

**DR. MILEIKOWSKY
MEDICAL STAFF HEARING**

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VOLUME III**

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Exhibit # 150

Sent by FAX

1/17/02
± 1:30 PM.

Re: Motion to Dismiss these Proceedings

Dear Mr. Willick,

Enclosed, please find letter dated
11/6/2000 from Dr. Richard Shapiro, M.D.
to Dr. Arnold Zukow, M.D. Regarding
C. V. [REDACTED] [C.V.]

As Dr. Irani testified in our Hearing
Dr. Shapiro examined C.V. the morning
after I performed his Circumcision.

In his letter Dr. R. Shapiro describes
in the 1st § of his letter lines 3 and 4; He
comes in now for evaluation of, what

- p 2 -

appears to be, Excess skin."

In the 2nd § lines 2 and 3 Dr. Shapiro observes the following: "... the inner skin is intact and is covering the coronal sulcus."

In the 3rd § lines 1 to 3 Dr. Shapiro writes as follows: "We have had experience with these in the past and they seem to heal pretty well without any further treatment."

Also enclosed, please find the declaration of Debbie Leventer regarding the origin of this document.

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Following, please find the records of C.V. provided to my office on 1/11/01 by the office of Dr. IRANI and Zukow. As you can see, my office was NOT provided at the time this important letter of Dr. Shapiro of 11/16/00 sent 2 months PRIOR to our request of ALL records.

You will also note that this important document was not provided by the MEC in their exhibits books.

Accordingly, please accept into evidence all of the above noted

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documents as part of my Queen Exhibits.

Furthermore, in view of the fact that Dr. R. Shapiro is a Biologist With Considerable experience in Circumcisions. While my accuser DR. IRANI NEVER performed a Circumcision in his life, I Strongly believe that Dr. Shapiro's letter supports my own observations and declaration of 12/27/01 that not only did this baby NOT suffer from a lack of Skin AFTER my Circumcision but still had some EXCESS Skin as documented by the pictures I

- p 5 -

I took of his penis on 12/15/00 see my exhibit #17.V provided to you in 1/01.

The exclusion of this very important letter of Dr. Shapiro to Dr. Zukow dated 11/6/00 by the DEC, Dr. IRANI's testimony, Dr. Zukow and IRANI's Release of Records is Criminal. It is a clear violation and flagrant Obstruction of Justice.

This letter provides Exculpatory evidence and destroys any credibility in the charges related to my alleged Wrongdoing in this Circumcision.

Accordingly, you MUST Dismiss this charge for Cause of Justice.

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The Modus Operandi followed by the MEC, Tenet's attorneys and my accusers in All the alleged charges are the same. i.e. False accusations fully contradicted by the Facts.

In view of the above, these are not SHAM proceedings, as any other SHAM, this is the ULTIMATE FRAUD.

Hence, I hereby respectfully request that you Dismiss these proceedings With Adverse findings Against the MEC. You stated yourself several times on the record that the MEC has NOT convinced you of Any IMMINENT

- p 7 -

Danger that I may have Caused.
I hereby incorporate my previous
requests for a DEMURR where I
provided you additional FACTS to
support my request to Dismiss
these proceedings. Among others,
the 31 charges brought up by the
MEC extending over 10 years ago
were ALL ruled in my favor by
the respective Committees that reviewed
them.

My Declarations of 12/27/00 and 1/16/01
Submitted to you in 1/01 have all the support-
ing documents attached and incorporated herein.

Sincerely Yours,

J. P. O'Connell

c.c. Medical Staff Office - ETRMC

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Enclosures:

1. Release of Records of C.V. from Dr. Shapiro to my office on 1/16/02. - 2 pages.
2. Declaration of Debbie, Leventer on 1/16/02 - 4 pages
3. Release of Records of C.V. from Dr. IRANI and Dr. Zukow to my office on 1/11/01 - 4 pages

FROM :

FAX NO. :

Jan. 16 2002 11:33AM P1

01/16/2002 12:04

0189921994

DR MILIKOWSKY

PAGE 01/01

Att: Nancy

RECORDS RELEASE AUTHORIZATION

Dr Shapiro

Doctor or Hospital

818-996-4242 ; Fax - 818-996-4352

Address

I HEREBY AUTHORIZE AND REQUEST YOU TO RELEASE ALL RECORDS TO:

GIL N. MILIKOWSKY, M.D.
5303 Balboa Boulevard
Suite 245
Encino, California 91316
(818) 981-1888

THE COMPLETE MEDICAL RECORDS IN YOUR POSSESSION CONCERNING MY ILLNESS/AND/OR TREATMENT
(History & Physical, Pathology, Laboratory, Surgeries, X-rays, All Monitoring Flow Charts).

