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JUL 11 2005
DEPT. 85

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10 Attorneys for Respondents WEST HILLS
11 HOSPITAL & MEDICAL CENTER and
12 MEDICAL STAFF OF WEST HILLS
13 HOSPITAL & MEDICAL CENTER

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

16 GIL N. MILEIKOWSKY, M.D.

17 Petitioner,

18 v.

19 WEST HILLS HOSPITAL MEDICAL
20 CENTER, an unknown entity; MEDICAL
21 STAFF of WEST HILLS HOSPITAL
22 MEDICAL CENTER; an unknown entity;
23 HOSPITAL CORPORATION OF AMERICA,
24 also known as HCA, INC., a Tennessee
25 corporation; JOHN B. HARWELL; JAMES R.
26 LAHANA, and DOES 1 through 100, inclusive,

27 Respondents.

) CASE NO. BS 091943

) Petition filed: August 19, 2004

) ~~ALTERNATIVE PROPOSED~~ JUDGMENT

) Hearing

) Dates: April 15 and May 27, 2005

) Time: 9:30 a.m.

) Department: 85

AB PO
FILED
LOS ANGELES SUPERIOR COURT

JUL 25 2005

JOHN A. CLARKE, CLERK

S. Barrett
BY S. BARRETT, DEPUTY

ORIGINAL

004057

1 This matter came on regularly before this Court for hearings on October 7, 2004 and on April
2 15 and May 27, 2005 in Department 85 of the above-entitled Court, the Honorable ²Dy intra Janavs
3 presiding. Paul M. Hittelman, Esq. appeared as attorney for Petitioner Gil N. Mileikowsky, M.D.
4 ("Petitioner"). Ron S. Kaufman, Esq. and Devin M. Senelick, Esq. appeared as attorneys for
5 Respondents West Hills Hospital & Medical Center and Medical Staff of West Hills Hospital &
6 Medical Center ("Respondents").

7 On October 7, 2004, the Court severed Petitioner's First Cause of Action entitled Writ of
8 Mandate (the "Petition for Writ of Mandate") from Petitioner's Second through Sixth Causes of Action
9 seeking for Declaratory Relief, Wrongful Termination of Privileges and Report, Unfair Competition,
10 Interference with Business and Prospective Advantage and Defamation which sought declaratory and
11 injunctive relief and damages (the "Non-Mandate Causes of Action") and stayed the Non-Mandate
12 Causes of Action.

13 The Petition for Writ of Mandate having come on for hearing on April 15, 2005 and May 27,
14 2005, the record of the administrative proceedings having been received into evidence and examined
15 by the Court, additional evidence having been received by the Court, briefs and arguments having been
16 presented, and the Court having issued a tentative ruling which it later adopted as the Court's statement
17 of decision, and set a hearing on the Non-Mandate Causes of Action;

18 The Non-Mandate Causes of Action having come on for hearing on July 25, 2005 and briefs and
19 arguments having been presented, and the Court having determined that each of Petitioner's Non-
20 Mandate Causes of Action is dependent on Petitioner having prevailed on his Petition for Writ of
21 Mandate therefore ruled in favor of Respondents and against Petitioner on each of the Non-Mandate
22 Causes of Action.

23 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 24 1. The Petition for Writ of Mandate is denied; and
25 2. That Judgment be entered in favor of Respondents and against Petitioner on each of the
26 Non-Mandate Causes of Action.

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IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Judgment be entered in favor of Respondents and against Petitioner on all causes of action and that Respondents shall recover their costs in this action, in the amount of \$ 2,926.00 *AP*

DATED: 7/25/05



HON. DZINTRA JANAVS

004059

1 PROOF OF SERVICE

2 I declare that:

3 I am employed in the County of Los Angeles, State of California. I am over 18 years of age and
4 not a party to the within action. My business address is 1900 Avenue of the Stars, Suite 2300, Los
Angeles, CA 90067.

5 On July 11, 2005, I served the foregoing document described as [ALTERNATIVE
6 PROPOSED] JUDGMENT on the interested parties in this action by placing a true copy thereof
enclosed in a sealed envelope, addressed as follows:

7 Paul Hittelman
8 12400 Wilshire Boulevard
9 15th Floor
Los Angeles, CA 90025

10 By Mail.

11 On the above date, I deposited such envelope(s) with postage thereon fully prepaid in the
12 United States Mail at Los Angeles, California.

