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PAUL M. HITTELMAN SBN: 33449  
PAUL M. HITTELMAN  
A PROFESSIONAL CORPORATION  
9100 Wilshire Boulevard  
East Tower - Suite 601  
Beverly Hills, California 90212-3415

Telephone: 310-888-7790  
Facsimile: 310-888-7793

Attorneys for Petitioner

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ORIGINAL FILE  
APR 20 1999  
LOS ANGELES  
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

GIL N. MILEIKOWSKY, M.D.,

Petitioner,

v.

TENET HEALTHSYSTEM, ENCINO-TARZANA REGIONAL MEDICAL CENTER, a California corporation; and DOES 1 through 100, inclusive,

Respondents.

CASE NO: BS 056525

PRELIMINARY INJUNCTION

DATE: APRIL 19, 1999  
TIME: 9:30 A.M.  
DEPT: 85

TO: RESPONDENTS TENET HEALTHSYSTEMS, INC., ENCINO-TARZANA REGIONAL MEDICAL CENTER, A CALIFORNIA CORPORATION, AND DOES 1 THROUGH 100, INCLUSIVE, AND EACH OF THEM, AND THEIR RESPECTIVE AGENTS, SERVANTS AND EMPLOYEES, AND EACH OF THEM:

The application of Petitioner for a preliminary injunction came on regularly for hearing by the Court on April 19, 1999 in accordance with an Order to Show Cause issued by this Court on April 6, 1999 on Petitioner's application for a preliminary injunction. Petitioner appeared through Paul M. Hittelman, A Professional Corporation,

1 by Paul M. Hittelman, his attorney of record; respondents Tenet HealthSystem, Inc. and  
2 Encino-Tarzana Regional Medical Center, a California corporation, appeared through  
3 Irvin, Cohen & Jessup, LLP, by Mark T. Kawa, Esq., their attorney of record.  
4

5 On proof made to the Court's satisfaction, the matter having been argued and  
6 evidence, oral and documentary, having been introduced by both parties, good cause  
7 appearing therefor, and it appearing to this Court that great or irreparable injury will be  
8 suffered unless such Order be issued:  
9

10 IT IS ORDERED that, during the pendency of this action, the above-named  
11 respondents, Tenet HealthSystem, Inc., Encino-Tarzana Regional Medical Center, a  
12 California corporation, and DOES 1 through 100, inclusive, and each of them, and their  
13 respective agents, servants, employees, and each of them, and all persons acting in  
14 concert or participating with them, are enjoined and restrained from engaging in,  
15 committing or performing, directly or indirectly, by any means whatsoever, any of the  
16 following acts:  
17

- 18 A. Excluding or preventing Petitioner Gil N. Mileikowsky, M.D. from exercising  
19 the privileges to which he was reappointed on April 17, 1997 as an  
20 attending physician and surgeon, an active status member of the Medical  
21 Staff of Encino-Tarzana Regional Medical Center;  
22
- 23 B. Excluding or preventing Petitioner Gil N. Mileikowsky, M.D. from admitting,  
24 treating or performing obstetrical services or surgery upon patients at  
25 Encino-Tarzana Regional Medical Center;  
26
- 27 C. Publishing, disseminating, distributing, communicating or otherwise  
28 transmitting to any person or entity, directly or indirectly, orally or in writing,

1 a report of, or any information concerning, the "purported voluntary  
 2 resignation" of Medical Staff privileges of Petitioner Gil N. Mileikowsky,  
 3 M.D. at Encino-Tarzana Regional Medical Center deemed effective by  
 4 Tarzana's Governing Board on February 25, 1999;

5  
 6 D. Publishing, disseminating, communicating, concerning or otherwise  
 7 transmitting to any person or entity, directly or indirectly, orally or in writing,  
 8 any report of or information concerning any action taken concerning  
 9 Petitioner Gil N. Mileikowsky, M.D. by Encino-Tarzana Regional Medical  
 10 Center on or about February 25, 1999, including rejection of the challenge  
 11 by Petitioner Gil N. Mileikowsky, M.D. of the alleged "voluntary  
 12 resignation" of his Medical Staff membership at Encino-Tarzana Regional  
 13 Medical Center.

14  
 15 IT IS FURTHER ORDERED that before this Preliminary Injunction shall take  
 16 effect, Petitioner must file a written undertaking in the sum of Five Thousand Dollars  
 17 (\$5,000.00) as required by *Code of Civil Procedure* section 529, for the purpose of  
 18 indemnifying Respondents for the damages as they may sustain by reason of this  
 19 preliminary injunction if the Court finally decides that Petitioner is not entitled to it.

20  
 21 IT IS FURTHER ORDERED that the preliminary injunction as set forth above  
 22 shall issue on Petitioner's filing a written undertaking in the sum specified above.

23  
 24 The Court reserves jurisdiction to modify this Preliminary Injunction as the ends  
 25 of justice may require.

26 ROBERT H. O'BRIEN

27 DATED: April 20, 1999

28 ROBERT H. O'BRIEN  
 Judge of the Superior Court

PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 9100 Wilshire Boulevard, East Tower - Suite 601, Beverly Hills, California 90212-3415.

On April 20, 1999, I served the foregoing document(s) described as: PRELIMINARY INJUNCTION on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope, addressed as follows:

[See Attached Service List]

(BY MAIL) In accordance with the regular mail collection and processing practices of this business office with which I am familiar, by means of which mail is deposited with the United States Postal Service at Beverly Hills, California that same day in the ordinary course of business, I deposited such sealed envelope for collection and mailing on this same date following ordinary business practices, and/or

X (BY PERSONAL SERVICE)

By personally delivering copies to the person served.

I delivered the referenced document(s) by hand to the office of the addressee pursuant to C.C.P. § 1011.

X I caused the referenced document(s) to be delivered by hand to the office of the addressee either by overnight courier or by local courier service.

X I caused the referenced document(s) to be delivered to the office of the addressee by telecopier or facsimile machine to the telephone number listed. Proof of such delivery is attached to this Proof of Service.

STATE

X I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on April 20, 1999 at Beverly Hills, California.

FEDERAL

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on April 20, 1999 at Beverly Hills, California.

Handwritten signature of Wendy Larsen-Cleaves over a horizontal line, with the name WENDY LARSEN-CLEAVES printed below.

DISTRIBUTION LIST

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Mark T. Kawa, Esq.  
 Ervin, Cohen & Jessup LLP  
 9401 Wilshire Boulevard  
 Ninth Floor  
 Beverly Hills, California 90213  
 (Fax No. 310-859-2325)