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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

JOSEPH GRAHAM,

Petitioner,

v.

THE SUPERIOR COURT OF
LOS ANGELES COUNTY,

Respondent;

QUEST HOME HEALTH SERVICES,
INC.,

Real Party in Interest.

B249384

(Los Angeles County
Super. Ct. No. LC095325)

ORIGINAL PROCEEDINGS in mandate. Russell Kussman, Judge.
Petition denied.

Moran Law, Michael F. Moran and Lisa Trinh Flint for Petitioner.

No appearance for Respondent.

Bonne, Bridges, Mueller, O'Keefe & Nichols, Margaret M. Holm, Vangi M.
Johnson and Kyle C. Worrell for Real Party In Interest.

The trial court granted summary adjudication in favor of real party in interest Quest Home Health Services, Inc. (Quest) on petitioner Joseph Graham's claim for wrongful death, concluding that there was no triable issue of fact whether Quest's negligent conduct caused the death of Barbara Ottway. Petitioner seeks a writ of mandate directing the trial court to vacate the grant of summary adjudication. We deny the petition.

RELEVANT PROCEDURAL BACKGROUND

There are no disputes regarding the following facts: Graham is the successor in interest of Ottway, who was born in 1935. Prior to September 2010, Ottway suffered from dementia and other conditions that diminished her ability to care for herself. As a result, she lived in several residential care facilities for the elderly and skilled nursing facilities.

From September 10, 2010, to January 4, 2011, Ottway resided in Manila Manor I, a residential care facility for the elderly located in Reseda, where she received care from nurses employed by Quest. When she was admitted, an "unstageable" pressure ulcer was noted on her left heel, but no other ulcers were observed. On December 9, 2010, a stage II pressure ulcer was identified on her coccyx. On December 14, 2010, wound care specialists from the Mission Community Hospital (Mission) classified the pressure ulcer on Ottway's left heel as a stage II ulcer. The next day, they determined that the ulcer on Ottway's coccyx was 90 percent necrotic.

On January 4, 2011, Ottway was admitted to Mission for surgical treatment on her coccyx ulcer, which was then assessed as stage IV ulcer. Following the treatment, Ottway intermittently received medical care at skilled nursing facilities and Mission. On May 9, 2011, she was discharged to her granddaughter's home,

where she was given hospice care. On May 26, 2011, Ottway died. Her death certificate identified the cause of her death as vascular dementia.

In November 2011, petitioner initiated the underlying action against Quest and other defendants. The first amended complaint (FAC) asserted claims on behalf of Ottway against Quest for elder abuse, negligence, and willful misconduct. Ottway's elder abuse claim sought treble and exemplary damages. The FAC also asserted a wrongful death claim by Graham as an individual against Quest. In June 2012, petitioner dismissed Ottway's claim for willful misconduct.

In February 2013, Quest filed a motion for summary judgment or, in the alternative, summary adjudication regarding the FAC's claims for elder abuse, negligence, and wrongful death, and its prayers for treble and exemplary damages. Accompanying the motion was a declaration from Dr. Todd A. Fearer, who maintained that Quest's employees engaged in no negligent conduct that caused Ottway's injuries or death. In opposition to Quest's motion, petitioner submitted a declaration from Dr. Vincent Nguyen, who opined that Ottway died as a result of the stage IV pressure ulcer on her coccyx, and that the ulcer could have been prevented by proper wound care.

On April 18, 2013, the trial court conducted a hearing on Quest's motion, during which petitioner withdrew Ottway's prayer for treble damages. At the hearing, the court denied summary judgment, as well as summary adjudication regarding Ottway's elder abuse claim and prayer for exemplary damages; in addition, the court determined that Quest's request for summary adjudication with respect to the prayer for treble damages was moot. Regarding petitioner's claims for negligence and wrongful death, the court tentatively concluded that Quest's showing had shifted the burden to petitioner to show triable issues of fact, and that petitioner's responsive showing demonstrated some triable issues regarding

Quest's compliance with the applicable standard of care. The court nonetheless deferred its final rulings concerning the claims, and permitted petitioner to file a supplemental declaration from Dr. Nguyen concerning, inter alia, whether Ottway's ulcers caused her death.

