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16 Attorneys for Relator Jeffrey Mazik

17 UNITED STATES DISTRICT COURT  
18 EASTERN DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA, *et*  
20 *al.*, *ex rel.* JEFFREY MAZIK,

21 Plaintiffs,

22 v.

23 KAISER FOUNDATION HEALTH  
24 PLAN, *et al.*,

25 Defendants

Case No.: 2:19-cv-00559-DAD-JDP

**SECOND SUPPLEMENTAL  
DECLARATION OF JEREMY L.  
FRIEDMAN IN SUPPORT OF RULE  
16 MOTION (ECF 137) AND MOTION  
TO STAY (ECF 139)**

**Hon. Dale A. Drozd**

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**DECLARATION OF COUNSEL**

I, Jeremy L. Friedman, declare and state:

1. I am one of the attorneys representing relator Jeffrey Mazik. I make this second supplemental declaration in support of relator’s modified motion for a temporary stay of discovery and modification of the case schedule pursuant to Rule 16 (ECF 137) and relator’s motion to stay the case pending resolution of Mr. Mazik’s appeal to the Ninth Circuit in the *Osinek* matters (ECF 139). This declaration is based on my own personal knowledge. If called as a witness hereto, I would and could testify to the following.

2. With deep sadness, I report the passing of my co-counsel Warner Mendenhall, on the morning of June 8, 2026. Mr. Mendenhall had appeared *pro hac vice* in this Court and in the *Osinek* matter pending in the Northern District of California, as an attorney of record for Mr. Mazik. The attorney has been under medical orders from his physicians in connection with a serious health condition since earlier this year. Since that time, he had limited availability to work on this case, but he and his law firm had assigned these matters a high priority, and with flexibility provided in this and his other cases, Mr. Mendenhall was able to perform substantial work. Nevertheless, his limited availability was one of the principal reasons for relator’s request for modification of the case scheduling order under Rule 16, as well as one of the rationales for granting the *Landis* stay until Mr. Mazik’s Ninth Circuit appeal in *Osinek* is resolved.

3. Despite the difficult course of his medical treatment, the report of the attorney’s passing came as a great shock to me, his law firms and his colleagues. Without revealing private details, I can attest that Mr. Mendenhall’s health deteriorated quickly and his passing was sudden. His family was able to gather in his presence over the weekend, but there was no opportunity to make coordinated plans in the near term as to reassignments of his work. Since his passing on Monday morning, I – along with members of his law firm, his clients, and his many co-counsel – have been completely occupied with the near-term aftermath of his death. This has included support for the family and gatherings of close friends and colleagues. Much effort is now being made to rearrange workloads and

1 execute contingency plans at the Mendenhall Law Group, and at Freedom Counsel, an  
2 organization founded by Mr. Mendenhall. In the next few weeks, I hope to travel to  
3 Akron, attend to firm related matters, and develop plans for staffing and association in  
4 connection with the cases on which Mr. Mendenhall had been working with me. In my  
5 estimation, it will take several weeks to map out a path forward, and likely several months  
6 to fully arrange for substituted or re-designated counsel for his firm's many cases.

7 4. Mr. Mendenhall's passing presents another compelling reason to grant a stay in  
8 this case, as requested in relator's modified motion. So too does his passing provide a  
9 compelling reason for Rule 16 relief. The attorney and I had planned to work together on  
10 the appeal in *Osinek*. With his absence, I will need to expend even more of my time and  
11 attention to that appeal, and will likely need to work with other attorneys on preparations  
12 and briefing. Attorneys working at his office have already been of great assistance in  
13 these proceedings, and they will continue to be able to perform work. However, their  
14 availability also will be impacted by the death, even more so because of the central role  
15 Mr. Mendenhall played in the relatively small Ohio law firm (with a large docket) he  
16 founded. We will likely request some extension of time for briefing on the *Osinek* appeal,  
17 but we continue to believe that the appeal can be made ready for oral argument and  
18 disposition as quickly as possible within the Ninth Circuit's typical timeline. It will be  
19 even harder for me, if not professionally impossible, to complete the work on the appeal,  
20 while at the same time I am required to complete fact discovery, retain experts and  
21 prepare briefing on dispositive motions. We will make whatever adjustments and  
22 associations needed to fully prosecute this case, but a stay pending resolution of the  
23 *Osinek* appeal would not only make the most sense for judicial economy and avoiding  
24 risks of conflicting judgments under *Landis*, but it would also allow sufficient time for the  
25 Mendenhall Law Group to continue to perform necessary work, after it recovers from the  
26 loss, and after it has time to execute a path forward as one of the nation's leading law  
27 firms in the False Claims Act and health freedom arenas.

