

Hon. Chief Justice George
and Associate Justices

November 30, 2007

Page 2

same administrative proceeding. Nor does he acknowledge that he submitted directly to the hearing panel the question of whether the *Tenet* proceeding should be summarily terminated because of Dr. Mileikowsky's supposed failure to produce documents concerning earlier proceedings at Cedars-Sinai Hospital – precisely what the Court of Appeal below held, in precisely the same circumstances, should have been done in the present case. (128 Cal.App.4th at 538-39; 154 Cal.App.4th at 776-77.) Further, Mr. Brown writes on behalf of the California Hospital Association, but he does not mention that both West Hills Hospital Medical Center and Encino-Tarzana Regional Medical Center, the two hospitals that conducted the administrative proceedings that were summarily terminated to Dr. Mileikowsky's prejudice, are members of that organization. (See member list at http://www.calhealth.org/Download/hospitalmems_072.pdf.)

Similarly, in her letter of November 10, 2007, Ms. Suzanne van Hall mentions that she is a past advisor to the California Hospital Association, but otherwise represents only that she has “been retained by other hospitals to serve as a hearing officer in medical staff peer review hearings” Van Hall Letter at 1. She does not disclose that she was the hearing officer chosen to replace Mr. John Harwell in a proceeding against Dr. Mileikowsky at Century City Hospital, when Mr. Harwell was forced to recuse himself because he was sitting as hearing officer in the proceeding against Dr. Mileikowsky at West Hills Hospital – the very proceeding that is the subject of the present Petition for Review. (Administrative Record at P004080-85.)

Thus, although the amicus letters profess a broad interest in the questions raised by the Petition, they actually appear to drive home the fact that these questions principally are of interest to Dr. Mileikowsky and to those who have in the past proceeded against him.

Sincerely yours,



Charles M. Kagay

DECLARATION OF SERVICE BY MAIL

RE: **MILEIKOWSKY v. WEST HILLS HOSPITAL MEDICAL CENTER, et al.**
(Los Angeles County - Superior Court # BS091943)
Court of Appeal, 2nd Appellate District, Div. 8, No. B186238

I, Charles Rockroad, declare that I am over 18 years of age, employed in the county of San Francisco, and not a party to the within action; my business address is 388 Market Street, Suite 900, San Francisco, California 94111. I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service.

On December 3, 2007, I served a true copy of the following document(s):

LETTER RESPONDING TO AMICUS LETTERS

on all the party or parties named below, in this action, by placing a true copy thereof in a sealed envelope, for collection and mailing with the United States Postal Service where it would be deposited for first class delivery, postage fully prepaid, in the United States Postal Service that same day in the ordinary course of business, addressed as follows:

Ron S. Kaufman
Nina B. Ries
Fenigstein & Kaufman
1900 Avenue of the Stars, Suite 2300
Los Angeles, CA 90067-4314
(Attorneys for Respondents)

David S. Ettinger
H. Thomas Watson
Horvitz & Levy
15760 Ventura Blvd.
18th Floor
Encino, CA 91436-3000
(Attorneys for Respondents)

California Court of Appeal
Second Appellate District, Division Eight
300 S. Spring Street, 2nd Floor, N. Tower
Los Angeles, CA 90013-1213
(Court of Appeal # B186238)

Kimberly S. Ware
Ware Law Group
1500 Park Avenue #212
Emeryville, CA 94608

Lowell Brown
Arent Fox LLP
445 S. Figueroa Street, Suite 3750
Los Angeles, CA 90071-1601

Suzanne F. Van Hall
Van Hall Law Office
31692 Horseshoe Drive
Evergreen, CO 80439

Barry S. Landsberg
Terri D. Keville
Manatt, Phelps & Phillips, LLP
11355 West Olympic Boulevard
Los Angeles, CA 90064-1614

Keith Bartel
Nossaman, Guthner, Knox & Elliott, LLP
445 S. Figueroa Street, 31st Floor
Los Angeles, CA 90071-1602

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct, and that this declaration was executed on December 3, 2007, at San Francisco, California.

Charles Rockroad
(Typed name)


(Signature)