

3-24-1975

## Malpractice Awards

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Office of the Secretary of State  
March Fong Eu

111 Capitol Mall  
Sacramento, California 95814

August 19, 1975

Executive Office	(916) 445-6371
Certification	(916) 445-1430
Corporation Index	(916) 445-2900
Corporation Records	(916) 445-1768
Election Division	(916) 445-0820
Legal Division (Corp.)	(916) 445-0620
Notary Public Division	(916) 445-6507
State Archives	(916) 445-4293
Uniform Commercial Code	(916) 445-8061

TO ALL REGISTRARS OF VOTERS OR COUNTY CLERKS

SUBJECT: Malpractice Awards Initiative

Pursuant to Elections Code Section 3520(b) you are hereby notified that no further action shall be taken in regard to the Malpractice Awards Initiative Petition.

The total number of signatures filed with the counties is less than one hundred per cent of the number of qualified electors required to find the petition sufficient. Therefore, the random sampling method will not be necessary, since the petition cannot qualify for the ballot.

Sincerely,

A handwritten signature in black ink that reads "March Fong Eu".

MARCH FONG EU



OFFICE OF THE ATTORNEY GENERAL

**Department of Justice**

555 CAPITOL MALL, SUITE 550  
SACRAMENTO 95814

March 19, 1975

**FILED**  
In the office of the Secretary of State  
of the State of California

**MAR 24 1975**

MARCH FONG EU, Secretary of State

By *Cashmere M. Apperson*  
Deputy

Honorable March Fong Eu  
Secretary of State  
111 Capitol Mall  
Sacramento, California

**Subject: Initiative - Malpractice Awards**

Dear Mrs. Eu:

Pursuant to the provisions of section 3507 of the Elections Code, you are hereby informed that on this day we mailed to William McColl, M.D. and Henry H. Moghtader, M.D., the following title and summary:

**MALPRACTICE AWARDS - INITIATIVE STATUTE - Injured party, or heirs, shall receive as compensation for injuries received, no less than 90 percent of any award or settlement resulting from any judgment in a malpractice action brought against a person licensed to practice in the healing arts, less costs, which costs shall be exclusive of attorney's fees.**

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

Very truly yours,

EVELLE J. YOUNGER  
Attorney General

*George J. Roth*  
GEORGE J. ROTH  
Deputy Attorney General

GJR:blr  
Encls.

WILLIAM MCCOLL, M. D.

INCORPORATED

ORTHOPEDIC SURGERY

1400 WEST MERCED AVENUE  
WEST COVINA, CALIFORNIA 91790

TELEPHONE  
962-6691

February 14, 1975

George J. Roth  
Deputy Attorney General  
Office of the Attorney General  
State of California  
555 Capitol Mall, Suite 550  
Sacramento, California 95814

Dear Mr. Roth:

We are in receipt of your letter of February 11, 1975. This letter is to advise you that the undersigned wish to have a statutory initiative submitted to the voters as an addition to Division 2, Chapter 1, Article 12, section 825, of the Business and Professions Code. The complete text of the initiative, including the proper code references, as prepared by Mrs. Frances Dorbin of the Legislative Counsel's office, and approved by us for submission is as follows:

The People of the State of California do enact as follows:

Section 1. Article 12 (Commencing with section 825) is added to Chapter 1 of Division 2 of the Business and Professions Code, to read:

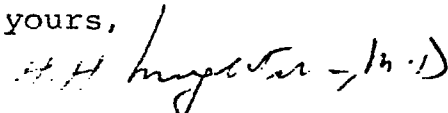
Article 12. Awards in Malpractice Actions

825. In any judgement which is the result of a malpractice action brought against a person who holds a license, certificate, or other similar authority issued under this division or under any initiative measure referred to in this Division, or in any settlement reached in conjunction with such malpractice action, the injured party, or his heirs, as the case may be, shall receive no less than 90 percent of the award or settlement agreed upon, less the costs, which costs shall be exclusive of attorney's fees, of such action, as compensation for the injuries received.

Sincerely yours,



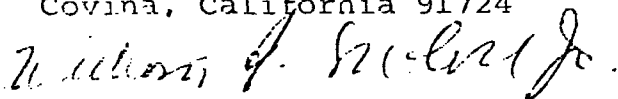
William McColl, M.D.