Dr. Nguyen submitted an amended declaration, and later, a second amended declaration. On May 17, 2013, following a hearing, the trial court granted summary adjudication regarding Graham's wrongful death claim, concluding that Dr. Nguyen's amended declarations raised no triable issue whether Ottway's death resulted from the ulcer on her coccyx. On June 14, 2013, petitioner filed his petition for writ of mandate, prohibition, or other appropriate relief, which challenges the ruling on Graham's wrongful death claim.¹ We issued a temporary stay and alternative writ.²

On July 19, 2013, in a 20-page ruling, the trial court declined to vacate the summary adjudication with respect to Graham's wrongful death claim. The court concluded that Dr. Nguyen's amended declarations failed to establish a triable issue regarding the cause of Ottway's death, as Dr. Nguyen opined without elaboration that Ottway "died as a result of the [s]tage [IV] pressure ulcer." The court stated: "Merely saying the words 'she died as a result of the ulcer' is not an explanation. It is merely a conclusion. [Dr. Nguyen does] not say what medical

¹ The notice of ruling following the May 17, 2013 hearing states that summary adjudication was granted on Graham's claim for "Professional Negligence/Wrongful Death," but reflects no express ruling regarding Quest's request for summary adjudication on Ottway's claim for negligence. As petitioner did not address that claim, we do not discuss it.

² An order granting summary adjudication is not an appealable order. (*Fisherman's Wharf Bay Cruise Corp. v. Superior Court* (2003) 114 Cal.App.4th 309, 319.) However, under suitable circumstances, mandate may be granted to review an order granting summary adjudication. (*Ibid.*)

phenomena occurred, describe the chain of events, or explain how it caused the death. In short, [Dr. Nguyen's] declarations are far too devoid of facts or explanations to assist a trier of fact”³

DISCUSSION

Petitioner contends summary adjudication was improperly granted on Graham's wrongful death claim. For the reasons explained below, we disagree.

A. *Governing Principles*

“A summary adjudication motion is subject to the same rules and procedures as a summary judgment motion. Both are reviewed de novo. [Citations.]” (*Lunardi v. Great-West Life Assurance Co.* (1995) 37 Cal.App.4th 807, 819.) “A defendant is entitled to summary judgment if the record establishes as a matter of law that none of the plaintiff's asserted causes of action can prevail. [Citation.]” (*Molko v. Holy Spirit Assn.* (1988) 46 Cal.3d 1092, 1107.) Generally, “the party moving for summary judgment bears an initial burden of production to make a prima facie showing of the nonexistence of any triable issue of material fact; if he carries his burden of production, he causes a shift, and the opposing party is then subjected to a burden of production of his own to make a prima facie showing of the existence of a triable issue of material fact.” (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 850 (*Aguilar*).) In moving for summary judgment, “all that the defendant need do is to show that the plaintiff cannot establish at least one element of the cause of action -- for example, that the plaintiff cannot prove element X.” (*Id.* at p. 853.)

³ We requested and obtained supplemental briefing regarding the trial court's July (Fn. continued on next page.)

Here, Quest’s request for summary adjudication challenged petitioner’s ability to establish the causation element of Graham’s wrongful death claim. A plaintiff seeking recovery for personal injury must prove causation by a preponderance of the evidence, that is, must show that it was more likely than not that the defendant’s conduct caused the injury. (*Ortega v. Kmart Corp.* (2001) 26 Cal.4th 1200, 1205-1206; *Saelzler v. Advanced Group 400* (2001) 25 Cal.4th 763, 776.) In wrongful death actions predicated on medical negligence, the plaintiff must show that the negligent act is a substantial factor in the causation of the death, that is, that there was “a ‘reasonable medical probability’ that the negligence was sufficient of itself to bring about the death,” or equivalently, that “the death was ‘more likely than not’ the result of the negligence.” (*Bromme v. Pavitt* (1992) 5 Cal.App.4th 1487, 1497, 1499 (*Bromme*), quoting *Jones v. Ortho Pharmaceutical Corp.* (1985) 163 Cal.App.3d 396, 402-403.)

