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 16 Samaritan, LLC; Good Samaritan Hospital Medical Staff; HCA Inc.;  
 17 William Piché; Paul Beaupre, M.D.; Arthur Douville, M.D.;  
 18 Mark McConnell, M.D.; and Kenneth Tan, M.D.

19 *Additional counsel on next page*

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 IN THE UNITED STATES DISTRICT COURT  
 IN AND FOR THE NORTHERN DISTRICT

Richard B. Fox, M.D.,  
 Plaintiff,  
 v.  
 Good Samaritan Hospital, LP, et al.,  
 Defendants.

Case No. 04 CV 00874 RS

**STIPULATION AND  
~~PROPOSED~~ ORDER RE  
 COORDINATION OF  
 DISCOVERY**

Richard B. Fox, M.D.,  
 Plaintiff,  
 v.  
 William Pichè, et al.,  
 Defendants.

Case No. 08 CV 01098 RS



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**STIPULATION**

WHEREAS, the action entitled *Richard B. Fox, M.D. v. Good Samaritan Hospital LP, et al.*, Case No. 04 CV 00874 RS was filed on March 4, 2004, and the action entitled *Richard B. Fox, M.D. v. William Pichè, et al.*, Case No. 08 CV 01098 RS was filed on February 19, 2008;

WHEREAS, these two actions were ordered related on March 31, 2008;

WHEREAS, these two actions appear to involve common questions of law and fact; and

WHEREAS, discovery conducted in these two actions will involve common witnesses, document production and expert opinion;

IT IS HEREBY STIPULATED by and between the parties, through their attorneys of record, pursuant to Federal Rules of Civil Procedure, Rule 42(a) and Civil Local Rule 7-12 that:

- 1. Discovery, both past and future, in these two actions is coordinated.
- 2. Both discovery that has already been conducted in *Fox v. Good Samaritan Hospital* and discovery that has not yet occurred will apply equally in both actions.
- 3. The total amount of discovery permitted will be calculated by combining the amounts permitted in the actions separately.
- 4. This stipulation and proposed order concern only the coordination of discovery in these two actions. This stipulation is not an agreement by any party to consolidate both matters for all purposes. Any coordination/consolidation of these actions beyond discovery must be addressed by a future motion or stipulation.

Dated: May 6, 2009

**ROPES & GRAY LLP**

By           /s/ Thad A. Davis            
THAD A. DAVIS  
MICHAEL L. WONG  
Attorneys for Defendants



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1 Dated: May 6, 2009

**HARDY ERICH BROWN & WILSON**  
A Professional Law Corporation

2  
3 By /s/ David L. Perrault  
4 DAVID L. PERRAULT  
Attorneys for Defendants

5  
6 Dated: May 6, 2009

**HALL PRANGLE & SCHOONVELD, LLC**

7 By /s/ David C. Hall  
8 DAVID C. HALL  
9 Attorneys pro hac vice for Defendants Good  
10 Samaritan Hospital LP, Samaritan, LLC, and  
11 Good Samaritan Hospital Medical Staff,  
William Pichè, Paul Beaupre, M.D., Arthur  
Douville, M.D., Mark McConnell, M.D., and  
Kenneth Tan, M.D.

12 Dated: May 6, 2009

**SHANNON, MARTIN, FINKELSTEIN  
ALVARADO, P.C.**

13  
14 By /s/ George A. Shannon, Jr.  
15 GEORGE A. SHANNON, JR  
16 MEGAN D. RICHARDSON  
Attorneys pro hac vice for Defendant HCA Inc.

17  
18 Dated: May 6, 2009

**HENNEFER, FINLEY & WOOD**

19  
20 By /s/ James A. Hennefer  
21 JAMES A. HENNEFER  
Attorney for Plaintiff

22  
23 ~~PROPOSED~~ ORDER

24 PURSUANT TO STIPULATION, IT IS SO ORDERED:

25 Date: May 20, 2009

26 

27 UNITED STATES MAGISTRATE JUDGE  
28 RICHARD SEEBORG



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**DECLARATION OF DAVID L. PERRAULT PURSUANT TO GENERAL ORDER  
NO. 45(X) RE: E-FILING WITH MULTIPLE SIGNATURES**

**I, DAVID L. PERRAULT declare:**

1) I am an attorney at law licensed to practice law before all the courts of the State of California and am admitted to practice in the United States District Court for the Northern District of California.

2) I am a member of the law firm of Hardy Erich Brown & Wilson, a Professional Law Corporation, attorneys for Defendants Good Samaritan Hospital, LP; Samaritan, LLC; Good Samaritan Hospital Medical Staff; HCA Inc.; William Piché, Paul Beaupre, M.D., Arthur Douville, M.D., Mark McConnell, M.D., and Kenneth Tan, M.D.

3) I am one of the attorneys at this firm responsible for handling this matter, and as such, have personal knowledge of the following facts. If called and sworn as a witness, I could and would testify to the following:

4) The above Stipulation and [Proposed] Order Re Coordination of Discovery contains multiple signatures. I declare that concurrence has been obtained from each of the other signatories to file this jointly prepared document with the court. Pursuant to General Order 45(X), I shall maintain records to support this concurrence for subsequent production to the Court, if so ordered, for inspection upon request by a party until one year after final resolution of the action (including appeal, if any).

5) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and if called as a witness I could and would competently testify thereto.

This declaration was executed on May 6, 2009, at Sacramento, California.

/s/ David L. Perrault  
DAVID L. PERRAULT



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