NAME: [Redacted] DATE OF BIRTH 11-03-00

MAIDEN NAME

NAME UNDER WHICH PATIENT WAS SEEN

SOCIAL SECURITY NUMBER

ADDRESS

SIGNATURE [Redacted]

WITNESS M. J. [Redacted]

DATE 12-15-00

12-15-00

Fax-818-981-1994

1/14/02 - Forwarded to Dr. Shapiro's office

FROM :

FAX NO. :

Jan. 16 2002 11:34AM P2

RICHARD A. SHAPIRO, M.D.
ADULT AND PEDIATRIC UROLOGY
19270 BURBANK BOULEVARD, SUITE 407
TARZANA, CALIFORNIA 91356
(818) 896-4242

November 6, 2000

Arnold Zukow, M.D.
5525 Etiwanda Ave., #212
Tarzana, CA 91356

RE: V [REDACTED] C [REDACTED]

Dear Dr. Zukow:

I greatly appreciate your kind referral of C [REDACTED] V [REDACTED]. This three-day-old male had a neonatal circumcision by the OB at two days of age. He comes in now for evaluation of, what appears to be, excess skin.

Very careful examination reveals that the dorsal skin is almost down to the base of the penis. However, the inner skin is intact and is covering the coronal sulcus.

We have had experience with these in the past and they seem to heal up pretty well without any further treatment, as long as they are carefully watched. Skin grafting at this time is not indicated. The skin should heal. He may need a revision of the adhesions. I will see him in one week. I have asked that they bathe him twice a day and apply Polysporin ointment to the wound.

Sincerely,

Richard Shapiro, M.D.

RS:cs

1/16/02 ~ 10:00 AM

I called Dr. Shapiro's office to follow-up on the release of records of C [REDACTED] V [REDACTED], that I faxed on 1/14/02.

I asked to speak with the person in charge of medical records, and was transferred to Nancy.

Nancy told me she doesn't have the release. I faxed it again, and confirmed with her that she got it.

Debbie

1/16/02 ~ 2:50 PM

Nancy from Dr. Shapiro's office faxed me two pages:

- Page 1 - Our release of records.
- Page 2 - Letter dated 11/6/00 from Dr. Shapiro to Dr. Zukow.

In this letter I noticed that Dr. Shapiro indicates "I will see him in 1 wk".

Since I did not see the notes of Dr. Shapiro of follow-up visit I called Nancy to check if [REDACTED] [REDACTED] came back for a check up, or if there are any other records in the chart?

Nancy told me that since that single visit and up to today, Casey didn't come back. The letter of Dr. Shapiro that she faxed me is the only record in the chart.

I declare under penalty of perjury that the above notes of 1/16/02 10:AM and 1/16/02 - 2:50PM are true and correct, to the best of my knowledge.

1/16/02 - Debbie
Deuster

RECORDS RELEASE AUTHORIZATION

Dr. Zukow

Doctor or Hospital

(818-996-9677)
(Fax 818-996-9709)

Address

I HEREBY AUTHORIZE AND REQUEST YOU TO RELEASE ALL RECORDS TO:

GIL N. MILEIKOWSKY, M.D.
5363 Balboa Boulevard
Suite 245
Encino, California 91316
(818) 981-1888

THE COMPLETE MEDICAL RECORDS IN YOUR POSSESSION CONCERNING MY ILLNESS/AND/OR TREATMENT (History & Physical, Pathology, Laboratory, Surgeries, X-rays, All Monitoring Flow Charts).

NAME C. V. [REDACTED] DATE OF BIRTH 11-03-80

MAIDEN NAME _____

NAME UNDER WHICH PATIENT WAS SEEN _____

SOCIAL SECURITY NUMBER _____

ADDRESS [REDACTED]

SIGNATURE [REDACTED] WITNESS M. L. [REDACTED]

DATE 12-15-00 12-15-00

Please fax records to 310-858-1303.

Thanks!

1/10/00 - Faxed to Dr. Zukow.
Confirmed - Nancy. #

JAN-11-01 12:28 From:DRS. IRANI/ZUKOW/KEER

8189569709

7-701 P.01/03 Job-888

ARNOLD H. ZUKOW, M.D.

KENNETH R. KEER, M.D.