B. *Quest’s Initial Showing*

Petitioner contends Quest failed to carry its initial burden on summary adjudication. To do so, Quest was obliged to submit evidence sufficient to require a reasonable jury to render findings on causation unfavorable to petitioner at trial. (*Aguilar, supra*, 25 Cal.4th at p. 851.) As explained below, Quest succeeded in shifting the burden to petitioner to raise a triable issue regarding causation.

In seeking summary adjudication, Quest submitted copies of Ottway’s death certificate. Quest also offered the declaration of Dr. Fearer, who described Ottway’s development of pressure ulcers while she lived in Manila Manor I, the responses of Quest’s employees to the ulcers, and Ottway’s medical treatment after

19, 2013 ruling.

she left Manila Manor I. In outlining these events, Fearer observed that Ottway's death certificate attributed her death to "vascular dementia, . . . with no other significant contributing causes noted." Fearer opined that the care that Ottway received from Quest "was, at all times, within the standard of care" (Bolding deleted.) He further opined that "no act or omission on the part of [Quest], to a reasonable degree of medical probability, caused or contributed to any injuries allegedly suffered by [Ottway], or to her death. The cause and the progression of . . . Ottway's pressure ulcerations were not related to the care and treatment provided by Quest. Further, the progression of . . . Ottway's ulcers occurred despite a high level of care and appropriate care at [Quest]." (Bolding deleted.)

This showing was sufficient to establish that Ottway's death resulted from vascular dementia, absent evidence to the contrary. Health and Safety Code section 103550 provides that a certified copy of a death certificate is "prima facie evidence in all courts and places of the facts stated therein." In addition, Evidence Code section 1281 provides that such evidence is admissible notwithstanding the hearsay rule. Under these provisions, a death certificate constitutes evidence regarding the cause of death sufficient to support a judgment in favor of the certificate's proponent, absent a contrary showing. (*Bryson v. Manhart* (1936) 11 Cal.App.2d 691, 696; see *Morris v. Noguchi* (1983) 141 Cal.App.3d 520, 523, fn. 1.) For this reason, defendants seeking summary judgment on a wrongful death claim may submit a death certificate to carry their initial burden regarding the cause of death. (See *Majors v. County of Merced* (1962) 207 Cal.App.2d 427, 436-437 [defendant's motion for summary judgment on wrongful death claim was properly granted, in view of defendant's unopposed showing consisting of death certificate and transcript of coroner's inquest]; see also *National Life & Accident Ins. Co. v. Edwards* (1981) 119 Cal.App.3d 326, 335 [party successfully opposed

summary judgment by pointing to death certificate, for purposes of raising triable issue regarding application of death-related term in insurance policy].)

Johnson v. Superior Court (2006) 143 Cal.App.4th 297, upon which petitioner relies, is distinguishable. There, the plaintiff asserted a claim for medical malpractice based on allegations that the defendant, in treating the plaintiff's prostate cancer, implanted an excessive number of radioactive "seeds." (*Id.* at p. 299-300.) To obtain summary judgment, the defendant submitted a declaration from an expert, who opined simply that the defendant met the standard of care, without "relat[ing] the number of seeds and their radiation dose to the volume of the prostate." (*Id.* at pp. 306-307.) In reversing the grant of summary judgment, the appellate court concluded that the defendant's showing did not suffice to carry his initial burden, reasoning that the expert's opinion lacked foundation. (*Id.* at p. 308.) As explained above, in view of the statutes regarding the evidentiary value of death certificates, Quest's showing was sufficient to shift the burden to petitioner to raise triable issues regarding causation.

C. Adequacy of Dr. Nguyen's Declarations

Because Quest carried its initial burden on summary adjudication, petitioner was obliged to submit evidence regarding causation sufficient to carry his burden of proof on this issue at trial. (See *Aguilar, supra*, 25 Cal.4th at p. 857; *Bushling v. Fremont Medical Center* (2004) 117 Cal.App.4th 493, 507 (*Bushling*).) Ordinarily, that showing is provided by "competent expert testimony." (*Bromme, supra*, 5 Cal.App.4th at p. 1498, quoting *Jones v. Ortho Pharmaceutical Corp.*, *supra*, 163 Cal.App.3d at pp. 402-403.) Petitioner contends that Dr. Nguyen's declarations were sufficient to preclude summary adjudication by creating a triable issue as to causation.

