

S156986
IN THE
SUPREME COURT OF CALIFORNIA

GIL N. MILEIKOWSKY, M.D.,

Plaintiff and Appellant,

vs.

WEST HILLS HOSPITAL MEDICAL CENTER, ET AL.

Defendants and Respondents,

AFTER A DECISION BY THE COURT OF APPEAL
SECOND APPELLATE DISTRICT, DIVISION EIGHT
CASE NO. B186238

**APPLICATION FOR LEAVE TO FILE AMICUS
BRIEF, AND BRIEF OF AMICUS CALIFORNIA
HOSPITAL ASSOCIATION IN SUPPORT OF
DEFENDANTS AND RESPONDENTS**

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APPLICATION FOR LEAVE TO FILE BRIEF

TO THE HONORABLE CHIEF JUSTICE RONALD M. GEORGE
AND ASSOCIATE JUSTICES OF THE CALIFORNIA SUPREME
COURT,

Leave is hereby requested to file the accompanying Brief of Amicus Curiae on behalf of California Hospital Association in support of Defendants and Respondents, West Hills Hospital Medical Center, *et al.* in this action.

APPLICANT'S INTEREST

The California Hospital Association (“CHA”) is a nonprofit organization dedicated to representing the interests of hospitals and health systems in California. CHA provides its members with state and federal representation in the legislative, judicial, and regulatory arenas, in an effort to improve health care quality, access and coverage; promote health care reform and integration; achieve adequate health care funding; improve and update laws and regulations; and maintain public trust in healthcare. CHA members have an ongoing and increasing interest in the appropriate, fair and effective application of the peer review process and applicable procedural safeguards aimed at ensuring fair process for all parties. If the *Mileikowsky v. West Hills Hospital Medical Center* (2007) 154 Cal.App.4th 752, review granted Dec. 12, 2007, No. S156986, holding is not reversed, California hospital governing boards will be significantly hampered in

meeting their obligation to ensure that medical staff peer review – essential to protecting hospital patients from sub-standard medical practice – is effective. Meeting that obligation is increasingly difficult. Limiting the authority of peer review hearing officers to control the proceedings will only encourage procedural mischief and discourage appropriate physician discipline.

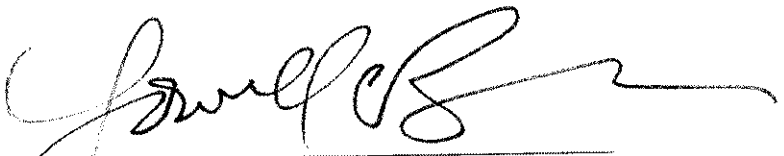
HOW THE BRIEF WILL ASSIST THE COURT

CHA's perspective on the issues involved in this action is unique; the organization is in regular contact with its members and follows closely the members' experience in addressing, on a real-world basis, the fact patterns presented here. Hospitals struggle regularly with physician behavior like that described in the record of this case and are vitally interested in the Court's eventual decision. CHA's brief will assist the Court in analyzing all aspects of the overarching issue presented.

Dated: August 27, 2008

Respectfully submitted,

ARENT FOX LLP
Lowell C. Brown
Patricia M. Kosich



Lowell C. Brown
Attorneys for Amicus Curiae
California Hospital Association

PROOF OF SERVICE

I, Ann Mierisch, declare:

I am employed in the County of Los Angeles, State of California and over the age of eighteen years. I am not a party to the within action. I am employed by Arent Fox LLP, and my business address is 555 West Fifth Street, 48th Floor, Los Angeles, California 90013-1065. I am readily familiar with the practice of Arent Fox LLP for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, such correspondence would be deposited with the United States Postal Service, with postage thereon fully prepaid, the same day I submit it for collection and processing for mailing. On August 27, 2008, I served the within document entitled **APPLICATION FOR LEAVE TO FIND AMICUS BRIEF, AND BRIEF OF AMICUS CALIFORNIA HOSPITAL ASSOCIATION IN SUPPORT OF DEFENDANTS AND RESPONDENTS** on the parties in the action by placing a true copy thereof in an envelope addressed as follows:

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Hon. Dzintra Janavs Los Angeles Superior Court 111 N. Hill Street Los Angeles, CA 90012-3117	Case No. BS091943
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 No. B186238
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and, following ordinary business practices of Arent Fox LLP, by sealing said envelope and depositing the envelope for collection and mailing on the aforesaid date by placement for deposit on the same day in the United States Postal Service at 555 West Fifth Street, Los Angeles, California.

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 August 27, 2008, at Los Angeles, California.


Ann Mierisch