1025 VANDA AVENUE / SUITE 212 / TARZANA, CALIFORNIA

DATE

11/13/01

NAME

[Redacted Name]

Initial, Dc.

- Date: 12-16-01
- Age: 17 mo
- Wt: 22.5 lb
- Ht: 32.5"
- Temp: 38.0
- INS:
- CBC XRAY
- CHOL MONO
- UA TO
- PEAKFLOW
- NASAL SUCTION
- OTHER
- DR INITIALS

Runny nose, stuffy nose
 wheezing in chest, little
 coughing
 gongga noises. eating ok.

PE: alert
 HEENT NCAT. cong normal tonsils
 crackles in lower chest

NGOK supply
 chest clear

ALLERGIES: NKA
 RETURN VISIT:

Afp up
 suction / saline / elevate head / Humidifier
 Consider formula of become condue

Date: 1-8-01
 Age: 2m
 Wt: 22.5 lb
 Ht: 33.0"

Hx: Soy
 Formula Breast Lowfat Solid Foods
 @EVM

Feeding well. Makes a
 funny noise per vom?

Good cry clear food

St @ Hydrocort

Subst. suction & lungs clear
 Floppy Explores water
 Mouth clear & Noisy

ATAP
 PHIB #
 PIPU 55

3+ tylenol given

Add to record

600-8651-00
 781-817
 WITH PLAMIDE
 8.00 up
 60 ml
 BOTTLED 2010
 EXP 02/02
 LOT 011004

ALLERGIES

RETURN VISIT

HEALTH RECORD

KENNETH R. KEER, M.D.

6625 ETIMANDA AVENUE / SUITE 212 / TARBAND, CALIFORNIA 91358

SUZY L. LI, M.D.

ARNOLD H. ZUKOW, M.D.

BIRTH DATE

11/3/00

NAME [REDACTED]

Date 12-1-00
Age 1 mo.
Wt. 10# 5oz
Ht. 21"
Temp. 98.0

Hx: similar

Formula breast Lowfat

Solid Foods

UP to date

- alternating similar to [unclear] & similar to [unclear].
- Pt doing well, has been fussy.

Date
Age
Wt.
Ht.
Temp

2' - 3" 9 2' - (PA)

Date
Age
Wt.
Ht.
Temp

ALLERGIES: NKA
RESPIRATORY: [unclear]

Date 12-7-00
Age 10# 14oz
Wt. 98.0

Fussy, cough, sneezing started yesterday.

- CBC XRAY
- CHOL MIND
- GUC URN
- UA TG
- PEAKFLOW
- NASAL SUCTION
- OTHER

Phys & 2 rct
Phary
Clear Nas

ALLERGIES
RESPIRATORY

NKA
PRA

AROLD H. ZUKOW, M.D.

HEALTH RECORD
KENNETH R. KEEL, M.D.

6225 ETRUNDA AVENUE / PHOENIX, AZ 85018

SUZYL L. M.D.

BIRTHDATE

11-3-00

Phoenix, AZ

11-6-00

38 weeks

7#13.5 lbs

97.2 cm

Sw: ~~7#13.5~~ 7#15.5
Born vaginal, at Encino Hospital.

Penis, was bleeding a little
the obstetrician did circumcision
last night

↓ 20%

Date XRAY

Age

Wt. LTRACNO

Ht. EGR

UA TC

PEAKFLOW

NASAL SUCTION

OTHER

INITIALS

~~Abdominal 9/1/00~~
Bluish Mucous
SKIN? - Site?
Shed. Scapula

Form - 25/4 1 1/2 - 2 1/2
30-40
Toward Right

11-17-00

2 WK

20 1/2"

38.9

Hx: Low Iron/with Iron Similar alternating E.C.I.I.
Formula Breast Solid Foods
Lowfat

Form - 25/4 1 1/2 - 2 1/2

Lots of BMs
Mass stools Prod

Hep B + PP
Seemingly
discussing

Y V V
discussing

AKDA:

JAN. 25. 2002 3:05PM

NO. 863

P 80 301 UNIT STAFF SERV
ENCINO-TARZANA REGIONAL MEDICAL CENTER

**MEDICAL STAFF SERVICES OFFICE
ENCINO-TARZANA REGIONAL MEDICAL CENTER**

FAX COVER SHEET

DATE: 1/25/02 TIME: _____

ATTENTION: Gil Mileikowsky, MD

FAX TO: (310) 858-1303

FROM: **DEBBIE MILLER, CMSC, DIRECTOR MEDICAL
STAFF SERVICES - FAX # (818) 708-7219**

The transmission has 4 pages, INCLUDING this cover sheet. If you do not receive all pages please call (818) 708-5566.

