

1 Mario L. Beltramo, Jr., # 053146-0  
 Daniel L. Wainwright, # 193486  
 2 McCormick, Barstow, Sheppard,  
 Wayte & Carruth LLP  
 3 P.O. Box 28912  
 5 River Park Place East  
 4 Fresno, CA 93720-1501  
 Telephone: (559) 433-1300  
 5 Facsimile: (559) 433-2300

(SPACE BELOW FOR FILING STAMP ONLY)

6 Attorneys for Defendant  
 7 MADERA COMMUNITY HOSPITAL

8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

11 DONDI VAN HORN,

12 Plaintiff,

13 v.

14 TINA HORNBEAK individually and as  
 Warden of Valley State Prison For  
 15 Women; JAMES E. TILTON individually  
 and as Secretary of the California  
 16 Department of Corrections and  
 Rehabilitation; ROBIN DEZEMBER  
 17 individually and as Chief Deputy Secretary  
 of California Department of Corrections  
 and Rehabilitation; ROBERT SILLEN  
 18 individually and as former California  
 Health System Receiver; CLARK  
 19 KELSON individually and as acting  
 California Health System Receiver; DR.  
 20 VIRK (First Name Unknown) individually  
 and as Chief Medical Officer of Valley  
 21 State Prison for Women; JAMES  
 22 HEINRICH individually and as a physician  
 employed at Valley State Prison for  
 23 Women; MADERA COMMUNITY  
 HOSPITAL; TINA DHILLON an  
 24 individual; and NAEEM SIDDIQI an  
 individual,

25 Defendants.

Case No. 08 CV-01622-LJO-DLB

**ORDER GRANTING DEFENDANT,  
 MADERA COMMUNITY HOSPITAL'S  
 MOTION TO FILE DOCUMENTS UNDER  
 SEAL IN CONNECTION WITH ITS REPLY  
 TO PLAINTIFF'S OPPOSITION TO  
 MOTION FOR SUMMARY JUDGMENT,  
 OR ALTERNATIVELY, SUMMARY  
 ADJUDICATION**

Hearing Date: February 18, 2010  
 Hearing Time: 9:00 a.m.  
 Courtroom: 4  
 Judge: Honorable Lawrence J. O'Neill

Action Filed: 10/10/08  
 Trial Date: 06/28/10

1 This matter having come before the Court upon the Motion of Defendant, MADERA  
2 COMMUNITY HOSPITAL (“MCH”), to File Documents under Seal and GOOD CAUSE  
3 appearing; **IT IS HEREBY ORDERED** that the following documents submitted by MCH in  
4 support of its Reply To Plaintiff’s Opposition To Motion for Summary Judgment/Adjudication  
5 shall be filed under seal:

6 1. Declaration of Daniel L. Wainwright filed in support of MCH’s Reply To  
7 Plaintiff’s Opposition To Motion For Summary Judgment, Or Alternatively,  
8 Summary Adjudication (Exhibits “A” through “D”):

9 a. Exhibit “A,” a true and correct copy of the relevant portions of the  
10 February 1, 2010 Deposition of Dr. Cardwell (81:14-82:3, 124:1-  
11 25, 143:1-25, 167:1-170:1, 108:12-109:2, 159:22-160:15, 108:12-  
12 109:2, 88:8-12, 123:14-20, 108:3-7, 109:23-110:13, 129:15-23).

13 b. Exhibit “B,” a true and correct copy of the relevant portions of the  
14 January 25, 2010 Deposition of Nurse Funk (75:4-10, 75:16-20,  
15 74:22-75:3).

16 c. Exhibit “C,” a true and correct copy of the relevant portion of the  
17 January 25, 2010 Deposition of Dr. Nageotte (71:25-72:2, 72:6-15,  
18 153:1-154:1).

19 d. Exhibit “D,” a true and correct copy of the relevant portions of the  
20 January 26, 2010 Deposition of Dr. Reingold (14:1-25, 13:17-25).

21 2. Defendant, Madera Community Hospital’s Reply To Plaintiff’s Responses  
22 To Defendant’s Statement Of Material Facts.

23 3. Defendant, Madera Community Hospital’s Reply To Plaintiff’s Statement  
24 of Disputed Facts Filed In Opposition To Its Motion For Summary Judgment.

25 4. Declaration of Daniel L. Wainwright filed in support of MCH’s Motion to  
26 File Documents Under Seal in connection with its Reply to Plaintiff’s Opposition  
27 Motion for Summary Judgment/Adjudication; and

28 5. Memorandum of Points and Authorities filed in support of MCH’s Motion  
to File Documents Under Seal in connection with its Reply To Plaintiff’s  
Opposition To Motion For Summary Judgment, Or Alternatively, Summary  
Adjudication.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

It is further ORDERED that any members of the public, who desire access to the records sealed in connection with this Order, may bring an application to challenge the Order.

Dated: February \_12\_\_\_, 2010

/s/ Lawrence J. O’Neill  
The Honorable Lawrence J. O’Neill  
United States District Court Judge, Eastern  
District of California

66215/00060-1516577.v1