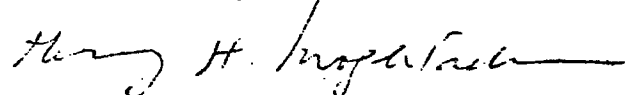
H. H. Moghtader, M.D.

We are duly registered voters in the County of Los Angeles as follows:

William F. McColl, Jr.  
2877 Monte Verde Drive  
Covina, California 91724



Henry H. Moghtader  
2305 Casa Linda Drive  
West Covina, California 91791





Office of the Secretary of State  
March Fong Eu

111 Capitol Mall  
Sacramento, California 95814

March 19, 1975

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State Archives	(916) 445-4293
Uniform Commercial Code	(916) 445-8061

TO THE REGISTRARS OF VOTERS AND COUNTY CLERKS

Pursuant to Section 3507 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

MALPRACTICE AWARDS  
INITIATIVE STATUTE

Circulating and Filing Schedule:

1. Minimum number of signatures required . . . . . 312,404  
Constitution IV, 22(b).
2. Official Summary Date . . . . . 3/19/75  
Elections Code Section 3507.
3. Petition Sections:
  - a. First day Proponent can circulate Sections for signatures . . . . . 3/19/75
  - b. Last day Proponent can circulate and file with the county. All Sections are to be filed at the same time . . . . . 8/15/75\*  
Elections Code Sections 3507, 3520(a).
  - c. Last day for county to determine total number of signatures affixed to petition and to transmit total to Secretary of State . . . . . 8/20/75

(If the Proponent files the petition with the county on a date other than 8/15/75, the last day is not later than the fifth day after the filing of the petition.)  
Elections Code Section 3520(b).

\* Date adjusted for official deadline which falls on a Saturday.

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State . . . . . 9/ 4/75

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date other than 8/20/75, the last day is not later than the fifteenth day after the notification.)

Elections Code Section 3520(d,e)

- e. If signature count is between 281,164 and 343,644, then the Secretary of State notifies counties using random sampling technique to determine validity of all signatures. Last day for county to determine actual number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State . . . . . 10/ 4/75

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date other than 9/4/75, the last day is not later than the thirtieth day after the notification.)

Elections Code Section 3520.5

4. Campaign Statements:

- a. If the measure qualifies for the ballot:  
Last day for the Proponent to file a Statement of Receipts and Expenditures for a period ending 11/1/75 . . 11/ 8/75

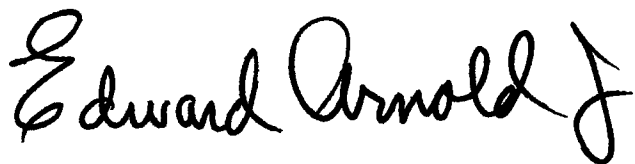
(If the Secretary of State qualified the measure for the ballot on a date other than 9/4/75, the last day is the 65th calendar day after the date the measure qualified.)

Government Code Section 84202(a).

- b. If the measure does not qualify for the ballot:  
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 10/12/75 . . 10/19/75

5. The Proponents of the above measure are:

William F. McColl Jr., M.D.	Henry H. Moghtader, M.D.
2877 Monte Verde Drive	2305 Casa Linda Drive
Covina, California 91724	West Covina, California 91791



Edward Arnold Jr.  
Chief of Elections Division

EA:gb

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 3500.1, 3504, 3502.5, and 3511 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signing.

Your attention is further directed to Government Code Sections 85200 et seq. regarding the circulation of statewide petitions.

DECLARATION OF SERVICE BY MAIL

I, Betty L. Rawstron, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is 555 Capitol Mall, Suite 550, Sacramento, California.

On March 19, 1975 I served the attached Title and Summary of Proposed Initiative - Malpractice Awards

by placing a true copy thereof in an envelope addressed to the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at Sacramento, California, with postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

William F. McColl, Jr.  
2877 Monte Verde Drive  
Covina, California 91724

Henry H. Moghtader  
2305 Casa Linda Drive  
West Covina, CA 91791

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 19, 1975, at Sacramento, California.

  
\_\_\_\_\_  
Declarant  
Betty L. Rawstron