

1 I, Orris H. Johnson, BSME, have been involved in the
2 investigation of tire failures for 15 years. My curriculum vitae
3 is attached.

4 At the request of Dr. Gil N. Mileikowsky I inspected a tire
5 that had a knife blade type cut which caused the tire to go flat.
6 We met for the inspection at Service Tire Center, 5923 Van Nuys
7 Boulevard, Van Nuys, on August 8, 2000.

8 The tire was a Pirelli P4000 Super Touring, P225/55R16 94V
9 M&S. The DOT #CHT4-HX4-339 indicates it was manufactured at the
10 Pirelli Armstrong Plant at Hartford, California during the thirty-
11 third week of 1999. The tire was constructed of 1 polyester radial
12 body ply plus two steel belts plus two nylon plies.

13 The tire had a broken knife type steel blade edge showing in
14 the shoulder rib near the belt edges. The surface cut was
15 approximately one inch long on the curb side of the tire that had
16 been mounted on the left rear. The tire was in excellent condition
17 with only a small amount of wear.

18 The tire was demounted for further inspection. The inside of
19 the tire was in good condition. There was evidence that the knife
20 blade cut completely through the carcass and would cause a slow
21 leak.

22 The knife blade had penetrated at an angle in the direction
23 of rotation. There were no scuffing marks at or near the knife
24 blade. Had the knife blade penetrated from an angle opposite the
25 direction of rotation it would be typical of a road hazard with
26 scuff marks showing on the surface near the knife blade. Had this
27
28


1 knife been on the road it would have penetrated the tire in the
2 opposite direction.

3 The wheel/rim was not damaged and was the original equipment
4 on the vehicle. The vehicle is a 1998 Mercedes SL500 with an
5 odometer reading of 29,937 miles.

6 At my suggestion the tire was X-rayed. Dr. Mileikowsky and
7 I viewed the X-rays together. They show the leading edge of the
8 knife penetrating into the tire at the edge of the steel belts.

9 It is my opinion that this tire was intentionally cut with a
10 knife-like instrument and the blade broke off leaving a portion of
11 the steel exposed to the surface. The penetration was deep enough
12 to cause the tire to lose air pressure and run flat.

13
14
15 Dated: August 10, 2000


16 Orris H. Johnson, BSME
17 Declarant
18
19
20
21
22
23
24
25
26
27
28

























637 Valley Avenue
Solana Beach, CA 92075.2428
Fax: 858.481.0980
Phone: 858.481.1990

1/2000

ORRIS H. JOHNSON
Superior Court Qualified

OCCUPATION Tire Engineer and Tire Consultant

EDUCATION

1949, B.S. Mechanical Engineering, Purdue University,
West Lafayette, IN

CONSULTING EXPERIENCE

1985 to present: Identifying the cause and mechanism of tire failures; conducting tests and experiments to validate or contest claims asserted in law suits; working with attorneys on discovery, interrogatories, deposition, and preparation for trial testimony; investigating 400 or more individual tire failure cases for plaintiff and defense. Types of tires have encompassed passenger, light truck, truck-bus, farm tractor, industrial, bicycle, motorcycle, and retreads, including radial, bias, tube, and tubeless constructions. Qualified as expert witness in municipal and superior courts for both civil and criminal cases.

PROFESSIONAL EXPERIENCE

GENERAL TIRE AND RUBBER COMPANY, AKRON, OHIO

1971-1985: Manager, Manufacturing Tire Engineering, Tire Division. Coordinated the manufacture of tires in seven producing tire plants to insure highest quality, most cost-efficient tires; served on committees for tire development, plant engineering, and quality assurance, to improve radial tire building machines and reduce tolerance variations; coordinated development test tire building in plants to insure production compliance to tolerance and standard changes; served on task forces assigned by management to resolve specific problems affecting quality, efficiency, or profit improvements; planned organization and staffing of departments at staff and plant levels; developed and evaluated technical personnel, assisting in hiring and transfers; attended development meetings which reported test results of new concepts in tire design, construction, compounding, and production. Consulted with Development and

Quality Assurance Departments on returned production tires to identify causes of failure.

1963-1971: Manager, Tire Construction Akron Plant. Monitored daily all tire production to insure highest quality; investigated reasons for tire failures; supervised and trained newly hired college graduates to develop technology; supervised the issuance of engineering specifications for compliance with plant and government testing standards; developed standards for manufacturing tolerances.

1952-1954: Group Leader for Truck, Off-Road, and Airplane Tires; and 1951-1952: Group Leader for Passenger, Light Truck, and Industrial Tires. Gained experience in development of new designs and constructions for General's complete line of tires; responsible for releasing of new tire mold drawings, engineering specifications, and testing of new designs; complete inspection and analysis of all returned test and production tires to identify cause of failure.

1950-1951: Tire Engineering Technical Service. Gained practical factory experience in all lines of tires; analyzed scrap tires on a daily basis to identify cause of failure and changes needed in tire development.

1949-1950: Training Program. Formal program covering all departments in tire manufacturing and administration. Manufacturing included actual building of passenger and truck tires. Operated machinery in preparation for tire components. Administration included legal, purchasing, cost, billing, transportation, and personnel. Each department head explained responsibilities and how departments functioned.

SIEBERLING RUBBER COMPANY, BARBERTON, OHIO

1954-1958: Assistant Manager, Tire Design. Duties and responsibilities in manufacturing quality tires at lowest cost were similar to those at General Tire & Rubber Company (see above).

1958-1962: Manager, Tire Design. Duties the same as Assistant Manager plus additional responsibility within the drafting and test departments; represented Sieberling at Tire and Rim Association meetings, serving on various committees; chaired development of radial truck committees among five rubber plants at Lee, Dayton, Mansfield, Gates, and Sieberling.

LEE RUBBER COMPANY, CONSHOHOCKEN, PENNSYLVANIA

1962-1963: Started as Manager of Tire Construction, same duties as when Manager of Design, Sieberling; six months later promoted to Director of Tire Development which included the chemical departments.

