorney | Direct: (206) 259-7949

From: Brian Waters <WatersB@JGKMW.com>
Sent: Wednesday, October 30, 2019 10:02 AM
To: Ermin Ciric <Ermin.Ciric@rm-law.com>; Paul Barrera <paul@northcitylaw.com>
Cc: Daniel Baker <dannyry@uw.edu>
Subject: RE: Omana Thankamma visit

Good morning Ermin and Paul,

I am looping in Assistant Attorney General Daniel Baker. He is cc'd on this email.

Brian

From: Ermin Ciric [<mailto:Ermin.Ciric@rm-law.com>]
Sent: Tuesday, October 29, 2019 4:49 PM
To: Paul Barrera
Cc: Brian Waters
Subject: Re: Omana Thankamma visit

Consistent with our conversation from earlier today:

1. You will get me a letter confirming that your appearance at Harborview earlier today was not intended for you, as counsel, to meet with the Alleged Incapacitated Person without the presence of her Court appointed Guardian.
2. The Guardian has a hearing set on 11/6/19 to provide her with litigation authority as to potential restraints against Mr. Nair. The Guardian also seeks to have the court provide instruction as to the allegations against Mr. Nair (improper touching, kissing, attempting to feed or provide physical care, interfering and arguing with facility staff, etc.). At this time, the Guardian is abiding by the authority provided in the Order Appointing her which provides that Mr. Nair is not to provide physical care to Ms. Thankamma and that the Guardian is to "guided" by the VAPO previously entered against Mr. Nair. In order to ensure that these two Court requirements are effectuated, the Guardian has requested that

she (i) be notified in advance of Mr. Nair's visits (this has repeatedly been communicated to Mr. Nair by the Guardian) and (ii) the visits need to be supervised. Considering the allegations against Mr. Nair, these restrictions are more than reasonable. As discussed with you, Mr. Nair should notify the Guardian in writing (through my office via letter) of any requests to visit. At a minimum, the request should be made 48 hours in advance so that the Guardian and Harborview are given sufficient time to coordinate. 24 hour "demands" are improper and will not be entertained. Surprise visits are improper as that only leads to what happened today, scramble between Harborview and the Guardian to figure out what is going on.

3. Harborview is also free to implement their own policy and procedure that they see fit, as they have had a few incidences with Mr. Nair in the past. I will let Mr. Waters chime in here if he feels the need to.
4. If Harborview is indicating that they are in agreement with Mr. Nair visiting subject to advance notice and supervision then I will have the Guardian coordinate. I will inform her of the request for a time tomorrow and get back to you.

I want to reiterate, the VAPO against Mr. Nair remains in place. He is not to take Ms. Thankamma out of the facility. Mr. Nair is also not to improperly touch Ms. Thankamma or attempt to provide her physical care. If he is a visitor then he needs to act accordingly.

Best Regards,
Ermin Ciric
Associate Attorney

LAW OFFICES OF

REGINALD MCDONALD & YOUNG

612 S. 227th St.
Des Moines, WA 98198
Phone: 206-212-0220
Fax: 206-408-2022
E-mail: ermin@rm-law.com
Website: desmoineselderlaw.com

THE INFORMATION CONTAINED IN THIS EMAIL MAY BE PRIVILEGED, CONFIDENTIAL AND INTENDED ONLY FOR THE USE OF THE INDIVIDUAL IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY, DO NOT COPY OR SEND THE MESSAGE TO ANYONE ELSE AND DELETE THE ORIGINAL TRANSMITTAL. THANK YOU.

From: Paul Barrera <paul@northcitylaw.com>
Sent: Tuesday, October 29, 2019 3:13 PM
To: Ermin Ciric <Ermin.Ciric@rm-law.com>
Subject: Omana Thankamma visit

Ermin:

Earlier today, you represented that the Guardian will tell Jacqueline, the social worker supervisor responsible for Ms. Thankamma, notice that Mr. Nair is permitted to see his mother in a supervised visit.

Mr. Nair is available today until 6pm, and then any time tomorrow to see his mother. Will you please ask the Guardian to notify Harborview when Mr. Nair can visit, and tell me what time and where Mr. Nair should report for that visit? He is very flexible tomorrow, and can be at Harborview as early as 8 a.m. and as late at 6 p.m.