

**IN THE SUPREME COURT OF THE STATE OF CALIFORNIA**

**No. S259364**

SUNDAR NATARAJAN, M.D.,

Petitioner and Appellant,

v.

DIGNITY HEALTH,

Respondent.

Court of Appeal  
Case No. C085906

County of San Joaquin  
Superior Court No.  
STK-CV-UWM-20164821

**PETITIONER'S MOTION FOR JUDICIAL NOTICE;  
MEMORANDUM OF POINTS AND AUTHORITIES;  
DECLARATION OF STEPHEN D. SCHEAR IN SUPPORT;  
PROPOSED ORDER AND EXHIBITS.**

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SUNDAR NATARAJAN, M.D.

## **MOTION FOR JUDICIAL NOTICE**

Pursuant to California Evidence Code § 352 and California Rule of Court 8.252, subd. (a), Petitioner Sundar Natarajan, M.D., moves this Court for an order taking judicial notice of excerpts from the legislative history of AB 366, a bill to amend Business and Professions Code § 809.2 that did not become law.

The ground for this motion is that the legislative history of this bill is relevant to the statutory construction of Business and Professions Code § 809.2, one of the primary legal issues presented in this appeal, as explained further below. The documents at issue were not judicially noticed in the trial court or in the Court of Appeal. Each of the documents is subject to judicial notice as records of official acts of the legislature, pursuant to Evidence Code § 452, subd. (c). The documents do not concern proceedings occurring after the trial court's judgment in this case. The documents at issue are attached to this motion, following the Proposed Order.

This motion is based on the Memorandum of Points and Authorities and the Declaration of Stephen D. Schear.

The specific documents that are the subject of this motion are:

- Exhibit 1: The text of AB 366, as introduced, February 11, 2005.
- Exhibit 2: The text of AB 366, as amended, March 29, 2005.
- Exhibit 3: The Assembly Committee on Business and Professions' analysis of AB 366, April 26, 2005.

Exhibit 4: The history of AB 366 in 2005 and 2006.

Exhibit 5: Votes on AB 366.

Dated: May 5, 2020

Stephen D. Schear  
Stephen D. Schear  
Attorney for Petitioner  
Sundar Natarajan, M.D.

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. INTRODUCTION AND FACTUAL BACKGROUND

This Court granted review of this case on February 26, 2020, to determine the correct standard for disqualification of hearing officers in private hospital hearings held to determine whether physicians' hospital privileges should be terminated. In deciding that the correct standard is actual bias rather than the appearance of bias, the Court of Appeal relied primarily on its interpretation of Business and Professions Code § 809.2 ("Section 809.2.") (*Natarajan v. Dignity Health* (2019) 42 Cal.App.5th 383, 388-392, "*Natarajan.*")

*Yaqub v. Salinas Valley Memorial Healthcare System* (2004) 122 Cal.App.4th 474, on the other hand, held that the appearance of bias is the correct standard, applying *Haas v. County of San Bernardino* (2002) 27 Cal.4th 1017 to hospital hearings. In rejecting the holding in *Yaqub*, *Natarajan* asserted that *Yaqub* was "a derelict on the waters of the law." (*Id.*, 42 Cal.App.5th at 391.)

This motion seeks judicial notice of documents concerning AB 366, which proposed an amendment to Section 809.2. The bill, sponsored by the California

Hospital Association (CHA) in 2005, was an unsuccessful attempt to overturn the decision in *Yaqub*. Its legislative history is therefore relevant to this Court's construction of that statute. For that reason, judicial notice of the documents requested herein is warranted.

## **II. ARGUMENT**

### **A. Legislative History of Unpassed Bills Can Be Relevant on the Issue of Legislative Intent.**

To determine a statute's most reasonable meaning, this Court often examines its legislative history. (*Kavanaugh v. West Sonoma County Union High School* (2003) 29 Cal.4th 911, 920.) Neither of the parties have found relevant legislative history concerning the Legislature's intent in 1989 regarding the specific language used in Section 809.2 when it was enacted.