MILITARY SERVICE

Pilot, U.S. Navy

PROFESSIONAL ASSOCIATIONS

Society of Automotive Engineers
Akron Rubber Group
Forensic Consultants Association
American Arbitration Association

8/14/00 ± 3:00 PM

Sent by FAX to (818) 756 8966
TEL (818) 756 8553

Attention Detective DOLLEY* and
Detective HABIBI.

From: Gil, NILEIKOWSKY, R. J.
FAX (310) 858 1303
TEL (-) -----00

C.C. Mr. A. PITTMAN

Mr. I. HITTELMAN.

TOTAL # pages 13 (including Cover)

* note Detective Dolley is Supervisor of the
"Stolen Cars" Division - He does Not
investigate Homicide

- 2 -

8/14/00

Dear Detective Dolley,
Thank you for spending the time
with me on the phone this
Afternoon.

The following is the Report
of Mr. ARRIS, JOHNSON - FORENSIC
TIRE EXPERT for your file.

Also attached are the first page of
3 lawsuits I am associated with that
could relate to this incident.

1. 6/28/2000 - My declaration was filed
on behalf of Mrs. Donna, HEAD who filed
a Malpractice case against Dr. Vermesh.
2. Law suit filed by Mr. Hittelman on
my behalf 4/6/99
3. Law suit filed 7/11/00 by Mr. Pittman

- 3 -

Dr. PINE being Very close to
the Medical Staff office personnel
and the administration could have
known of my imminent arrival
that night to TARZANA Since I
was asked to call before coming
as per instructions of the letter of
Mr. Surowitz - CEO of TARZANA Hospital

If I can be of any assistance
to you please do NOT hesitate to
call upon me.

Thanks
JIP

He changed my Tire at Crown Plaza
Hotel next to office of ALVIN, PITTMAN

FRANCISCO, ALVAREZ = VALET

TEL = (310) 642.7500 XT = 1889.

Hotel Crown-Plaza - LAX

H (323) 7730202

Saw me arrive with Flat
tire. He showed me which
one it was since I thought
it was a Right Front Tire
but it was the Left Rear Tire.

1 Keith A. Fink, Bar No. 146841
 Jennifer L. Nutter, Bar No. 192132
 2 FINK & FELDMAN, LLP
 11500 Olympic Blvd., Suite 316
 3 Los Angeles, CA 90064
 Telephone: (310) 268-0780
 4 Facsimile: (310) 268-0790

5 Attorneys for Plaintiffs,
 DONNA HEAD and RICHARD HEAD

ORIGINAL FILED

JUN 28 2000

**LOS ANGELES
SUPERIOR COURT**

6
 7
 8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **COUNTY OF LOS ANGELES, NORTHWEST DISTRICT**

11 **DONNA HEAD and RICHARD HEAD,**

12 **Plaintiffs,**

13 **v.**

14 **MICHAEL VERMESH, M.D., individually**
 and d.b.a. Center for Human Reproduction
 15 and d.b.a. The Center for Fertility and
 Gynecology; **SNUNIT BEN-OZER, M.D.;**
 16 **AMI/HTI TARZANA ENCINO, a business**
 entity, form unknown, d.b.a. Encino/Tarzana
 17 **Regional Medical Center; WEST COAST**
CLINICAL LABORATORIES, L.P., a
 18 **limited partnership; and DOES 1 through 50,**
 Inclusive.

19 **Defendants.**

CASE NO. LC 046 932

DECLARATION OF GIL N.
 MILEIKOWSKY, M.D. IN SUPPORT
 OF PLAINTIFFS' OPPOSITION TO
 DEFENDANTS' MOTION FOR
 SUMMARY ADJUDICATION

DATE: July 12, 2000
 TIME: 9:00 a.m.
 DEPT: Z

Complaint Filed: December 30, 1998

Discovery Cutoff: July 7, 2000
 Motion Cutoff: July 21, 2000
 Trial Date: August 7, 2000

21
 22 I, Gil N. Mileikowsky, M.D., declare as follows:

23 1. I have personal knowledge of the facts stated in this declaration, except as otherwise
 24 stated, and if called upon to do so I could and would competently testify thereto.

25 2. A summary of my qualifications to render an opinion in this matter is as follows: I am
 26 certified by the Board of Obstetrics & Gynecology in the United States and Belgium, and am licensed
 27 to practice medicine in California, Texas and Belgium. I obtained a medical degree, Cum Laude,
 28 from the Catholic University of Louvain, Belgium in 1979. I then completed four years of residency

1 PAUL M. HITTELMAN SBN: 33449
 2 PAUL M. HITTELMAN
 3 A PROFESSIONAL CORPORATION
 9100 Wilshire Boulevard
 East Tower - Suite 601
 Beverly Hills, California 90212-3415
 4 Telephone: 310-888-7790
 5 Facsimile: 310-888-7793
 6 Attorneys for Petitioner

ORIGINAL FILED

APR 06 1999

LOS ANGELES SUPERIOR COURT

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 FOR THE COUNTY OF LOS ANGELES

10
 11
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 28

GIL N. MILEIKOWSKY, M.D.,

Petitioner,

v.

TENET HEALTHSYSTEM, ENCINO-
 TARZANA REGIONAL MEDICAL
 CENTER, a California corporation; and
 DOES 1 through 100, inclusive,

Respondents.

BS056525

CASE NO: SZS950SR

PETITIONER'S EX PARTE
 APPLICATION FOR TEMPORARY
 RESTRAINING ORDER AND ORDER
 TO SHOW CAUSE RE PRELIMINARY
 INJUNCTION; MEMORANDUM OF
 POINTS AND AUTHORITIES, IN
 SUPPORT THEREOF; DECLARATION
 OF PAUL M. HITTELMAN RE EX
 PARTE NOTICE

DATE:
 TIME:
 DEPT:

[Filed concurrently with Declaration
 of Gil N. Mileikowsky, M.D. and
 Petition for Writ of Mandate and
 Supporting Papers]

///

RECEIVED
APR 20 1999
DEPT. 85

1 PAUL M. HITTELMAN SBN: 33449
2 PAUL M. HITTELMAN
3 A PROFESSIONAL CORPORATION
4 9100 Wilshire Boulevard
5 East Tower - Suite 601
6 Beverly Hills, California 90212-3415

7 Telephone: 310-888-7790
8 Facsimile: 310-888-7793

9 Attorneys for Petitioner

ORIGINAL FILE
APR 20 1999
LOS ANGELES
SUPERIOR COURT

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 GIL N. MILEIKOWSKY, M.D.,

14 Petitioner,

15 v.