MESSAGE: _____

CONFIDENTIALITY NOTE: The documents accompanying this facsimile transmission contain information belonging to Encino/Tarzana Regional Medical Center and are confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or the employee, or agent responsible to deliver it to the intended recipient, you are hereby notified that any disclosure, copying, dissemination, distribution or the taking of any action, in reliance on the contents of this or the taking of any action, in reliance on the contents of this transmitted information is **STRICTLY PROHIBITED**. If you have received this facsimile in error, please notify us **IMMEDIATELY**.

Encino-Tarzana Regional Medical Center
18321 Clark Street, Tarzana, CA 91356

Encino • Tarzana Regional Medical Center

Tarzana Hospital
Tenet HealthSystem

Tarzana Hospital
18321 Clark Street
Tarzana, CA 91356

January 25, 2002

Daniel H. Willick, Esq.
Law Offices of Daniel H. Willick
1925 Century Park East
Seventeenth Floor
Los Angeles, CA 90067

Re: **Hearing Of Gil Mileikowsky, M.D.**

Dear Mr. Willick:

This letter shall serve as the Medical Executive Committee's ("MEC") response to issues raised in Dr. Mileikowsky's letters dated January 17, and 22, 2002.

1. Response to your rulings dated December 24, 2001 and January 3, 2002.

Dr. Mileikowsky submitted multiple requests for an extension of time to respond to issues addressed in your rulings dated December 24, 2001 and January 3, 2002. Each request was premised on Dr. Mileikowsky's assertion that due to the complexity of the issues, he needed to have his newly retained attorneys, of the law firm of Mirch and Mirch, assist him with a response. Dr. Mileikowsky further attested that the attorneys were both busy in trial and needed additional time to review all of the outstanding issues.¹ You granted each request for an extension.

Despite your leniency in granting the law firm of Mirch and Mirch additional time to respond, it was Dr. Mileikowsky who submitted a response. In fact, Dr. Mileikowsky simply submitted old arguments made by his previous attorney, Arthur Chenen, Esq., in the prior appellate hearing and the Order and Findings of the Appellate Review Body of the Governing Board ("Governing Board") of Encino-Tarzana Regional Medical Center from the prior hearing which have no relevance to the issues pending in this hearing.

The only issue before the Governing Board was whether Dr. Mileikowsky had adequate notice that his continued failure to comply with discovery, i.e. document production, could result in a finding that he had waived his right to a hearing. Clearly, the facts and the issues in the present hearing are distinguishable and are far more serious and extensive in nature.

The record clearly reflects that Dr. Mileikowsky has not only failed to comply with discovery requests, he has repeatedly failed to timely submit response briefs relating to outstanding issues. Further,

¹ See Dr. Mileikowsky's letters dated January 2, 11 and 17, 2002.

Dr. Mileikowsky has acted in an unprofessional, disruptive and threatening manner which resulted in the termination of at least two hearing sessions. He has failed to produce copies of exhibits which he intends to introduce at the hearing and when he attempts to discuss documents which have not been admitted, he argues vehemently for their introduction into evidence which results in delays and further disruptions. Dr. Mileikowsky's most recent letters assert his intentions to violate your rulings regarding the conduct of the hearing and he continues to use inappropriate personal invective. Finally, Dr. Mileikowsky has been placed on notice that his disruptive behavior and continued failure to comply with your rulings will result in: 1) a ruling that he submit his testimony or other evidence in writing and by the way of a written affidavit (sworn statement);² or 2) a finding that Dr. Mileikowsky's behavior constitutes such a material failure to follow procedure for the hearing required by the law and by the Medical Staff Bylaws ("Bylaws") that Dr. Mileikowsky is in default or has forfeited his right to a hearing.³

The MEC reiterates its December 31, 2001 arguments and recommendations and requests that you appropriately warn and advise Dr. Mileikowsky in the form of a Ruling that any further failure by him to comply with California law, the Bylaws, or your rulings can result in your making a finding that he has failed to proceed, without good cause, and therefore, he has waived his right to a hearing and appellate review. Further, the MEC requests that you set a firm deadline for Dr. Mileikowsky to submit a written assurance that he will comply with your January 3, 2002 rulings relating to the conduct of the hearing, and if Dr. Mileikowsky fails to comply, that you order the remaining evidence to be submitted by affidavit, including the submission of written closing arguments. Such an order should be effective to stop such inappropriate conduct, would allow the completion of this hearing and would permit the JRC to make findings based on the evidence.

