

California judge to dismiss right-to-die lawsuit

The lawsuit seeks an injunction barring enforcement of the current law, declaring it unconstitutional as applied to doctors.

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A San Diego trial court has indicated it will issue a ruling on Monday, 07/27/2015 dismissing a lawsuit brought by plaintiffs seeking a doctor-assisted right to die.

On July 24, 2015, San Diego Superior Court Judge Gregory Pollack stated in at a court hearing that California law requires dismissal. Judge Pollack promised a written decision on Monday 07/27/2015, giving reasons for dismissing Plaintiff Christy O'Donnell's highly-publicized case against the State of California. O'Donnell, a single mother given only months to live, joined two other terminally-ill patients and a San Diego doctor, in requesting court permission for the M.D. to administer a lethal medication to terminally-ill people. Judge Pollack advised the attorneys that [courtrooms](#) are not the place to change current law prohibiting physicians from prescribing lethal drugs.

O'Donnell, 47, has been diagnosed with Stage IV lung cancer, now spread to her brain, liver, spine and rib. The Santa Clarita woman said she will likely not live through the appeals process.

"For any judge, or anyone, or any law or legislator to tell me that my daughter has to watch me die painfully — that's wrong," said O'Donnell, crying after the hearing.

At the end of the hearing, O'Donnell and co-plaintiff Elizabeth Wallner, of Sacramento, were permitted to address the court. Wallner observed the slow death allowed by current law is equivalent to "torture."

Under California law, suicide is legal. Doctors may also, at a patient's request, sedate and withdraw nourishment and medical treatment until the patient dies. Attorneys in O'Donnell's case argued that arrangement is the functional equivalent of prescribing life-ending drugs that can be self-administered.

Judge Pollack disagreed, ruling courts have made a clear distinction between letting someone die and making someone die. "You're asking this court to make new law," Pollack said. "If new law is made it should be by the Legislature or by a ballot measure." The judge said the parties probably could get "new law" from a higher court "but you can't get it from a lower level Superior Court judge like me."

The lawsuit seeks an injunction barring enforcement of the current law, declaring it unconstitutional as applied to doctors. Plaintiffs asked for an expedited process because of their deteriorating health.

Plaintiffs are backed by Compassion and Choices, an advocacy group supporting legislative efforts and similar lawsuits in various states. Due to strong religious opposition, such legislation has never been enacted in California. Early in July, lobbyists for the Catholic Church helped stall an assisted suicide bill introduced in the California Legislature. That bill that would legalize the practice was withdrawn earlier this month from an [Assembly committee](#) after running into stiff opposition.

— "Private investigators have an important role to play in cases like this," says John A. DeMarr, P.I., a

licensed California private investigator since 1988. "Gathering information in a case being litigated is crucial," says John A. DeMarr, P.I., a licensed California private investigator since 1988. "Our 30 years of experience make all the difference – in the service levels and innovative approaches we can offer our clients."

"Private investigators can work cases like this directly with attorneys, and also independently," says DeMarr.

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