16 TENET HEALTHSYSTEM, ENCINO-
17 TARZANA REGIONAL MEDICAL
18 CENTER, a California corporation; and
19 DOES 1 through 100, inclusive,

20 Respondents.

CASE NO: BS 056525

PRELIMINARY INJUNCTION

DATE: APRIL 19, 1999
TIME: 9:30 A.M.
DEPT: 85

21 TO: RESPONDENTS TENET HEALTHSYSTEMS, INC., ENCINO-TARZANA
22 REGIONAL MEDICAL CENTER, A CALIFORNIA CORPORATION, AND DOES
23 1 THROUGH 100, INCLUSIVE, AND EACH OF THEM, AND THEIR
24 RESPECTIVE AGENTS, SERVANTS AND EMPLOYEES, AND EACH OF
25 THEM:

26 The application of Petitioner for a preliminary injunction came on regularly for
27 hearing by the Court on April 19, 1999 in accordance with an Order to Show Cause
28 issued by this Court on April 6, 1999 on Petitioner's application for a preliminary
injunction. Petitioner appeared through Paul M. Hittelman, A Professional Corporation.

1 PAUL M. HITTELMAN SBN: 33449
 2 PAUL M. HITTELMAN
 3 A PROFESSIONAL CORPORATION
 9100 Wilshire Boulevard
 4 East Tower - Suite 601
 Beverly Hills, California 90212-3415
 5 Telephone: 310-888-7790
 Facsimile: 310-888-7793
 6 Attorneys for Petitioner

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 FOR THE COUNTY OF LOS ANGELES

11 GIL N. MILEIKOWSKY, M.D.,
 12 Petitioner,

13 v.

14 TENET HEALTHSYSTEM, an unknown
 15 entity; TENET HEALTHCARE, an
 unknown entity; TENET HEALTHCARE
 16 CORPORATION, a corporation;
 AMI/HTI TARZANA ENCINO JOINT
 17 VENTURE, a Delaware General
 Partnership, d/b/a ENCINO-TARZANA
 18 REGIONAL MEDICAL CENTER; DARYL
 ALEXANDER; SUNIT BEN-OZER;
 19 STEPHEN COOPER; GARY DOSIK;
 ALLAN ENTIN; BRIAN FENMORE;
 20 ROSE- (ROSIE) FRANCO; EUGENE
 GOOTNICK; PAUL GREENBERG;
 21 THEODORE HARITON; LAURIE
 HOLOFF; PATRICIA JONES; ALLAN
 22 LICHTMAN; DEBRA MILLER;
 DOUGLAS MORROW; STEPHEN PINE;
 23 PETER RUBENSTEIN; SHELDON
 SCHEIN; JAMES SHIELDS; DALE
 24 SUROWITZ; WILLIAM TREIGER;
 MICHAEL VERMESH and DOES 1
 through 100, inclusive.

25 Respondents.
 26

CASE NO: BS 056525

FIRST AMENDED PETITION FOR
 WRIT OF MANDATE [Code of Civil
 Procedure section 1085,
 DECLARATORY RELIEF,
 INJUNCTION AND DAMAGES
 (UNFAIR COMPETITION AND
 DEFAMATION)

1 ALVIN L. PITTMAN (#127009)
 2 LAW OFFICES OF ALVIN L. PITTMAN
 3 5959 W. Century Boulevard,
 4 Suite 712
 5 Los Angeles, California 90056
 6 (310) 337-3077

FILED
 JS ANGELES SUPERIOR COL

JUL 11 2000

JOHN A. ... CLERK

[Signature]
 JOHN A. ...

Attorneys for Plaintiff
 GIL N. MILEIKOWSKY, M.D.

7 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
 8 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

10 GIL N. MILEIKOWSKY, M.D.)

11 Plaintiff)

12 v.)

13 TENET HEALTHSYSTEM, an unknown)
 14 entity; TENET HEALTHCARE)
 15 CORPORATION, a corporation;)
 16 AMI/HTI TARZANA ENCINO JOINT)
 17 VENTURE, a Delaware General)
 18 Partnership, d/b/a ENCINO)
 19 TARZANA REGIONAL MEDICAL)
 20 CENTER; STEPHEN COOPER; GARY)
 21 DOSIK; BRIAN FENMORE; ROSE-)
 22 (ROSIE) FRANCO; PATRICIA)
 23 JONES; ALLAN LICHTMAN; DEBRA)
 24 MILLER; DOUGLAS MORROW;)
 25 STEPHEN PINE; DALE SUROWITZ;)
 26 MICHAEL VERMESH; JERRY CLUTE;)
 27 and DOES 1 THROUGH 100,)
 28 INCLUSIVE,)

Defendants.)

CASE NO.:

COMPLAINT FOR DAMAGES AND
 INJUNCTIVE RELIEF AND DEMAND
 FOR JURY TRIAL FOR:

1. BREACH OF CONTRACT;
2. BREACH OF THE COVENANT OF GOOD FAITH AND FAIR DEALING;
3. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
4. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS;
5. RETALIATION IN VIOLATION OF PUBLIC POLICY/WHISTLE BLOWING;
6. DEFAMATION.

1. Gil N. Mileikowsky, M.D. (hereinafter referred to as Plaintiff), is a physician and surgeon duly licensed to practice

- 1 -

Sent by FAX 8/31/00 ± 11:55 PM

Attention Mr. Dale, Surowitz

CEO - ETRMC

FAX (818) 708 5382

TEL (-) 708 525415

FROM Gil, Mileikowsky, RD.