The MEC also requests that you impose all sanctions threatened in your October 12, 2001 ruling by: 1) denying Dr. Mileikowsky any additional time to correct his default with regard to his production of discovery documents, admission of exhibits and a submission of a response brief concerning peer review where the MEC does not contend in this hearing that Dr. Mileikowsky's underlying patient care is deficient; 2) Informing the JRC on the record of the requirements set forth by California law, the Bylaws and your rulings regarding the production of documents, the admission of exhibits and submission of response briefs; 3) informing the JRC that it is Dr. Mileikowsky's choice to ignore these requirements and that is the only reason that he may not introduce any documents or a response brief at this late date; and 4) instructing the JRC that based on Dr. Mileikowsky's failure to submit a response brief concerning peer review, they may find that the Medical Staff's peer review of Dr. Mileikowsky's patient care was reasonable and warranted as to those peer review matters where the charges against Dr. Mileikowsky are that he failed to participate in, cooperate in, or obstructed peer review.

2. Request to Dismiss Charge No. 34 and to Admit Documents

Dr. Mileikowsky's January 17, 2002 letter, timed at 1:30, p.m. requests that you dismiss Charge No. 34; that you make adverse findings against the MEC and dismiss these entire proceedings; and, in the alternative, you permit him to admit documents which he alleges exculpate him.

Dr. Mileikowsky bases his requests on a letter sent by Dr. Shapiro to Dr. Zukow, dated November 6, 2000, and portions of what appear to be a physician office health care record ("office record"). Dr. Mileikowsky contends that the MEC's failure to produce said documents is a "clear violation and flagrant obstruction of justice", and that these documents provide exculpatory evidence which destroys the

² Ruling dated November 30, 2001.

³ Ruling dated December 24, 2001.

JAN. 25. 2002 3:07PM

NO. 863 P. 4

credibility of the MEC's charge related to his alleged wrongdoing in this circumcision case. Dr. Mileikowsky then requests to admit these documents into evidence at the hearing.

Despite Dr. Mileikowsky's allegation, the MEC was not made privy to Dr. Shapiro's letter or Dr. Zukow's office records, therefore the MEC could not produce them. Furthermore, neither the letter nor the office records exculpate Dr. Mileikowsky. In fact, the letter which states "We have had experience with these in the past and they seem to heal . . . , as long as they are carefully watched" and "He may need a revision of the adhesions"[emphasis added], and the office record which indicates that the infant's penis was still bleeding the day after the circumcision, supports the MEC's contention that an injury occurred and that the injury required the additional medical attention of a urologist.

Dr. Mileikowsky has had ample time to gather these documents to support his defense, yet he waited until after the MEC's witness testified to Charge No. 34 and now he contends that he just received this evidence. However, the release forms for said records were both signed and dated December 15, 2000. The letter is not signed by Dr. Shapiro and it appears to be altered. In addition, only selective portions of the office record were submitted.

With regard to Dr. Mileikowsky's request to dismiss Charge No. 34, if Dr. Mileikowsky complies with your rulings, he will have ample opportunity to present his own defense after the MEC completes its case. Further, if Dr. Mileikowsky believes these documents exculpate him, then he should present these documents during his defense, if he can demonstrate that he could not have obtained them and offered them as exhibits in a timely manner. Moreover, the hearing officer is not the person to weigh the evidence, the JRC does that.

Based on the foregoing, the MEC requests that you deny Dr. Mileikowsky's requests to dismiss Charge No. 34; to make adverse findings against the MEC and dismiss the entire proceedings and to submit these documents into evidence at the hearing.

Thank you for your attention to these issues.

Sincerely,



Richard Wulfsberg, M.D.

cc: Gil Mileikowsky, M.D. (facsimile and US Certified Mail)
Kevin Mirch, Esq.
Debbie Miller, CMSO
Jay D. Christensen, Esq.

JAN. 17. 2002 6:08PM

NO. 786 P. 2

CONFIDENTIAL

Attention = Medical Staff Office

ETRMC

FAX (818) 609,2288

FAX (818) 708,7219 - Debbie, Direct

FAX (818) 708,5382 - K. Evans

FROM: Gil, NILEIKOWSKY, MD

FAX (310) 8581303

TEL (310) _____ 00