13 On the above date, I caused such envelope(s) to be deposited with postage thereon fully
14 prepaid in the United States Mail at Los Angeles, California, by sealing and placing such envelope(s)
15 for collection and mailing at my place of business, following ordinary business practices. I am readily
familiar with the practice of my place of business for collection and processing of correspondence for
mailing with the United States Postal Service. Such correspondence is customarily deposited in the
United States Mail at Los Angeles, California on that same day in the ordinary course of business.

16 By Telecopier.

17 On the above date, I transmitted a true copy of such document by telecopier from my place of
18 business to the office of the addressee at the following telecopier telephone numbers: (310) 442-0888

19 By Express Service Carrier.

20 On the above date, in Los Angeles, California, I caused such envelope(s) to be served by a
method of delivery providing for overnight delivery by: FEDERAL EXPRESS

21 delivering such envelope to an authorized courier or driver authorized to receive documents
22 by: _____, an express service carrier, in an envelope or package
designed by such express service carrier with delivery fees paid or provided for:

23 I declare, under penalty of perjury under the laws of the State of California, that the
24 foregoing is true and correct.

25 Executed on July 11, 2005, at Los Angeles, California.

26 
27 CAROL KIM

28 004060

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/25/05

DEPT. 85

HONORABLE DZINTRA JANA VS

JUDGE S. BARRETT

DEPUTY CLERK

HONORABLE
4

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

A. GODINEZ, CT. ASST

Deputy Sheriff

J. CAMPBELL, CSR #11859

Reporter

9:30 am

BS091943

Plaintiff P. HITTELMAN (X)
Counsel

GIL N MILEIKOWSKY MD

VS

Defendant R. KAUFMAN (X)

WEST HILLS HOSPITAL MEDICAL ET

Counsel D. SENELICK (X)

NATURE OF PROCEEDINGS:

HEARING ON PETITIONER'S OBJECTIONS TO THE JUDGEMENT, TO DETERMINE WHETHER THE COURT'S DECISION ON THE PETITION FOR WRIT OF MANDATE MOOTS THE REMAINING CAUSES OF ACTION;

Matter comes on for hearing.

The Court gives counsel its oral tentative, and the matter is argued.

All of Petitioner's non-mandamus, tort causes of action incorporate the allegations of the mandamus causes of actions. They all tie into what was before the Respondent in the administrative proceeding.

The Court finds that all the non-mandamus, tort causes of action, are dependent on and related to Petitioner prevailing on the mandamus causes of action, which he did not and that Westlake applies herein.

The Court overrules Petitioner's objections to the Alternative Proposed Judgment. The Court signs and orders filed Respondent's (Alterate Proposed) Judgment

CLERK'S CERTIFICATE OF MAILING/
NOTICE OF ENTRY OF JUDGMENT

MINUTES ENTERED 07/25/05 COUNTY CLERK

004061

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 07/25/05

DEPT. 85

HONORABLE DZINTRA JANAVS

JUDGE

S. BARRETT

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

4

A. GODINEZ, CT. ASST

Deputy Sheriff

J. CAMPBELL, CSR #11859

Reporter

9:30 am

BS091943

Plaintiff

P. HITTELMAN (X)

Counsel

GIL N MILEIKOWSKY MD

VS

Defendant

R. KAUFMAN (X)

WEST HILLS HOSPITAL MEDICAL ET

Counsel

D. SENELICK (X)

NATURE OF PROCEEDINGS:

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 7-25-05 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the judgment original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: July 25, 2005

John A. Clarke, Executive Officer/Clerk

By: _____

S. Barrett
S. Barrett, Judicial Assistant

Paul Hittelman
12400 Wilshire Blvd. 15th Floor
Los Angeles, CA 90025

Ron Kaufman
Fenigstein & Kaufman
1900 Avenue of the Stars #2300
Los Angeles, CA 90067-1346

MINUTES ENTERED 07/25/05 COUNTY CLERK

004062