However, under California law, unsuccessful efforts to change a law may have value in determining legislative intent in some circumstances. (*Doe v. Becerra* (2018) 20 Cal.App.5th 330, 342.) In *Joannou v. City of Rancho Palos Verdes* (2013) 219 Cal.App.4th 746, 752, the Court was interpreting the meaning of the Cullen Act, a law that was passed in 1972. The Court found that failed efforts to amend the Act in 2008 supported a decision that the Act applied only to earthquakes and not to more gradual earth movements. (*Id.*, at 758-761.) Likewise, in *Seibert v. Sears, Roebuck Co.* (1975) 45 Cal.App.3d 1, 18-19, the Court used unsuccessful efforts to amend a statute governing retail finance charges

to support its interpretation of the law. The documents at issue in this motion are all legislative history that can be judicially noticed. (*Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2005) 133 Cal.App.4th 26, 31.)

**B. The Legislative History of AB 366 Is Relevant to this Case.**

*Natarajan* effectively held that the holding in *Yaqub* applying *Haas v. County of San Bernardino* to hospital hearings was contrary to the Legislature's intent. (*Id.*, 45 Cal.App.5th at 390-391.) The legislative history of AB 366 is relevant to show that *Natarajan's* conclusion was incorrect.

In *Yaqub*, this Court denied the Respondent hospital system's Petition for Review on January 12, 2005. (Case No. S128750.) AB 366 was introduced on February 11, 2005, and then amended on March 29, 2005. (Exhibits 1 and 2 to this Motion, attached below.) According to the report of the Assembly Committee on Business and Professions, April 26, 2005, the California Hospital Association sponsored AB 366 to overturn *Yaqub's* holding "that disqualification was required because there was a 'possible temptation' for the hearing officer to favor the hospital, because the hearing officer was paid for his time and might be used as a hearing officer again in the future." (Exhibit 3.) AB 366 did not receive a committee hearing or a committee vote before it died. (Exhibits 4 and 5.)

The legislative history of AB 366 is relevant to show that the Legislature rejected the CHA's contention that the appearance of bias standard set forth in *Haas* and *Yaqub* was inconsistent with the intent of Business and Professions Code

§ 809.2. This history provides relevant evidence that the Legislature did not intend to apply an actual bias standard to hospital hearings and that it found the appearance of bias standard satisfactory.

**C. There Will Be No Prejudice to Respondent If This Motion Is Granted.**

Petitioner's counsel discovered the existence of AB 366 while conducting research for this brief after the Petition for Review was granted. (Decl. of Stephen D. Schear, below.) Petitioner therefore did not request judicial notice of the legislative history of AB 366 below. There will be no prejudice to Respondent Dignity Health if this motion is granted, because the evidence at issue solely affects a question of law, i.e., the proper construction of Business and Professions Code § 809.2, and Dignity Health will have a full opportunity to respond to Petitioner's argument concerning AB 366 in Respondent's brief.

For the reasons stated above, judicial notice of the legislative history of AB 366 should be granted.

Dated: May 5, 2020

Respectfully submitted,

Stephen D. Schear

Stephen D. Schear  
Attorney for Petitioner  
Sundar Natarajan, M.D.

## DECLARATION OF STEPHEN D. SCHEAR

I, Stephen D. Schear, declare:

1. I am the lead counsel for Petitioner Sundar Natarajan, M.D.
2. After the Petition for Review was granted, in the course of researching my opening brief for this Court, I discovered for the first time the history of AB 366, which was introduced in the Legislature in 2005.
3. The attached Exhibits 1-5 concerning the legislative history of AB 366 were all obtained from the State of California's official legislative history website, <http://leginfo.legislature.ca.gov/>. They are true and correct copies of the legislative records that I found on that website.

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 May 5, 2020, at Oakland, California.

Stephen D. Schear

Stephen D. Schear

**[PROPOSED] ORDER**

Good cause appearing, IT IS HEREBY ORDERED that the Court takes judicial notice of the following documents:

- Exhibit 1: The text of AB 366, as introduced, February 11, 2005.
- Exhibit 2: The text of AB 366, as amended, March 29, 2005.
- Exhibit 3: The Assembly Committee on Business and Professions' analysis of AB 366, April 26, 2005.
- Exhibit 4: The history of AB 366 in 2005 and 2006.
- Exhibit 5: Votes on AB 366.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. TANI CANTIL-SAKAUYE  
PRESIDING JUSTICE

# EXHIBIT 1



# California

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### AB-366 Healing arts: peer review. (2005-2006)

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AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE— 2005–2006 REGULAR SESSION

## ASSEMBLY BILL

## NO. 366

**Introduced by Assembly Member Maze**

**February 11, 2005**

**An act to amend Section 809.2 of the Business and Professions Code, relating to professions and vocations.**

### LEGISLATIVE COUNSEL'S DIGEST

AB 366, as amended, Maze. Healing arts: peer review.