FAX (310) 858 1303

TEL (-) ——— 1300

Re: Records of "Sign-In Book"
at ETRMC.

TOTAL # pages Including Cover:

6 pages

- 2 -

Dear Mr. Susowitz,

Pursuant to the Chief of Staff
of ETRMC. Dr David, Kayne's letter
of 8/25/00 I hereby request that
you instruct the Security Personnel
to preserve ALL the "Sign-In"
Sheets at ETRMC from 7/1/00 to
8/31/00 for "FORENSIC ANALYSIS".
These documents are material
Evidence in an ongoing Criminal
investigation.

Please notify me by 12 noon on
9/1/00 where these documents
will be kept and who will be
the Custodian.

- 3 -

On the night of 8/30/00 at about 00:20 AM I reviewed the "Sign-In Book" at the Security desk together with the Security guards but we could not find the Sign-In "ER Check In Form" (see sample following this letter) where I signed my name as I arrived to TARZANA Hospital in the night of 7/6 at ± 00:45 AM and signed out about 20 minutes later. I was assured that Mr. Bud, Barnes - Head of Security at ETRMC in daytime would be notified and I was told that he might have

- 4 -

Removed that document to
keep it in His desk.

Mr. Bud, Barnes Has NOT
Called me to respond to my
inquiry and I hereby request
that Mr. Barnes Turn Over
that document or Indicate Where
He might be keeping it or if
he gave that document to the
"Risk Management" Department.

Either way I hereby officially
request that you provide me
with a copy of that Sign-In
document and preserve it for future
analysis.

- 5 -

I trust that you will instruct
your staff NOT to obstruct
a criminal investigation and
will cooperate fully in this
matter.

Sincerely yours,

J. P. Wilkowsky M.D.

c.c. = Dr. David, KAYNE, M.D. FAX (818) 9811217
Chief of Staff - ETRMC

= LAPD.

IC PLEASE PRINT YOUR NAME

Healthcare Security Service Group

ER CHECK IN FORM

	DATE	TIME	NAME	ROOM NO. / DEPARTMENT	PATIENT RELATIONSHI
1					
2					
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4					
5					
6					
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20					

ENCINO . TARZANA
— REGIONAL —
MEDICAL CENTER

To: Gil Mileikowsky, MD

Fax Number: 310-858-1303

From: Dale Surowitz

Telephone: (818)708-5254

Fax Number: (818)708-5382

Date: 9-1-00

Number of Pages: 2 (including cover)

Comments:

CONFIDENTIALITY NOTE

The information contained in this facsimile message may be legally privileged and confidential information and is intended only for the use of the individual or entity names above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone. Thank you.

Encino • Tarzana Regional Medical Center

Encino Hospital • Tarzana Hospital
Tenet HealthSystem

Tarzana Hospital
18321 Clark Street
Tarzana, CA 91356

Encino Hospital
16237 Ventura Blvd.
Encino, CA 91436

September 1, 2000

Fax: (310) 858-1303

Gil Mileikowsky, MD
2934 ½ Beverly Glen Circle
Los Angeles, CA 90077

Dear Dr. Mileikowsky:

This is in response to your letter dated August 31, 2000, which was received by facsimile transmission this date. Please be advised that the Hospital will respond appropriately to any criminal investigation, including necessary measures to preserve evidence.

Any documents relevant to proceedings in which you are involved will be provided to you when required by applicable law, regulation or Medical Staff Bylaws. However, this does not relieve you or your obligation to provide documents in your possession, or which you are able to obtain from other sources, in order to comply with Dr. Kayne's requests stated in his August 25 letter.

Thank you for advising us of your concerns.

Sincerely,



Dale Surowitz
Chief Executive Officer

ke

cc: Stephen G. Auer, Esq.
David Kayne, MD

gml3

Sent by FAX 9/5/00 - ± 10:30 AM.

Attention: Mr. D. SUROWITZ
CEO - ERMC

TEL: (818) 708 5254
FAX: () — 5382

confirmed
Received 9/5/00
by Kathy Evers
[Signature]

From: Gil, Gileikowsky, R.D.

TEL: (310) 858 1300
FAX: () — 03

- URGENT -
REQUIRES IMMEDIATE
ATTENTION.

THANKS,
[Signature]

- 1 -

Dear Mr. Surovitz,

I am in receipt of your letter dated 9/1/00. Which is totally NON Responsive to my letter dated 8/31/00

In addition to the items described in my letter of 8/31/00 please preserve the Video Recordings of the Hospital's Security Monitoring System of 7/6/00 - Midnight to 2:00 AM.
8/30/00 - Midnight to 3:00 AM and
8/20/00 - 4:00 PM to 8:00 PM.

Please have Copy of these tapes available for me to pick up by

- 2 -

9/5/00 at 5:00 PM at the
LBX-operator office.

Your anticipated cooperation
in this matter will be greatly
appreciated

Sincerely Yours,

P. J. [Signature]

c.c.: Dr David, KAYNE, MD.
Chief of Staff at ETRMC
FAX (818) 981.1217

= LAPD

SUPPLEMENTAL ADMINISTRATIVE RECORD**INDEX**

<u>VOLUME NO.</u>	<u>DOCUMENT NO.</u>	<u>DESCRIPTION OF DOCUMENT</u>
5	33	Voice Mail Memorandum of message left on Gil N. Miliekowsky's home phone by Lori - Assistant of Dale Surowitz CEO of Tarzana on July 5, 2000 at 3:09 P.M, page 10932 to 10938 (Note - cassette recording submitted as part of this item in the supplemental administrative record to Dept. No. 86)
	34	Published opinion of the Court of Appeal of the State of California - Second Appellate District, Division 4 in case B133413 <u>Shari thomas v. Barry Gordon</u> Filed November 30, 2000, page 10939-10952

Internal MEMO - Gil N. Mileikowsky, MD

Message left on my Voice-Mail at my home TEL - (310) 858 1300 on 7/5/00.