1. *Expert Testimony*

We begin by examining the principles governing expert testimony regarding medical causation. Under Evidence Code section 801, subdivision (a), a person who qualifies as an expert may give opinion testimony “[r]elated to a subject that is sufficiently beyond common experience” when “the opinion of [an] expert would assist the trier of fact.” (*Jennings v. Palomar Pomerado Health Systems, Inc.* (2003) 114 Cal.App.4th 1108, 1116 (*Jennings*).) For this reason, “qualified medical experts may, with a proper foundation, testify on matters involving causation when the causal issue is sufficiently beyond the realm of common experience that the expert’s opinion will assist the trier of fact to assess the issue of causation.” (*Id.* at p. 1117.)

Nonetheless, an expert “does not possess a carte blanche to express any opinion within the area of expertise. [Citation.]” (*Jennings, supra*, 114 Cal.App.4th at p. 1117.) Subdivision (b) of Evidence Code section 801 provides that expert opinion must be “[b]ased on matter . . . that is of a type that reasonably may be relied upon by an expert in forming an opinion upon the subject to which his testimony relates” Furthermore, Evidence Code section 802 provides that an expert witness “may state . . . the reasons for his opinion and the matter . . . upon which it is based,” unless precluded by law. As our Supreme Court has explained, under these provisions, the court acts as a “gatekeeper,” and “may inquire into, not only the type of material on which an expert relies, but also whether that material actually supports the expert’s reasoning.” (*Sargon Enterprises, Inc. v. University of Southern California* (2012) 55 Cal.4th 747, 771, italics omitted (*Sargon Enterprises*).)

Where this showing is lacking, “‘there is simply too great an analytical gap between the data and the opinion proffered.’” (*Sargon Enterprises, supra*, 55 Cal.4th at p. 771, quoting *General Electric Co. v. Joiner* (1997) 522 U.S. 136, 146.) Thus, “‘when an expert’s opinion is purely conclusory because unaccompanied by a reasoned explanation connecting the factual predicates to the ultimate conclusion, that opinion has no evidentiary value because an ‘expert opinion is worth no more than the reasons upon which it rests.’ [Citation].” (*Jennings, supra*, 114 Cal.App.4th at p. 1117, quoting *Kelley v. Trunk* (1998) 66 Cal.App.4th 519, 523-525 (*Kelley*).) Accordingly, even when such testimony is admitted in connection with a summary judgment motion, it does not raise a triable issue of fact. (*Nardizzi v. Harbor Chrysler Plymouth Sales, Inc.* (2006) 136 Cal.App.4th 1409, 1415; *Kelley, supra*, 66 Cal.App.4th at p. 524; see *Leslie G. v. Perry & Associates* (1996) 43 Cal.App.4th 472, 487-488.)

Instructive applications of these principles are found in *Jennings* and *Bushling*. In *Jennings*, medical personnel accidentally left a retractor inside the plaintiff during a surgery. (*Jennings, supra*, 114 Cal.App.4th at pp. 1112-1114.) Later, when the retractor was removed, doctors found a grave infection near the original incision, but some distance from the retractor. (*Ibid.*) In the plaintiff’s medical malpractice action, his expert opined that the retractor caused the internal infection. (*Id.* at pp. 1114-1115.) To support his opinion, the expert posited that bacteria on the retractor multiplied and migrated to the site of the infection. (*Ibid.*) As there was no physical evidence of migration, the expert presented scenarios regarding how the migration might have occurred without leaving physical traces. (*Id.* at pp. 1115-1116.) The trial court excluded the opinion as speculative and unfounded. (*Id.* at p. 1116.) In affirming, the appellate court concluded that the

expert's testimony regarding the migration was conjectural and conclusory. (*Id.* at pp. 1116-1121.)

