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IN THE SUPREME COURT

JUN 6 2005

OF THE STATE OF CALIFORNIA

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| GIL N. MILEIKOWSKY, M.D. |) 2 nd Civ. B168705 |
|-----------------------------|---------------------------------------------------------|
| Plaintiff and Appellant, |) (Los Angeles County Superior Court No.) BS079131) |
| VS. | |
| TENET HEALTHSYSTEM, et al., | CLERK'S OFFICE COURT OF APPEAL-SECOND DIST. RECE!VED |
| Defendants and Respondents |) JUN -6 2005 |
| | JOSEPH A. LANE Clerk |

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY (HONORABLE DAVID P. YAFFE, JUDGE)

NOTICE OF LODGING AND REQUEST TO TAKE JUDICIAL NOTICE OF SIX AMICUS CURIAE BRIEFS FILED IN SUPPORT OF GIL N. MILEIKOWSKY

> ROGER JON DIAMOND 2115 Main Street Santa Monica, Ca 90405 (310)399-3259 (310)392-9029-Fax State Bar No. 40146 Attorney for Plaintiff & Appellant

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TO THE HONORABLE JUSTICES OF THE SUPREME COURT AND TO RESPONDENT TENT HEALTHSYSTEM AND ITS ATTORNEYS, CHRISTIANSEN AND AUER:

Petitioner Gil N. Mileikowsky, M.D. hereby lodges with the clerk 10 copies of amicus curiae briefs filed by various amicus curiae in support of Petitioner in the Court of

Appeal in the instant case, 2nd Civ. B168705 and in the related earlier writ proceeding, Mileikowsky v. Superior Court, 2nd Civil No. B150337.

The briefs in 2nd Civil B150337 are part of the administrative record in the instant case and are also part of the record in Mileikowsky v. Tenet Healthsystem, 128 Cal.App. 4th 262 (2005), Petition for Review filed May 13, 2005 (Supreme Court No. S133894), a case which is related to the instant case.

Petitioner requests this Court to take judicial notice of these 6 amicus briefs pursuant to Evidence Code Section 459. They demonstrate that review is necessary to settle important questions of law under Rule 28(b)(1). These 6 briefs are already part of the record. Petitioner is providing these briefs as extra copies for this Court's convenience because the other copies may be difficult to locate in the voluminous record.

Respectfully submitted,

ROGER JON DIAMOND

Attorney for Plaintiff & Appellant

COURTESY COPIES OF SIX AMICUS CURIAE BRIEFS

INDEX

| <u>NUMBER</u> | DESCRIPTION |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Amici Curiae Brief of the California Medical Association and The American Medical Association In Support of Petitioner |
| 2 | Application of California Academy of Attorneys For Health Care Professionals For Leave To File Amicus Curiae Letter Brief In Support of Petition |
| 3 | Amicus Brief of Union of American Physicians and Dentists In Support of Petitioner |
| 4 | Brief Amicus Curiae of Union of American Physicians and Dentists in Support of Appellant |
| 5 | Amicus Brief of the Consumer Attorneys of California In Support of Petitioner and Appellant |
| 6 | Application For Leave to File Amicus Curiae Brief In Support of Gil N. Mileikowsky by the Association of American Physicians & Surgeons, Inc. and Memorandum of Amicus curiae of the Association of American Physicians & Surgeons, Inc., In Support of Petitioner-Appellant Gil N. Mileikowsky, M.D. |

PROOF OF SERVICE 1 STATE OF CALIFORNIA 2 COUNTY OF LOS ANGELES 3 4 I am employed in the county of Los Angeles, State of California. I am over the age of 5 18 and not a party to the within action; my business address is 2115 Main Street, Santa 6 Monica, California 90405. 7 On the date shown below I served the foregoing document described as: **NOTICE** 8 OF LODGING AND REQUEST TO TAKE JUDICIAL NOTICE OF SIX 9 AMICUS CURIAE BRIEFS FILED IN SUPPORT OF GIL N. MILEIKOWSKY 10 on interested parties in this action by placing a true copy thereof enclosed in a sealed envelope 11 addressed as follows: 12 Hon. David P. Yaffe, Judge Russell Iungerich 13 Superior Court Iungerich & Spackman 28441 Highridge Road 111 N. Hill Street 14 Suite 201 Los Angeles, CA 90012 Rolling Hills Estates, CA 90274-4871 15 (California Academy of Attorneys for Clerk Court of Appeal Health Care Professionals) 16 300 S. Spring Street Los Angeles, CA 90013 Andrew Kahn 17 Davis, cowell & Bowe 595 Market Street, Suite 1400 18 Jay D. Christensen, Esq San Franciso, CA 94105 Christensen & Auer 225 South Lake Ave., 9th Floor (Union of American Physicians & 19 Pasadena, Ca 91101 Dentists) (Tenet's Attorney) 20 Sharon J. Arkin Robinson, Calcagnie & Robinson Catherine I. Hanson 21 620 Newport Center Dr., 7th Fl. California Medical Association 221 Main Street, Third Floor Newport Beach, CA 92660 22 San Francisco, CA 94105 (Consumer Attorneys of California) 23 David P. Parker Leonard A. Nelson Parker Mills & Patel American Medical Association 24 865 S. Figueroa St., Suite 3200 AMA Litigation Center 515 North State Street Los Angeles, CA 90017 25 (Association of American Physicians & Chicago, IL 60610

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Surgeons, Inc.)

| 1 2 3 | Andrew Schlafly 939 Old Chester Road Far Hills, New Jersey 07931 (Association of American Physicians & Surgeons |
|-------------|-----------------------------------------------------------------------------------------------------------------|
| 4 | Steve Ingram |
| 5 | CAOC 770 L Street, Suite 1200 |
| 6 | Sacramento, CA 95814 (Consumer Attorneys of California) |
| 7 | |
| 8 | I caused such envelope with postage thereon fully prepaid to be placed in the United |
| 9 | States Mail at Santa Monica, California on June <u>6</u> , 2005 |
| 10 | I declare under penalty of perjury, under the laws of the State of California, that |
| 11 | the foregoing is true and correct and was executed at Santa Monica, California on the $\frac{6}{2}$ day of |
| 12 | June 2005. Juseth & Buylog |
| 13 | / JUDITH A. BURGDORF |
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