"Message marked Urgent, Sent Wednesday July 5th at 3:09 PM: Hi Dr. Mileikow-
-sky, this is Lori calling you back from TARZANA Hospital, I got hold of someone who can get it made for you. The problem is that she's got to work really hard to try to get it done tonight but she is not 100% sure that she can get it done by

010932

- p 2 -

tonight. Sure she'll try to get it by tomorrow night at the latest.

But, call the operator tonight before you come all the way out here and make sure it's there.

If not, it will definitely be there for you by tomorrow night and if you need to speak to me I am at

708 5254 and it's 818 area code.

Thank you, bye bye." End of Message

I hereby, Gil Mileikowsky, do declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Gil Mileikowsky 3/22/07

- p 3 -

On 7/5/00, I met for the first time Mr. Pittman and retained him to represent me following the threatening letter of 6/23/00 from Mr. Susowitz ordering that I be stalked by the Security Guards of TARZANA Hospital.

On or about 2:00 PM, I called Mr. Susowitz's office to request 2 copies of ETRMC's Bylaws and Rules and Regulations for Mr. Pittman and myself. Kathy Evans was off that day and Lori was assisting Mr. Susowitz that day.

010934

- p 4 -

In order to avoid the traffic Rush Hour, I asked Lori if the copies of the Bylaws could be left for me in an envelop with the telephone operator of TARRANA Hospital.

Lori gave me the answer by leaving me the above message on my home phone's Voice Mail.

On or about 11:00 PM on 7/5/00, I called the operator who confirmed that the package was ready for me to pick and I could come any

- p 5 -

time. I advised her that I would be there in about an hour.

When I entered the Hospital through the Emergency Room's Security Guard's desk, I signed In and indicated the time I entered as well as the time I left. I never signed In before.

The head of Security was with the telephone operator reviewing videos of the internal surveillance of the Hospital and present when I came to pick up my package.

Hence, I fully complied with Mr. Swowitz's

010936

- p 6 -

6/23/00 instructions. On 8/30/00, the Sign-In Sheet I signed could not be located in the binder at the Emergency Room entrance. I looked for it together with the Security night supervisor and Key who came with me in the early hours of 8/30/00 to ETRMC.

I wrote and faxed a letter to Mr. Furowitz requesting a copy of that sign-in sheet and to preserve it.

No one provided me a copy of it to date. I declare under penalty of perjury that the above is true and

010937

- p 7 -

Correct to the best of my knowledge.

J. P. S. [Signature]

Los Angeles County, 3/22/02

**Encino • Tarzana
Regional Medical Center**

**Tarzana Hospital
Tenet HealthSystem**

Tarzana Hospital
18321 Clark Street
Tarzana, CA 91356
December 22, 2000

**PERSONAL AND CONFIDENTIAL
US Certified Mail: Return Receipt Requested**

Copy by Fax (310)858-1303

**Gil N. Mileikowsky, M.D.
2934 ½ Beverly Glen Circle
PMB 373
Los Angeles, CA 90077**

Re: Notice of Medical Staff Hearing and Charges

Dear Dr. Mileikowsky:

Please be advised that a Judicial Review Committee hearing will be conducted, at your request, to review the recommendation of the Executive Committee's decision to uphold and continue the summary suspension of your clinical privileges and to terminate your Medical Staff Membership and clinical privileges.

The hearing will be conducted in accordance with Article VIII of our Medical Staff

was made that the quality of care rendered by you causes a potential of ~~injury~~ ~~to~~ ~~patients~~. On November 12, 1999, after a full hearing and appeal, Cedars-Sinai Medical Center upheld the summary suspension and terminated your clinical privileges and Medical Staff membership.

28. On December 17, 1999, the Director of the Surgery Department, Marlene Hafer, entered an operating room in which you were scheduled to perform surgery and informed the physician who was scheduled to assist you that he could not assist because he did not have clinical privileges for assisting. In response, you engaged in a prolonged attack of yelling, screaming, threatening and physical intimidation of Ms. Hafer. Your conduct was uncontrolled, dangerous, disruptive and in violation of hospital and Medical Staff standards. The attending anesthesiologist was forced to intervene to restrain you from the attack.

➔ 29. By letter dated June 23, 2000, Dale Surowitz, Chief Executive Officer, informed you that in an effort to protect patients and individuals who work at ETRMC, he had instituted security measures. Mr. Surowitz's letter instructed you to notify his office or the nursing supervisor whenever you enter the Hospital's premises. Hospital administration would then assure that security personnel would accompany you whenever you were on the Hospital premises. On July 5, 2000 and July 6, 2000, you violated this order by entering the Hospital premises, parking your car in the Hospital's parking lot and failing to notify the nursing supervisor that you were on the Hospital premises.

➔ 30. On July 6, 2000, you filed a report with the West Los Angeles Police Department alleging that your car had been vandalized on ETRMC's premises and that Dale Surowitz was responsible.

**ENCINO-TARZANA REGIONAL MEDICAL CENTER
(DR. MILEIKOWSKY)**

EXHIBIT BINDER

HEARING II

117. Letter to Dr. Mileikowsky from Gary Dosik dated December 23, 1999
118. Letter to Dr. Mileikowsky from Gerald Clute dated December 24, 1999
119. Letter to Dr. Mileikowsky from Dale Surowitz dated June 23, 2000
- ➔ 120. Police Report dated July 6, 2000
121. ETRMC's Security Record dated July 4, 2000, July 5, 2000 and July 6, 2000
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- 122A. OB/PC Review dated June 12, 2000
- 122B. OB/PC Review dated August 14, 2000
- 122C. Dr. Mileikowsky's Handwritten Copy of Committee Minutes
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Re: Vacuum Extraction
128. CQI Care Sheet
Re: Circumcision (MR # 49-21-80 T)
129. Excerpts from MR # 49-21-80 T

CHRISTENSEN & AUER

LAW OFFICES

225 SOUTH LAKE AVENUE • 9TH FLOOR
PASADENA, CALIFORNIA 91101
TELEPHONE (626) 568-2900 FACSIMILE (626) 568-1566

JAY D. CHRISTENSEN
PROFESSIONAL CORPORATION

STEPHEN G. AUER
PROFESSIONAL CORPORATION

ANNA M. SUOJA

LISA M. CASE

DONNA J. DEMETER

AUTHOR'S DIRECT LINE

(626) 395 7350

AYS@LDC.LAW.CO

August 7, 2000

Records & Identification Division
Los Angeles Police Department
P O Box 30158
Los Angeles, California 90030

Re: **Police Report # 001021655 - C**

Dear Sir/Madam:

NIF 8/28

DO NOT WRITE IN THESE SPACES

On or about July 6, 2000, Gil Mileikowsky, M D filed a police report at the West San Fernando Valley Police Department. Dr. Mileikowsky alleged that his car, which was parked on the premises of Encino-Tarzana Regional Medical Center, 18321 Clark Street, Tarzana, California, had been vandalized. As legal counsel for the Medical Center, I hereby request a copy of the police report.

