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11 MULTIDISCIPLINARY ASSOCIATION
12 FOR PSYCHEDELIC STUDIES, INC.
13 a.k.a. MAPS, INC.

14 **SUPERIOR COURT OF CALIFORNIA**
15 **FOR THE COUNTY OF MONTEREY**

16 CARLA GATLIN and SUSAN YBARRA-
17 TELIAS, Individually and as Successors-In-
18 Interest of decedent Baylee Ybarra Gatlin,

19 Plaintiffs,

20 v.

21 DO LAB INC.; MULTIDISCIPLINARY
22 ASSOCIATION FOR PSYCHEDELIC
23 STUDIES, INC. a.k.a. MAPS, INC.; ZENDO
24 PROJECT, a business entity form unknown;
25 RGX MEIDCAL, a business entity form
26 unknown; RICHARD GOTTLIEB, an
27 individual; and DOES 1 to 20, inclusive,

28 Defendants.

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 1/31/2022 7:53 PM
By: Breean Boatwright, Deputy

CASE NO. **20CV002753**

**SEPARATE STATEMENT OF
UNDISPUTED MATERIAL FACTS IN
SUPPORT OF MULTIDISCIPLINARY
ASSOCIATION FOR PSYCHEDELIC
STUDIES, INC. A.K.A. MAPS, INC.'S
MOTION FOR SUMMARY JUDGMENT
/ADJUDICATION**

Accompanying Documents:

Notice of Motion and Motion; Memo in
Support of Motion; Declaration of Sara Gael
Giron; Declaration of Counsel; [Proposed]
Order

Date: March 18, 2022

Time: 8:30 a.m.

Dept.: 15

Reservation I.D.:

Action Filed: May 21, 2018

Trial Date: May , 2022

Pursuant to California Code of Civil Procedure section 437c, Defendant
MULTIDISCIPLINARY ASSOCIATION FOR PSYCHEDELIC STUDIES, INC. a.k.a. MAPS,

1 INC. (“Maps”) hereby submits its Separate Statement of Undisputed Material Facts together with
2 evidence in support of its Motion for Summary Judgment/Adjudication.

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4 **SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS**

5 **ISSUE ONE: Plaintiffs’ Claims for Negligence, Premise Liability and Negligent**
6 **Hiring/Supervision fail because MAPS had no legal duty to Decedent.**

MAPS’ UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY’S RESPONSE AND SUPPORTING EVIDENCE
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 <p>1. MAPS is a non-profit organization that operates the Zendo Project.</p> <p><u>Evidence:</u> Declaration of Sara Gayle, ¶ 2.</p>	
<p>2. MAPS recognizes that taking psychedelics may result in overwhelming and uncomfortable experiences amongst first-time users, and without adequate preparation or setting.</p> <p><u>Evidence:</u> Declaration of Sara Gayle, ¶ 3.</p>	
<p>3. MAPS’ Zendo Project provides psychedelic harm reduction services aimed at preventing and transforming difficult experiences while in a non-ordinary state of consciousness.</p> <p><u>Evidence:</u> Declaration of Sara Gayle, ¶ 4.</p>	
<p>4. Harm reduction is a set of principles and practices that aims to reduce or mitigate the risks of substance use.</p> <p><u>Evidence:</u> Declaration of Sara Gayle, ¶ 5.</p>	
<p>5. MAPS was not compensated for the harm reduction services it offered through the Zendo Project at LiB, rather, Do Lab, Inc. made a modest \$5,000 donation to MAPS.</p> <p><u>Evidence:</u></p>	

