

November 19, 2008

The Hon. Chief Justice Ronald George
The Hon. Justice Kathryn Werdegar
Supreme Court, State of California
350 McAllister Street, Room 1295
San Francisco, CA 94102

Dear Justice George and Werdegar:

Re: Mileikowsky v. West Hills Hospital Medical Center, No. S156986

We represent appellant Dr. Gil Mileikowsky in the above appeal pending before the Court. We write to draw your attention to the fact that an amicus brief has been filed in the appeal on behalf of the Kaiser Foundation Health Plan, Inc., Kaiser Foundation Hospitals, the Permanente Medical Group, Inc., and the Southern California Permanente Medical Group. We understand that Justice Werdegar's spouse is the Chair of the Kaiser Arbitration Oversight Board.

We are aware that a justice's relationship to an amicus is not a ground for recusal under the Code of Judicial Ethics in the same way that his or her relationship to a party would be. However, we respectfully ask that you give consideration to whether these circumstances raise concerns under canon 3E(4)(c) of the Code of Judicial Ethics, which require disqualification of a justice if "the circumstances are such that a reasonable person aware of the facts would doubt the justice's ability to be impartial."

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Thank you for your attention to this matter.

Sincerely yours,

Charles M. Kagay

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