In *Bushling*, the plaintiff underwent surgery to remove his gall bladder and biopsy a mole on his abdomen. (*Bushling, supra*, 117 Cal.App.4th at p. 497.) Following the surgery, he discovered an injury to his left shoulder. (*Ibid.*) In his medical malpractice action, the defendant surgeons sought summary judgment on the ground that they engaged in no negligent conduct that caused his shoulder injury. (*Id.* at pp. 497-501.) The plaintiff's experts opined that the injury occurred because the plaintiff was improperly positioned on the surgery table or mishandled during the procedure. (*Id.* at pp. 503-505.) In affirming summary judgment, the appellate court held that the opinions of the plaintiff's experts lacked evidentiary value, reasoning that the experts "assume[d] the cause from the fact of the injury," as there was no evidence that the plaintiff was mispositioned or mishandled during the surgery. (*Id.* at p. 510; see also *Shugart v. Regents of University of California* (2011) 199 Cal.App.4th 499, 508 [in medical malpractice action, expert's unsupported statement that doctor's examination of plaintiff "'accelerated the failure of [earlier] procedure'" raised no triable issues in opposition of summary judgment motion]; *Kelley, supra*, 66 Cal.App.4th at pp. 521-522 [in medical malpractice action, expert's declaration stating simply that "'[a]t all times . . . [the defendant] acted appropriately and within the standard of care under the circumstances presented'" did not carry defendant's initial burden on summary judgment].)

2. *Dr. Nguyen's Declarations*

Dr. Nguyen's original declaration, dated April 10, 2013, chronicled the development of Ottway's pressure ulcers and Quest's response to them. He further

stated that on January 4, 2011, when Ottway was admitted to Mission for treatment for her coccyx ulcer, she received a catheter. Mission also determined that her ulcer was infected with organisms including e. coli, proteus mirabilis, and staph aureus. On January 12, 2011, she was readmitted to Mission due to an infection of the ulcer and a urinary tract infection traceable to the catheter. According to Dr. Nguyen, during January 2011, she was hospitalized on three occasions for nearly two weeks for reasons related to the ulcer “and its foreseeable complications such as aspiration pneumonia, urinary tract infections and infections [of] the pressure ulcers.” Noting that Ottway’s ulcer remained in stage IV until her death on May 26, 2011, Dr. Nguyen opined: “To a reasonable degree of medical probability, . . . Ottway died as a result of the [s]tage [IV] coccygeal pressure ulcer. This pressure ulcer could have been prevented with proper wound care management [by Quest].”

During the April 18, 2013 hearing, the trial court identified potential deficiencies in Dr. Nguyen’s declaration, but declined to rule that the declaration was, in fact, inadequate to raise triable issues regarding causation. The court observed that Dr. Nguyen did not clearly describe the medical records that he had examined. In addition, the court remarked that the declaration did not appear to state, with sufficient specificity, that “had standard proper medical wound care been provided, the reasonable medical probability is [that Ottway] would not have died.” The court noted that Dr. Nguyen opined merely that proper wound management could -- rather than “would” -- have prevented Ottway’s ulcers. The court nonetheless credited petitioner’s argument that the potential deficiencies were “semantic[al],” “clerical,” and “non-substantive,” and permitted him to submit an amended declaration from Dr. Nguyen.

Dr. Nguyen’s amended declaration, dated May 3, 2013, stated that he had examined Ottway’s medical records for the period from August 2010 to the date of

her death. He described the development of Ottway's pressure ulcers, and attributed them to Quest's substandard care. According to Dr. Nguyen, the ulcers would have been prevented if Quest had exercised proper care.

Regarding Ottway's death, Dr. Nguyen repeated the description of the events that occurred in January 2011, as found in his original declaration, and also noted some subsequent events. He stated that on or after March 18, 2011, when Ottway received additional treatment for her coccyx ulcer, osteomyelitis was detected in a bone near the ulcer. Later, on April 11, 2011, Ottway was admitted to Mission for treatment of a urinary tract infection resulting from her catheter. On April 16, 2011, she was transferred to another hospital, where she remained until May 7, 2011, "when she was discharged home on hospice." Following this chronological account, Dr. Nguyen opined that Ottway's unresolved stage IV ulcer caused her death, in terms materially identical to those in his original declaration.

Dr. Nguyen's second amended declaration, dated May 15, 2013, corrected an error in his account of Quest's treatment of Ottway's ulcers in the amended declaration, but did not modify or amplify his opinion regarding the cause of her death.

