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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

J. AUGUSTO BASTIDAS,
Plaintiff,
v.
GOOD SAMARITAN HOSPITAL LP, et
al.,
Defendants.

Case No. [13-cv-04388-SI](#)

**ORDER GRANTING REQUEST FOR
JUDICIAL NOTICE**

Re: Dkt. No. 145

The Court recently granted in part a motion to dismiss filed by defendants Good Samaritan Hospital, L.P., Samaritan, LLC, Good Samaritan Hospital Medical Staff, Steven M. Schwartz M.D., and Bruce G. Wilbur M.D. (collectively, “defendants”). Dkt. No. 152. Defendants requested that this Court take judicial notice of two documents in support of their motion to dismiss: (1) a true and correct copy of the Judicial Review Committee Decision and Report in the Matter of J. Augusto Bastidas, M.D., dated September 11, 2012 (“JRC Decision”), and (2) a true and correct copy of the Good Samaritan Hospital Medical Staff Bylaws, dated January 2011 (“Medical Staff Bylaws”). Dkt. No. 145.

The JRC Decision was originally filed by plaintiff under seal in this action at Docket No. 121-14. The opposition motion accompanying this document was rendered moot, however, following this Court’s denial of defendants’ motion for summary judgment. Dkt. No. 139. The current request by defendants maintains the confidentiality of the JRC Decision, and plaintiff has not opposed the Court’s taking judicial notice of either document. Dkt. No. 145.

The Court finds that plaintiff has incorporated both documents by reference in his Fourth Amended Complaint (“4AC”), and the contents of the documents are not subject to reasonable dispute. *Knieval v. ESPN*, 393 F.3d 1068, 1076 (9th Cir. 2005) (“We have extended the

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'incorporation by reference' doctrine to situations in which the plaintiff's claim depends on the contents of a document, the defendant attaches the document to its motion to dismiss, and the parties do not dispute the authenticity of the document, even though the plaintiff does not explicitly allege the contents of that document in the complaint." This request is accordingly GRANTED.

IT IS SO ORDERED.

Dated: March 16, 2016



SUSAN ILLSTON
United States District Judge