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E-Filed 8/25/09

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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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18 Richard B. Fox, M.D.,
 19 Plaintiff,
 20 v.
 21 Good Samaritan Hospital, LP, et al.,
 22 Defendants.

Case No. 04 CV 00874 RS
**STIPULATION AND
~~PROPOSED~~ ORDER RE
 CONSOLIDATION**

23 Richard B. Fox, M.D.,
 24 Plaintiff,
 25 v.
 26 William Pichè, et al.,
 27 Defendants.

Case No. 08 CV 01098 RS



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10 Mark McConnell, M.D.; and Kenneth Tan, M.D.

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1 STIPULATION

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

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

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

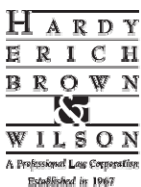
8 IT IS HEREBY STIPULATED by and between the parties, through their attorneys
9 of record, pursuant to Federal Rules of Civil Procedure, Rule 42(a) and Civil Local Rule
10 7-12 that:

11 1) The action entitled *Richard B. Fox, M.D. v. Good Samaritan Hospital LP, et*
12 *al.,* Case No. 04 CV 00874 RS is consolidated for all purposes with the action entitled
13 *Richard B. Fox, M.D. v. William Pichè, et al.,* Case No. 08 CV 01098 RS. The case entitled
14 *Richard B. Fox, M.D. v. Good Samaritan Hospital LP, et al.,* Case No. 04 CV 00874 RS will
15 be designated as the lead case;

16 2) The discovery (expert and non-expert), case management conference,
17 pretrial motions, pretrial statements, pretrial conference and trial dates ordered in the
18 Further Case Management Scheduling Orders, which were filed on May 20, 2009 in
19 both actions (Docket No. 285 and Docket No. 100, respectively), and Joint Discovery
20 Plans (Docket No. 290 and Docket No. 103) are formally integrated, and the Joint
21 Discovery Plans (Docket No. 290 and Docket No. 103) shall govern in the case of any
22 conflict with earlier-dated case management orders; and

23 3) This stipulation does not affect any party's time to complete depositions
24 pursuant to F.R.C.P. Rule 30(d), except insofar as, pursuant to F.R.C.P. 30(d)(1), the time
25 has been modified by order, stipulation or the Joint Discovery Plans (Docket No. 290
26 and Docket No. 103).

27 4) The Stipulated Protective Order and Addendum Thereto, filed in *Richard*
28 *B. Fox, M.D. v. Good Samaritan Hospital LP, et al.,* Case No. 04 CV 00874 RS on July 7, 2005



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1 (Docket No. 65) will apply to both of the consolidated actions.

2

3 Dated: August 24, 2009

ROPES & GRAY LLP

4

5

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

6

7

8 Dated: August 24, 2009

HARDY ERICH BROWN & WILSON
A Professional Law Corporation

9

10

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

11

12

13 Dated: August 24, 2009

HALL PRANGLE & SCHOONVELD, LLC

14

15

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

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19

20 Dated: August 24, 2009

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

21

22

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

23

24



25 Dated: August 24, 2009

HENNEFER, FINLEY & WOOD

26

27

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

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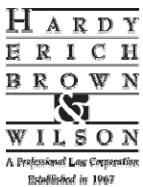
~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Date: August 25 _____, 2009



UNITED STATES MAGISTRATE JUDGE
RICHARD SEEBORG



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

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

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

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

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

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

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

23 This declaration was executed on August 24, 2009 at Sacramento, California.



27
28

_____/s/ David L. Perrault_____
DAVID L. PERRAULT