On May 17, 2013, following a hearing, the trial court granted summary adjudication on the wrongful death claim, concluding that the amended declarations established no triable issues regarding causation. Regarding Dr. Nguyen's opinion that the stage IV pressure ulcer caused Ottway's death, the court stated: "[T]his is merely a conclusion. He presents no facts or reasoning to support it. True, he states . . . that [Ottway] had . . . a urinary tract infection and possibly pneumonia. But he does not claim these infections caused her death. He also states that . . . the pressure ulcer appears to have caused a bone infection ('osteomyelitis'). But again, he does not allege that she died of osteomyelitis,

either. . . . [¶] Obviously, not all pressure ulcers lead to death. [Ottway] herself had one for many months before her ultimate demise, and its course waxed and waned. . . . Dr. Nguyen points out that there are foreseeable complications of pressure ulcers, including infection; and no doubt, if infection is severe enough it can be fatal. If Dr. Nguyen had opined that [Ottway] had a negligently-caused pressure ulcer; that it got infected; and that this infection was a substantial factor in causing her death, he would have ‘connected the dots.’ But despite multiple attempts, he has failed to do so. . . . Simply put, he does not explain the reasoning behind his conclusion.”

3. *Analysis*

We find no error in the trial court’s determination. To avoid summary adjudication, petitioner was obliged to present evidence that would allow a reasonable fact finder to determine that it was more likely than not that the requisite causation occurred. (*Aguilar, supra*, 25 Cal.4th at p. 857; *Bushling, supra*, 117 Cal.App.4th at p. 507.) In assessing whether petitioner carried this burden, we consider the evidence in the record and the inferences reasonably raised from this evidence, examined in the light most favorable to petitioner. (*Aguilar, supra*, at p. 843.)

So viewed, Dr. Nguyen’s amended declarations do not establish a triable issue regarding the cause of Ottway’s death. His account of the events preceding that death shows that Ottway experienced certain consequences of the ulcer and its treatment, including infections of the ulcer, pneumonia, osteomyelitis, and urinary tract infections. However, he neither states that these conditions, individually or collectively, caused Ottway’s death, nor identifies evidence that she manifested infection-related symptoms when she died. Moreover, he proposes no other

mechanism by which the ulcer caused her death. Due to the “analytical gap between the data and the opinion proffered,” Dr. Nguyen’s conclusion regarding Ottway’s death is nothing more than speculation. (*Sargon Enterprises, supra*, 55 Cal.4th at p. 771, quoting *General Electric Co. v. Joiner, supra*, 522 U.S. at p. 146.)⁴

Pointing to *Powell v. Kleinman* (2007) 151 Cal.App.4th 112 (*Powell*) and *Hanson v. Grode* (1999) 76 Cal.App.4th 601 (*Hanson*), petitioner contends the declarations raised triable issues regarding causation under the liberal standard of evaluation applicable to declarations submitted in opposition to summary judgment. As explained below, we disagree.

In *Powell*, the plaintiff suffered pains in his back, and went to an urgent care center, where the defendant assessed the pain as arising from longstanding back strain. (*Powell, supra*, 151 Cal.App.4th at p. 116.) The defendant referred the plaintiff for tests to determine the existence of serious spinal cord injuries, but assumed that the tests ruled out such injuries when he received no test reports. (*Id.* at pp. 116-117.) Only after six weeks did the defendant examine the test results -- which had been available for some time -- and discovered that the plaintiff had a serious spinal injury. (*Id.* at p. 117.)

The plaintiff sued the defendant for medical malpractice, alleging that his failure to diagnose and treat the injury resulted in permanent damage. (*Powell, supra*, 151 Cal.App.4th at p. 117.) In seeking summary judgment, the defendant submitted evidence that his conduct met the applicable standard of care. The

⁴ We recognize that the amended declarations state that when Ottway was admitted to Mission in April 2011, her prognosis was “poor.” However, that statement appears to reflect Dr. Nguyen’s opinion, as Mission’s medical records contain no such prognosis. Because he does not explain the opinion, it does not assist in establishing a triable issue regarding causation.

plaintiff's expert opined that under the standard of care, the plaintiff's initial symptoms required diligent action to diagnose and treat a potentially serious spinal injury, which the defendant failed to do. (*Id.* at pp. 118-119.) In support of this opinion, the expert described specific acts of substandard care. (*Ibid.*) Regarding causation, the plaintiff's expert stated only that the defendant's conduct caused an injury that was avoidable with prompt treatment. (*Id.* at p. 119.) Relying on the principle that declarations submitted in opposition to summary judgment must be liberally construed, the appellate court concluded that the declaration disclosed an adequate basis for expert's opinions. (*Id.* at pp. 125-126.) In so concluding, the court determined that the expert's opinion on causation was supported by reasonable inferences from the expert's account of the negligent conduct, that is, the defendant's failure to take the actions mandated by the standard of care. (*Id.* at p. 129.)