Existing law provides for the professional review of specified healing arts licentiates through a peer review process. Under existing law, certain persons are required to file a report with the board if a peer review body takes one of several specified actions against a licentiate. Existing law provides that a licentiate who is the subject of a final proposed action of a peer review body for which a peer review report is required to be filed is entitled to a hearing on the matter. Existing law prohibits the presiding hearing officer from, among other things, having a direct financial benefit in the outcome. *Existing law gives a licentiate the right to a reasonable opportunity to voir dire a hearing officer and to make challenges to the impartiality of the hearing officer.*

This bill would provide that a reasonable payment for services rendered may be made to the hearing officer. *The bill would also provide that the possibility that a hearing officer will serve in a similar capacity in other proceedings would not establish grounds for his or her disqualification.*

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** (a) *The Legislature hereby finds and declares that medical staff peer review law is a highly technical and specialized area, and that it is desirable for California physicians and hospitals to have access to qualified hearing officers with expertise in this field of law to preside over peer review hearings.*

(b) *It is the intent of the Legislature to clarify, in light of the Court of Appeal's decision in *Yaqub v. Salinas Valley Memorial Healthcare System* (2004) 122 Cal.App.4th 474, that bias of a hearing officer who has no vote in the*

*outcome of the dispute cannot be established or implied by the mere possibility of future engagement to serve in a similar capacity or by the receipt of compensation for services rendered.*

**SECTION 1. SEC. 2.** Section 809.2 of the Business and Professions Code is amended to read:

**809.2.** If a licentiate timely requests a hearing concerning a final proposed action for which a report is required to be filed under Section 805, the following shall apply:

(a) The hearing shall be held, as determined by the peer review body, before a trier of fact, which shall be an arbitrator or arbitrators selected by a process mutually acceptable to the licentiate and the peer review body, or before a panel of unbiased individuals who shall gain no direct financial benefit from the outcome, who have not acted as an accuser, investigator, factfinder, or initial decisionmaker in the same matter, and which shall include, where feasible, an individual practicing the same specialty as the licentiate.

(b) If a hearing officer is selected to preside at a hearing held before a panel, the hearing officer shall gain no direct financial benefit from the outcome, shall not act as a prosecuting officer or advocate, and shall not be entitled to vote. ~~A reasonable payment for services rendered may be made to the hearing officer and~~ *Payment to the hearing officer for services rendered* shall not constitute a violation of this subdivision.

(c) The licentiate shall have the right to a reasonable opportunity to voir dire the panel members and any hearing officer, and the right to challenge the impartiality of any member or hearing officer. Challenges to the impartiality of any member or hearing officer shall be ruled on by the presiding officer, who shall be the hearing officer if one has been selected. *The possibility that the hearing officer might be engaged to serve in a similar capacity in other proceedings shall not establish grounds for disqualification.*

(d) The licentiate shall have the right to inspect and copy at the licentiate's expense any documentary information relevant to the charges that the peer review body has in its possession or under its control, as soon as practicable after the receipt of the licentiate's request for a hearing. The peer review body shall have the right to inspect and copy at the peer review body's expense any documentary information relevant to the charges that the licentiate has in his or her possession or control as soon as practicable after receipt of the peer review body's request. The failure by either party to provide access to this information at least 30 days before the hearing shall constitute good cause for a continuance. The right to inspect and copy by either party does not extend to confidential information referring solely to individually identifiable licentiates, other than the licentiate under review. The arbitrator or presiding officer shall consider and rule upon any request for access to information, and may impose any safeguards the protection of the peer review process and justice requires.

(e) When ruling upon requests for access to information and determining the relevancy thereof, the arbitrator or presiding officer shall, among other factors, consider the following:

(1) Whether the information sought may be introduced to support or defend the charges.

(2) The exculpatory or inculpatory nature of the information sought, if any.

(3) The burden imposed on the party in possession of the information sought, if access is granted.

(4) Any previous requests for access to information submitted or resisted by the parties to the same proceeding.

(f) At the request of either side, the parties shall exchange lists of witnesses expected to testify and copies of all documents expected to be introduced at the hearing. Failure to disclose the identity of a witness or produce copies of all documents expected to be produced at least 10 days before the commencement of the hearing shall constitute good cause for a continuance.

(g) Continuances shall be granted upon agreement of the parties or by the arbitrator or presiding officer on a showing of good cause.