I have enclosed a signed release form from Dale Surowitz, Chief Executive Officer of the Medical Center, and a check for \$23 00 made payable to the to the Los Angeles Police Department.

Please feel free to call me if you have any questions.

Very truly yours,

ARS ROUTING STAMP

NAME/DR SEARCH

DPU 325 AUG 14 2000

LOCATION SEARCH

BATCH DPU 360 AUG 16 2000 C

MAILOUT

DPU 810 OCT 13 2000

639 AUG 10 2000

Enclosures

Encino • Tarzana Regional Medical Center

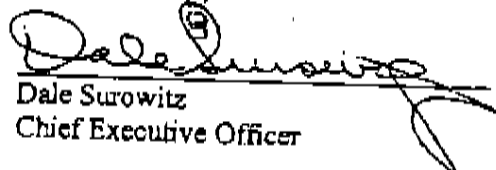
Encino Hospital • Tarzana Hospital

Tenet HealthSystem

Tarzana Hospital
18321 Clark Street
Tarzana, CA 91356

Encino Hospital
16237 Ventura Blvd.
Encino, CA 91436

I Dale Surowitz, Chief Executive Officer at Encino-Tarzana Regional Medical Center, hereby authorize Anna Suda, Esq. to obtain a copy of police report # 001021655 which was filed by Gil Mileikowsky, M.D. The report is for an alleged vandalism that occurred on premises of the Medical Center.


Dale Surowitz
Chief Executive Officer

C:\WINDOWS\TEMP\AUTHORIZ.WPD

 TENET.

use as original

Page 1 of 2

Los Angeles Police Department

- COMBINED EVID. REPORT
- MULTIPLE ENDS ON THIS REPORT

PRELIMINARY INVESTIGATION OF

VAUDALISM

INVEST. DIV. UVAL OR 010 21655

PRELIMINARY CASE SCREENING

SUSPECT / VEHICLE NOT SEEN

PRINTS OR OTHER EVIDENCE NOT PRESENT

NO NOT DISTINCT

PROPERTY LOSS (LESS THAN \$500)

NO SERIOUS INJURY TO VICTIM

ONLY ONE VICTIM INVOLVED

VICTIM

LAST NAME, FIRST, MIDDLE (FIRST IF BUSINESS) WILET KOWSKY, GAIL N.

SEX M DESC W AGE 48 DOB 9-28-51

ADDRESS P.O. Box 491307 LA, CA 90049 PHONE 310 858 1300

53603 BALBONA BL #245 Encino 91316 818 981-1888

DR. LIC. NO. (IF MORE, LIST OTHER ID & NO.) C5443219 FOREIGN LANGUAGE SPOKEN (IF APPLICABLE) DOCTOR

PREMISES (SPECIFIC TYPE) ATM

VEH / PARKING LOT

ENTRY (300 REV) POINT OF ENTRY POINT OF EXIT

FRONT

REAR

SIDE

ROOF

FLOOR

OTHER

METHOD

IMPROVEMENT / TOOL

LOCATION OF OCCURRENCE SAME AS V# RES. BUS. NO. 1085

18321 CLARK ST

DATE & TIME OF OCCURRENCE 7-5-00 2359-7-6-00 1400HR DATE & TIME REPORTED TO PD 7-6-00 2045 HRS

TYPE PROPERTY STOLEN / LOST / DAMAGED TIRE 3rd DRIVER STOLEN / LOST RECOVERED EST. DAMAGED AMOUNT (VAND. 1400)

VICTIM'S VEH. (IF INVOLVED) YEAR MAKE TYPE COLOR LIC. NO. (IF MORE, LIST OTHER ID & NO.) 98 MERC SUV 2D OLIVE BAB1412

NOTIFICATIONS (PERSON & DIVISION)

CONNECTED REPORTS (TYPE & D#)

MO IF LONG FORM LIST UNIQUE ACTIONS, IF SHORT FORM DESCRIBE SUSPECT'S ACTIONS IN BRIEF PHRASES, INCLUDING WEAPON USED. DO NOT REPEAT ABOVE INFO, BUT CLARIFY REPORT AS NECESSARY IF ANY OF THE MISSING ITEMS ARE POTENTIALLY IDENTIFIABLE. ITEMIZE AND DESCRIBE ALL ITEMS MISSING IN THIS INCIDENT IN THE NARRATIVE.

UVAL SUSP(S) INSERTED A METAL OBJECT, POSSIBLY A KNIFE INTO VICT'S TIRE EVENTUALLY WENT FLAT WHILE VICT WAS IN VEH.

VEH'S TIRE (L/R) AND BROKE IT OFF LEAVING A PORTION ON THE TIRE. THE TIRE EVENTUALLY WENT FLAT WHILE VICT WAS IN VEH.

REPORTING EMPLOYEE(S) (INITIALS) LAST NAME SERIAL NO. DIV / DETAIL E. D. JONES 3116 10 DESK

PERSON REPORTING SIGNATURE [Signature] TELEPHONE NO. [Number]

NOTE: IF SHORT FORM AND VICTIM / PR ARE NOT THE SAME, ENTER PR INFORMATION INVOLVED PERSONS SECTION.