1 MAPS' UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
2 Declaration of Sara Gayle, ¶ 6.	
3 6. The harm reduction services were offered 4 at two different Zendo tents that were staffed 5 by peer volunteers, including “sitters” who 6 would sit with concert-goers who came into 7 the Zendo tent generally, because they were 8 having difficult psychedelic experiences. 9 <u>Evidence:</u> 10 Declaration of Sara Gael Giron, ¶ 7.	
11 7. MAPS did not provide medical services 12 to festival attendees/concert goers at the 2017 13 LiB festival as it was not the Medical 14 Coordinator. 15 <u>Evidence:</u> 16 Declaration of Sara Gael Giron, ¶ 8; 17 Deposition of Fred Claridge, p. 79:4 – 81:6, Exh. 18 C to Declaration of Laura Ryan.	
19 8. When Monterey County approved the 20 RGX Medical Plan, there was no expectation 21 that MAPS would provide medical services 22 to any attendees at LiB. 23 <u>Evidence:</u> 24 Deposition of Fred Claridge, p. 79:4 – 81:6, Exh. 25 C to Declaration of Laura Ryan.	
26 9. It was RGX medical staff that provided 27 attendees with medical services including 28 Decedent. 29 <u>Evidence:</u> 30 Deposition of Fred Claridge, p. 79:4-21, Exh. C 31 to Declaration of Laura Ryan; Deposition of M. 32 Pardo, 41:25-42:23, Exh. D to Declaration of 33 Laura Ryan; Deposition of Sara Gael Giron, 34 52:1-13, Exh. E. to Ryan Decl.; Bagley Depo., p. 35 24:21 – 25:5, Exh. F to Ryan Decl.; Siri 36 Garfinkle Depo., p. 61:-19-25, Exh. G to Ryan 37 Decl..	
38 10. On Saturday afternoon Decedent took 39 LSD and may have taken another unknown 40 illegal drug.	

MAPS' UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>1 Evidence:</p> <p>2 Supplemental Coroner Report, Exh. A to Ryan</p> <p>3 Decl.; Detective Dyck Report, Exh. B to Ryan</p> <p>4 Decl.; Depo. Of Alva Black, Exh. H to Ryan</p> <p>5 Decl.</p>	
<p>6 11. Medical staff from RGX assessed</p> <p>7 Decedent when she arrived and sent her to</p> <p>8 the Zendo side of the tent.</p> <p>9 Evidence:</p> <p>10 Deposition of M. Pardo, 41:25-42:23, Exh. D to</p> <p>11 Declaration of Laura Ryan; Deposition of Sara</p> <p>12 Gael Giron, 52:1-13, Exh. E. to Ryan Decl.;</p> <p>13 Bagley Depo., p. 24:21 – 25:5, Exh. F to Ryan</p> <p>14 Decl.; Siri Garfinkle Depo., p. 61:-19-25, Exh. G</p> <p>15 to Ryan Decl..</p>	
<p>16 12. The firsthand witnesses have confirmed</p> <p>17 that medical staff was monitoring Decedent</p> <p>18 and checked on her several times and took</p> <p>19 her vitals while she was on the Zendo side of</p> <p>20 the tent.</p> <p>21 Evidence:</p> <p>22 Deposition of M. Pardo, 41:25-42:23, Exh. D to</p> <p>23 Declaration of Laura Ryan; Deposition of Sara</p> <p>24 Gael Giron, 52:1-13, Exh. E. to Ryan Decl.;</p> <p>25 Bagley Depo., p. 24:21 – 25:5, Exh. F to Ryan</p> <p>26 Decl.; Siri Garfinkle Depo., p. 61:-19-25, Exh. G</p> <p>27 to Ryan Decl..</p>	
<p>28 13. To the sitters and other MAPS volunteers</p> <p>who saw Decedent in the Zendo Tent, she</p> <p>appeared to be on an LSD trip.</p> <p>Evidence:</p> <p>Deposition of M. Pardo, p. 36:20 – 37:16,</p> <p>Exh. D to Declaration of Laura Ryan;</p> <p>Declaration of Sara Gael Giron ¶ 9; Bagley</p> <p>Depo., p. 24:21 – 25:5, Exh. F to Ryan Decl.;</p> <p>Siri Garfinkle Depo., p. 61:-19-25, Exh. G to</p> <p>Ryan Decl.</p>	
<p>14. The Coroner concluded that, when she</p> <p>was brought to the tent, Decedent was in fact</p>	