(h) A hearing under this section shall be commenced within 60 days after receipt of the request for hearing, and the peer review process shall be completed within a reasonable time, after a licentiate receives notice of a final proposed action or an immediate suspension or restriction of clinical privileges, unless the arbitrator or presiding officer issues a written decision finding that the licentiate failed to comply with subdivisions (d) and (e) in a timely manner, or consented to the delay.

# EXHIBIT 2

**AB-366 Healing arts: peer review.** (2005-2006)

SHARE THIS:



CALIFORNIA LEGISLATURE— 2005–2006 REGULAR SESSION

**ASSEMBLY BILL****NO. 366****Introduced by Assembly Member Maze****February 11, 2005**

An act to amend Section 809.2 of the Business and Professions Code, relating to professions and vocations.

## LEGISLATIVE COUNSEL'S DIGEST

AB 366, as introduced, Maze. Healing arts: peer review.

Existing law provides for the professional review of specified healing arts licentiates through a peer review process. Under existing law, certain persons are required to file a report with the board if a peer review body takes one of several specified actions against a licentiate. Existing law provides that a licentiate who is the subject of a final proposed action of a peer review body for which a peer review report is required to be filed is entitled to a hearing on the matter. Existing law prohibits the presiding hearing officer from, among other things, having a direct financial benefit in the outcome.

This bill would provide that a reasonable payment for services rendered may be made to the hearing officer.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 809.2 of the Business and Professions Code is amended to read:

**809.2.** If a licentiate timely requests a hearing concerning a final proposed action for which a report is required to be filed under Section 805, the following shall apply:

(a) The hearing shall be held, as determined by the peer review body, before a trier of fact, which shall be an arbitrator or arbitrators selected by a process mutually acceptable to the licentiate and the peer review body, or before a panel of unbiased individuals who shall gain no direct financial benefit from the outcome, who have not acted as an accuser, investigator, factfinder, or initial decisionmaker in the same matter, and which shall include, where feasible, an individual practicing the same specialty as the licentiate.

(b) If a hearing officer is selected to preside at a hearing held before a panel, the hearing officer shall gain no direct financial benefit from the outcome, shall not act as a prosecuting officer or advocate, and shall not be entitled to vote. *A reasonable payment for services rendered may be made to the hearing officer and shall not constitute a violation of this subdivision.*

(c) The licentiate shall have the right to a reasonable opportunity to voir dire the panel members and any hearing officer, and the right to challenge the impartiality of any member or hearing officer. Challenges to the impartiality of any member or hearing officer shall be ruled on by the presiding officer, who shall be the hearing officer if one has been selected.

(d) The licentiate shall have the right to inspect and copy at the licentiate's expense any documentary information relevant to the charges ~~which~~ *that* the peer review body has in its possession or under its control, as soon as practicable after the receipt of the licentiate's request for a hearing. The peer review body shall have the right to inspect and copy at the peer review body's expense any documentary information relevant to the charges ~~which~~ *that* the licentiate has in his or her possession or control as soon as practicable after receipt of the peer review body's request. The failure by either party to provide access to this information at least 30 days before the hearing shall constitute good cause for a continuance. The right to inspect and copy by either party does not extend to confidential information referring solely to individually identifiable licentiates, other than the licentiate under review. The arbitrator or presiding officer shall consider and rule upon any request for access to information, and may impose any safeguards the protection of the peer review process and justice requires.

(e) When ruling upon requests for access to information and determining the relevancy thereof, the arbitrator or presiding officer shall, among other factors, consider the following:

(1) Whether the information sought may be introduced to support or defend the charges.

(2) The exculpatory or inculpatory nature of the information sought, if any.

(3) The burden imposed on the party in possession of the information sought, if access is granted.

(4) Any previous requests for access to information submitted or resisted by the parties to the same proceeding.

(f) At the request of either side, the parties shall exchange lists of witnesses expected to testify and copies of all documents expected to be introduced at the hearing. Failure to disclose the identity of a witness or produce copies of all documents expected to be produced at least 10 days before the commencement of the hearing shall constitute good cause for a continuance.

(g) Continuances shall be granted upon agreement of the parties or by the arbitrator or presiding officer on a showing of good cause.

(h) A hearing under this section shall be commenced within 60 days after receipt of the request for hearing, and the peer review process shall be completed within a reasonable time, after a licentiate receives notice of a final proposed action or an immediate suspension or restriction of clinical privileges, unless the arbitrator or presiding officer issues a written decision finding that the licentiate failed to comply with subdivisions (d) and (e) in a timely manner, or consented to the delay.