Complete below sections if any Preliminary Case Screening boxes are not checked.

SUSP'S VEHICLE

YEAR	MAKE	MODEL	TYPE	INTERNAL	EXTERIOR	BODY	WINDOWS
				COLOR:	1 CUSTOM WHEELS 2 PAINTED INSCRIPT. 3 LEVEL ALTERED 4 RUB / PRIMER 5 CUSTOM PAINT 6 VINYL TOP	1 DAMAGE 2 MOODIFIED 3 STICKER 4 LEPT	1 DAMAGE 2 CURT. TINT 3 CURTAINS 4 FRONT 5 FRONT 6 REAR 7 REAR 8 LEFT

SEX S-1 DESC [Blank] HAIR [Blank] EYES [Blank] HEIGHT [Blank] WEIGHT [Blank] AGE [Blank] CLOTHING [Blank]

NAME, ADDRESS, OCC. IF KNOWN; NAME, BKG. NO.; CHARGE, IF ARRESTED

PERSONAL OCCURRANCES (UNUSUAL FEATURES, SCARS, TATTOOS, ETC.)

Weapons (VERBAL THREATS, BODY FORCE, SIMULATED GUN, ETC. IF KNIFE OR GUN, DESCRIBE FULLY)

10

INVOLVED PERSONS

NAME	SEX	DESC	DOB	ADDRESS	CITY	ZIP	PHONE
DR. LIC. NO. (IF MORE, LIST OTHER ID & NO.)				FOREIGN LANGUAGE SPOKEN (IF APPLICABLE)			

COMBINED EVID. RPT.

USE THIS SECTION IN LIST OF PROPERTY REPORT IF NO GUN AND NO MORE THAN THREE ITEMS OF EVIDENCE

ITEM	QUANT	ARTICLE	SERIAL NO. / TYPE TEST OF DRUG	BRAND / DRUG WEIGHT UNITS	MOOD. NO. / DRUG TEST RESULT	SPED.

DPU 877 SEP 07 2000

NARRATIVE 1) LIST ALL SUSP. & INVOLVED PERSONS. 2) RECONSTRUCT OCCURRENCE, INCL. ALL ELEMENTS OF CORPUS DELICTI. 3) IF NOT USING EVID. CONTINUATION FORM, DESCRIBE EVIDENCE. INCLUDE PRINTS, STATE LOCATION FOUND AND BY WHOM. 4) SUBSTANCE OTHER DETAILS, INCL. WHEN & WHERE PERSONS WITH NO PHONE CAN BE LOCATED. 5) INDICATE TYPE OF TRANSLATION NEEDED FOR ANY INVOLVED PERSON. 6) LIST ITEMS MISSING.

VICTIM IDENTIFICATION INFORMATION (IF APPLICABLE)

IS ANY OF THE VICTIM'S PROPERTY MARKED WITH AN OWNER APPLIED IDENTIFICATION NUMBER? IF "YES" EXPLAIN IN NARRATIVE. YES NO

APPROVAL AND REVIEW

SUPERVISOR APPROVES: [Signature] SERIAL NO. 25025

DETECTIVE SUPERVISOR REVIEWED: [Signature] SERIAL NO. [Blank]

DATE/TIME REPRODUCED: JUL 07 2000 CLEAR

PAGE NO.		TYPE OF REPORT			BOOKING NO.		CR NO.	
1		DAMALISM					001021635	
ITEM NO.	QTY	ARTICLE	SERIAL NO	BRAND	MODEL NO	MRG. DESCRIPTION (E.G. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC)	DOLLAR VALUE	
<p>VICT STATED HE FILED A REPORT ON T-1-03 W/ WVAL LAPD REGARDING WHAT HE PERCEIVED TO BE A THREAT ON HIS LIFE (C-ATTACHED). ON 7-5-03 VICT PARKED HIS VEH IN THE HOSPITAL PARKING LOT AND THERE WAS NOTHING WRONG WITH HIS VEH'S TIRES. HOWEVER ON 7-6-03 WHILE DRIVING HIS VEH AFTER RETRIEVING IT FROM THE PARKING LOT HIS TIRE WENT FLAT WHEN HE HAD THE VEH'S TIRE CHANGED, HE WAS INFORMED THERE APPEARED TO BE A PART OF A KNIFE BLADE EMBEDDED IN THE TIRE. VICT FEELS THIS WAS DONE DELIBERATELY BY SOMEONE FROM THE HOSPITAL IN AN ATTEMPT TO CAUSE HIM TO HAVE AN ACCIDENT.</p> <p>VICT STATED IF NECESSARY HE HAS THE TIRE AVAILABLE FOR DETECTIVES TO ANALYZE.</p> <p>SGT. CANNON WAS ADVISED OF INCIDENT.</p>								
<u>PROPERTY DAMAGED</u>								
1	1	TIRE (L/R)				FOR MERCEDES VEHICLE	8400.00	
						WSTKL	8400.00	
<p>DATE: 03 27 2007 8 04 AM</p>								

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129. Excerpts from MR # 49-21-80 T

IC PLEASE PRINT YOUR NAME HAPPY 4th JULY
 Healthcare Security Service Group ER CHECK IN FORM