Although we agree that Dr. Nguyen's amended declarations must be liberally construed, they contain a fatal deficiency not presented in *Powell*. There, the physical cause of the permanent spinal injury was not in dispute, and the issue regarding causation concerned whether the defendant's inattention and other substandard care promoted the injury's development. Due to the close tie between the issues of negligence and causation, the expert's account of the defendant's negligent acts was sufficient to support his opinion regarding causation. Here, in contrast, the physical cause of Ottway's death is disputed, and Dr. Nguyen's account of Quest's negligence regarding her coccyx ulcer does not, by itself, support his conclusion that the ulcer caused her death. Thus, unlike *Powell*, there is an unbridged gap between Quest's allegedly substandard response to Ottway's ulcers and the cause of her death.

Hanson is distinguishable for similar reasons. In that case, the defendants diagnosed the plaintiff as suffering from compression of the spinal column, and performed surgery to correct the condition. (*Hanson, supra*, 76 Cal.App.4th at pp. 604-605.) Following the operation, the plaintiff experienced serious complications, including the pooling of blood in the neck and deterioration of the spine. (*Ibid.*) After initiating a malpractice action, the plaintiff opposed the defendants' summary judgment motion with a declaration from an expert, who identified acts of negligence by the defendants during and after the surgery, and opined that the surgery made the plaintiff's condition worse. (*Id.* at pp. 605-606.) The appellate court concluded that the declaration established triable issues regarding negligence, in view of its description of specific acts of substandard care. (*Id.* at p. 607.) The court also concluded that the declaration, though "a bit obtuse," established triable issues regarding causation, as its account of the substandard care raised reasonable inferences supporting the expert's opinion concerning the cause of the plaintiff's injuries. (*Id.* at pp. 607-608.) As explained above, that is not the case here.

Petitioner's reliance on *Jameson v. Desta* (2013) 215 Cal.App.4th 1144 also is misplaced. There, the plaintiff asserted a claim for medical malpractice, alleging that the defendant prescribed an unnecessary regimen of interferon injections, which were painful and caused harmful side effects. (*Id.* at pp. 1148-1149, 1153.) In seeking summary judgment, the defendant submitted evidence that the treatment was within the standard of care, and that it cured the plaintiff's hepatitis. (*Id.* at pp. 1152-1153.) The plaintiff's expert opined that the injections continued for a six-month period after the plaintiff showed no signs of hepatitis, and that the unnecessary injections caused permanent eye damage and other injuries. (*Id.* at pp. 1153-1154.) The trial court granted summary judgment, reasoning that there were

no triable issues regarding causation, as the plaintiff's expert did not dispute that the treatment cured the plaintiff. (*Id.* at pp. 1161-1162.) In reversing, the appellate court concluded that even though the plaintiff suffered no injuries attributable to a failure to cure, the plaintiff's expert raised triable issues whether the unnecessary injections themselves caused injuries. (*Id.* at p. 1169.)

Here, the wrongful death claim is predicated upon a single alleged result of Ottway's coccyx ulcer, namely, her death. For the reasons explained above, although Dr. Nguyen's declarations may show the existence of triable issues whether the ulcer caused other injuries to Ottway, they raise no triable issue whether the ulcer was responsible for her death. Accordingly, summary adjudication was properly granted on the wrongful death claim.

DISPOSITION

The petition for writ of mandate, prohibition, or other relief is denied. The alternative writ, having served its purpose, is discharged, and the temporary stay order is vacated effective upon the issuance of remittitur. Real party in interest Quest is awarded costs.

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MANELLA, J.

We concur:

EPSTEIN, P. J.

SUZUKAWA, J.