# EXHIBIT 3

AB 366  
Page 1

Date of Hearing: April 26, 2005

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS  
Gloria Negrete McLeod, Chair  
AB 366 (Maze) - As Amended: March 29, 2005

SUBJECT : Healing arts: peer review.

SUMMARY : Provides that bias in the outcome of a peer review hearing cannot be established or implied by a hearing officer's receipt of compensation for services rendered or the possibility of future engagement to serve in a similar capacity. Specifically, this bill :

- 1) Establishes legislative findings and declarations that medical staff peer review law is a highly technical and specialized area and that it is desirable for physicians and hospitals to have access to qualified hearing officers with expertise in this field of law to preside over peer review hearing.
- 2) States legislative intent to clarify, in light of the Court of Appeal's decision in *Yaqub v. Salinas Valley Memorial Healthcare System* (2004), that bias of a hearing officer who has no vote in the outcome of the dispute cannot be established or implied by the mere possibility of future engagement to serve in a similar capacity or by the receipt of compensation for services rendered.
- 3) States that payment to the hearing officer for services rendered shall not constitute a violation of provisions of existing law that prohibit a hearing officer from having a direct financial interest in the outcome of the case.
- 4) States that the possibility that a hearing officer might be engaged to serve in a similar capacity in other proceedings is not grounds for disqualification as a hearing officer.

EXISTING LAW establishes a process for the conduct of peer review hearings that hospitals must follow when terminating or limiting a physician's ability to practice at a hospital. Existing law requires that a hearing officer that presides over a peer review hearing shall gain no financial benefit from the outcome, shall not act as a prosecuting officer or advocate, and shall not be able to vote. Existing law allows a reasonable payment for services rendered to a hearing officer.

FISCAL EFFECT : Unknown

COMMENTS : This bill is in response to a recent Court of Appeals decision in *Yaqub v. Salinas Valley Memorial Healthcare System* where the Medical Executive Committee of the hospital suspended, and later revoked, the medical staff membership and clinical privileges of Dr. Nazir Yaqub. Dr. Yaqub requested a hearing to challenge the suspension and a three member panel was appointed to decide the matter. A retired Court of Appeal judge who had presided over the earlier hearing was again selected by the hospital as the hearing officer, over the objections of Dr. Yaqub. Although the Court of Appeal found no bias in the ruling of the peer review panel in this particular case, it ruled in favor of Dr. Yaqub based on a previous Supreme Court ruling (*Haas v. County of San Bernadino*) that identified a similar conflict of when "[c]ounties that appoint temporary administrative hearing officers must do so in a way that does not create the risk that favorable decisions will be rewarded with future remunerative work." The Court of Appeals further stated in the *Yaqub* case "a direct, personal, and substantial pecuniary interest does exist when income from judging depends upon the volume of cases an adjudicator hears and when frequent litigants are free to choose among adjudicators, preferring those who render favorable decisions."

Support . The sponsor of this bill, the California Hospital Association, asserts "The presiding officer in peer review hearings is not a fact-finder, and does not even make a recommendation regarding the final decision as to the competency of a particular doctor under review. Instead, the hearing officer is responsible for keeping the peer review process on track in accordance with the law, and ruling on matters of procedure and evidence. In the *Yaqub* case, the court found that the hearing was conducted fairly and even-handedly by the hearing officer, and found no evidence of actual bias. However, the court determined that disqualification was required because there was a "possible temptation" for the hearing officer to favor the hospital, because the hearing officer was paid for his time and might be used as a hearing officer again in the future.

"In California, there is a limited pool of hearing officers with the expertise necessary to preside effectively over hospital medical staff peer review hearings. The Court of Appeals opinion throws into doubt a hospital's ability to use a hearing officer

more than once, thus severely restricting a hospital's ability to choose from the limited group of qualified hearing officers. This jeopardizes the quality of peer review hearings in California. In addition, the outcome of settled hearings in which the disciplined physician never considered the hearing officer to be biased is now in doubt and subject to challenge."

Opposition . The California Medical Association (CMA) states "CMA opposes AB 366 because the bill mistakenly focuses on the payment of the hearing officer, not the method of selecting hearing officers. A hospital is in the position to frequently hire hearing officers since the hospital is involved in every peer review hearing, and is, therefore, in a position to offer future employment opportunities. When this is the case, the California Supreme Court has stated that all '[entities] that appoint temporary administrative hearing officers must do so in a way that does not create the risk that favorable decisions will be rewarded with future remunerative work.' (Haas v. County of San Bernardino (2002) 27 Cal. 4th 1017, 1020.) Yaqub was based on the Supreme Court's ruling in Haas .