1 MAPS' UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
2 under the influence of LSD and possibly 3 other drugs. 4 <u>Evidence:</u> 5 Coroner Report and Supplemental Coroner's Report, Exh. A to Decl. of Laura Ryan.	
6 15. At approximately 1:00 a.m., on Sunday 7 May 28, 2017 Decedent's condition 8 deteriorated and at 1:07 a.m., RGX called an ambulance on the radio provided by Do Lab. 9 <u>Evidence:</u> 10 Deposition of M. Pardo, 55:6 – 57:8, Exh. D to Declaration of Laura Ryan.	
11 16. In his supplemental report, the Monterey 12 County Coroner noted that Decedent had 13 LSD in her system and that she had LSD, methamphetamines and marijuana in her possession. 14 <u>Evidence:</u> 15 Coroner's Report and Supplemental Coroner's Report, Exh. A to Decl. of Laura Ryan.	
16 17. The detective who investigated the 17 incident found that Decedent had LSD, 18 methamphetamines and marijuana in her possession and concluded that Decedent died of a drug overdose. 19 <u>Evidence:</u> 20 Detective Dyck Report, Exh. B to Decl. of Laura Ryan.	
21 18. The subject Medical Tent and Zendo 22 were on two different sides of the same tent 23 with a piece of fabric separating them. Each 24 side had a door with the sign above the medical side that said "MEDICAL" and a sign over the Zendo side that read "ZENDO PROJECT PEER SUPPORT." 25 <u>Evidence:</u> 26 Deposition of Sara Gael Giron, p. 33:4-15, Exh. 27 E to Ryan Decl.	

MAPS' UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>19. Since its inception in 2012 and in all the time up until Decedent's passing on May 28, 2017, where MAPS has provided harm reduction assistance at music festivals, MAPS has never received any notice that a person who visited a Zendo Project tent has died or suffered significant illness or injury as a result of harm reduction assistance provided by MAPS or its volunteers</p> <p><u>Evidence:</u> Declaration of Sara Gael Giron, ¶ 11.</p>	
<p>20. The Monterey County Emergency Services Planner, Fred Claridge concluded that MAPS/Zendo had no responsibility to provide any medical services.</p> <p><u>Evidence:</u> Deposition of Fred Claridge, p. 79:4-21, Exh. C to Ryan Decl.</p>	
<p>21. Mr. Claridge also confirmed MAPS/Zendo is not mentioned whatsoever in medical plan he reviewed and approved.</p> <p><u>Evidence:</u> Deposition of Fred Claridge, p. 79:4-21, Exh. C to Ryan Decl.</p>	

ISSUE TWO: Plaintiffs' Claims for Fraud and Misrepresentation fail because Plaintiffs have no evidence that MAPS made any false statements with the intent to induce Decedent to rely on them.

MAPS' UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>See Plaintiffs' Third Amended Complaint and Undisputed Material Facts Nos. 1 -21.</p>	

ISSUE THREE: Plaintiffs' claims for Fraud and Misrepresentation fail because

1 Plaintiffs have no evidence that Decedent relied on any allegedly false statements made by
2 MAPS.

MAPS' UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
See Plaintiffs' Third Amended Complaint and Undisputed Material Facts Nos. 1 -21.	

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8 **ISSUE FOUR:** Plaintiffs' claims for fraud and misrepresentation fail because Decedent's
9 ultimate injuries were unforeseeable.

MAPS' UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
See Undisputed Material Facts Nos. 1 -21.	

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14 **ISSUE FIVE:** All of Plaintiffs' Claims Are Barred by the Good Samaritan Rule and
15 Health & Safety Code section 1799.102.

MAPS' UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
See Undisputed Material Facts Nos. 1 -21.	


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20 **ISSUE SIX:** Plaintiffs' punitive damages claim against MAPS fails because there is no
21 evidence of malicious, fraudulent or oppressive conduct by MAPS
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MAPS' UNDISPUTED MATERIAL FACTS AND SUPPORTING EVIDENCE	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
See Undisputed Material Facts Nos. 1 -21 and Plaintiffs' Third Amended Complaint.	

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Dated: January 31, 2022

GORDON REES SCULLY MANSUKHANI, LLP

By: 

Spencer P. Hugret
Laura G. Ryan
Attorneys for Defendant
MULTIDISCIPLINARY
ASSOCIATION
FOR PSYCHEDELIC STUDIES, INC.
a.k.a. MAPS, INC.