"In the Haas case, the California Supreme Court, relying on U.S. Supreme Court rulings, held that, 'Certainly due process allows more flexibility in administrative process than judicial process, even in the matter of selecting hearing officers. But the rule disqualifying adjudicators with pecuniary interests applies with full force.' (Id., at p. 1027.) Because the court in Yaqub found a violation of due process in the same way that the California Supreme Court found a due process violation in Haas , it cannot be overturned, or 'clarified,' in statute. It would require an amendment to the U.S. Constitution. For this reason, even if AB 366 were focused on the right issue, which it isn't, it would fail to achieve its intended goal."

REGISTERED SUPPORT / OPPOSITION :

Support

California Hospital Association (sponsor)

Opposition

California Medical Association

Analysis Prepared by : Ross Warren / B. & P. / (916) 319-3301



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**AB-366 Healing arts: peer review.** (2005-2006)

Date	Action
01/31/06	From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.
04/26/05	In committee: Set, first hearing. Hearing canceled at the request of author.
04/19/05	In committee: Hearing postponed by committee.
04/12/05	In committee: Hearing postponed by committee.
03/30/05	Re-referred to Com. on B. & P.
03/29/05	From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & P. Read second time and amended.
02/24/05	Referred to Com. on B. & P.
02/15/05	From printer. May be heard in committee March 17.
02/11/05	Read first time. To print.

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**AB-366 Healing arts: peer review.** (2005-2006)



## PROOF OF SERVICE

Re: *Natarajan v. Dignity Health*, Court of Appeal Case No. C085906

I, the undersigned, hereby declare:

I am a citizen of the United States of America over the age of eighteen years. My business address is 2831 Telegraph Avenue, Oakland, CA 94609. I am not a party to this action.

On May 5, 2020, I served this document entitled **Motion for Judicial Notice** on the following persons/parties by electronically mailing a true and correct copy through the True Filing filing and service electronic mail system to the e-mail addresses, as stated below, and the transmission was reported as complete and no error was reported.

Barry Landsberg: [blandsberg@manatt.com](mailto:blandsberg@manatt.com)

Joanna McCollum: [jmccallum@manatt.com](mailto:jmccallum@manatt.com)

Craig Rutenberg: [crutenberg@manatt.com](mailto:crutenberg@manatt.com)

Doreen Shenfeld: [dshenfeld@manatt.com](mailto:dshenfeld@manatt.com)

Manatt, Phelps and Phillips, LLP

Jenny Huang: [jhuang@justicefirst.com](mailto:jhuang@justicefirst.com)

Tara Natarajan: [tarabadwal@yahoo.com](mailto:tarabadwal@yahoo.com)

I declare under penalty of perjury the foregoing is true and correct and that this Declaration was executed on May 5, 2020, in Oakland, California.

Stephen D. Schear

Stephen D. Schear

**STATE OF CALIFORNIA**  
Supreme Court of California

**PROOF OF SERVICE**

**STATE OF CALIFORNIA**  
Supreme Court of California

Case Name: **NATARAJAN v. DIGNITY HEALTH**

Case Number: **S259364**

Lower Court Case Number: **C085906**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **steveshear@gmail.com**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

<b>Filing Type</b>	<b>Document Title</b>
MOTION	Natarajan Motion for Judicial Notice

Service Recipients:

<b>Person Served</b>	<b>Email Address</b>	<b>Type</b>	<b>Date / Time</b>
Tharini Natarajan Attorney at Law	tarabadwal@yahoo.com	e-Serve	5/5/2020 12:12:40 PM
Joanna McCallum Manatt, Phelps & Phillips, LLP 187093	jmccallum@manatt.com	e-Serve	5/5/2020 12:12:40 PM
Barry Landsberg Manatt, Phelps & Phillips, LLP 117284	blandsberg@manatt.com	e-Serve	5/5/2020 12:12:40 PM
Stephen Schear Law Offices of Stephen Schear 83806	steveshear@gmail.com	e-Serve	5/5/2020 12:12:40 PM
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

5/5/2020

Date

/s/Stephen Schear

---

Signature

Schear, Stephen (83806)

---

Last Name, First Name (PNum)

Law Offices of Stephen D. Schear

---

Law Firm