	DATE	TIME	NAME	ROOM NO. / DEPARTMENT	PATIENT RELATIONSHIP
1	7-4-00	08:20	M [REDACTED] W [REDACTED]	Labor + Delivery	
2	7-4-00	9:00	I [REDACTED] L [REDACTED]	406 -	HUSBAND
3	7/4/00	9 PM	G [REDACTED] E [REDACTED]	320	[REDACTED]
4	7/4/00		S [REDACTED] M [REDACTED]	208	CUSIN
5	7/4/00	9:15P	G [REDACTED] A [REDACTED]	22	HUSBAND
6	7/4/00	9:15	A [REDACTED] A [REDACTED]	20X	son
7	7/4/00	9:20	M [REDACTED] + M [REDACTED]	320	Father
8	7/4/00	9:20	B [REDACTED] E [REDACTED]	606 Post	[REDACTED]
9			A [REDACTED] B [REDACTED]		
10	7/4/00	10:30	V [REDACTED] M [REDACTED]	106	Mother
11	7/4/00	10:30	J [REDACTED] D [REDACTED]	ICU	mom
12	7/4/00	11:45	A [REDACTED] M [REDACTED]	CCU	Father
13	7/4/00	11:20	T [REDACTED] S [REDACTED]	168B	Father
14	7/4/00	11:30	J [REDACTED] C [REDACTED]	ER	brother
15	7-4-00	11:30	-S [REDACTED] W [REDACTED]	ICU	wife
16	7/4	11:30	D [REDACTED] S [REDACTED]	NICU	MD
17	7/4	11:50	G [REDACTED] W [REDACTED]	ER	HUSBAND
18	7/4	17:00	M [REDACTED] L [REDACTED]	ER	
19	7/5	0826	D [REDACTED] S [REDACTED]	ICU	Neutician
20			C [REDACTED] W [REDACTED]	Mat	
21			+ [REDACTED]	ER	
22		3:50	T [REDACTED]	ICU #8	daughter
23			E [REDACTED]		son
24					
25					

IC PLEASE PRINT YOUR NAME 7-6-00

Healthcare Security Service Group

ER CHECK IN FORM

	DATE	TIME	NAME	ROOM NO. / DEPARTMENT	PATIENT RELATIONSHIP
1	7/6	9:00	J. H. [REDACTED]	218	Wife
2	7/6	9:00	R. [REDACTED] R. [REDACTED]	NICU	Daughter
3	7/6	9:00	[REDACTED] A. [REDACTED]	NICU	Daughter
4	7/6	9:10	[REDACTED] [REDACTED]	520	Wife
5	7/7	9:17	K. H. [REDACTED]	392	H. [REDACTED]
6	7/7	9:20	[REDACTED]	115	[REDACTED]
7	7/6	9:25	[REDACTED]	CCICU	Father
8	7/6	9:30	A. [REDACTED]	CCICU	Daughter
9	7/6	9:30	A. [REDACTED]	CCICU	Son
10	7/6	9:45	S. [REDACTED]	204	Mother
11	7/6	9:45	M. [REDACTED]	380	Cousin
12	7/6	10:15	[REDACTED]	LND	Friend
13	7/6	2050	T. [REDACTED] = [REDACTED]	PARADISE	Pick up
14	7/6	2315	M. [REDACTED] G. [REDACTED]	PICU	MOTHER
15	7/6	12:29	[REDACTED] [REDACTED]	DAY	Daughter
16	7/7/00	2:45	[REDACTED] [REDACTED]	Delivery	Brother in law
17					
18					
19					
20					
21					
22					
23					
24					
25					



DAILY ACTIVITIES REPORT

Healthcare Security Service Group

Name of Officer:		Date:	7-6-06
Assignment:	ER - ROSSER	Shift:	0700-1900
Unit No.:	3	Key Count:	-
Hospital:	Tarzana Regional M.C. #1115	Radio No.:	1

Enter all noteworthy information chronologically. All observations and patrol/post activities shall be thoroughly and concisely documented.

Equipment/Vehicle Inspection & Inventory:

Start Time

Observations & Activities

0710 S/O CARTER ON DUTY, POSTED IN THE ER. CHECKED THE WAITING ROOM.

0800 MADE ROUNDS IN THE PARKING STRUCTURE, LINCOLN Y, WOMEN'S PAVILION, ESTIMADA PARKING LOT.

0900 POSTED IN THE ER. CHECKED THE WAITING ROOM.

1000 MADE ALL ROUNDS, ALL SECURE. CHECKED THE WAITING ROOM.

1100 POSTED IN THE ER. CHECKED THE WAITING ROOM.

1200 MADE ALL ROUNDS, ALL IS IN ORDER.

1300 POSTED IN THE ER. CHECKED THE WAITING ROOM.

1400 MADE ALL ROUNDS, ALL IS IN ORDER.

1500 S/O OFF DUTY.

Supervisor's Signature: _____



DAILY ACTIVITIES REPORT

Healthcare Security Service Group

Name of Officer:		Date:	7-6-00
Assignment:	14351	Shift:	DAYS
Unit No.:	1	Key Count:	23
Hospital:	Tarzana Regional M.C. #1115	Radio No.:	1

Enter all noteworthy information chronologically. All observations and patrol/post activities shall be thoroughly and concisely documented.

Equipment/Vehicle Inspection & Inventory:

Start Time	Observations & Activities
------------	---------------------------

0700	ON PATROL COVERING 1-6 AND RESTROOMS - SECOND FLOOR XRAY - LAB - PCU - SURGICENTER - ER MAIN LOBBY ALL CLEAR
0800	PUT UP THE FLAGS - WP 240 - HIGH RISK - Post Partum - ER CIVIL ALL CLEAR
0815	10-7
0830	ER - ALLEY - ETIWAANDA ST - PARKING STRUCTURE 1-4 ALL CLEAR
0900	ON PATROL 1-5 AND RESTROOMS - SECOND FLOOR XRAY - LAB - PCU SURGICENTER
0930	ETIWAANDA ST - PARKING STRUCTURE 1-4 ALL CLEAR
1000	MAIN LOBBY - WP LOBBY - ER - ALLEY - ALL CLEAR
1100	ON PATROL 1-6 AND RESTROOMS - SECOND FLOOR XRAY - LAB - PCU SURGICENTER - MAIN LOBBY - AUDITORIUM - ER - CIVIL ALL CLEAR
1200	DAILY TIRE CHANGE - PATROL MAIN LOBBY
1230	10-7

Supervisor's Signature: _____

 Revision No 3
 10/20/98



DAILY ACTIVITIES REPORT

Healthcare Security Service Group

Name of Officer:		Date:	7-06-00
Assignment:	EE-ROVER	Shift:	DAY
Unit No.:	2	Key Count:	NONE
Hospital:	Tarzana Regional M.C. #1115	Radio No.:	2

Enter all noteworthy information chronologically. All observations and patrol/post issues shall be thoroughly and concisely documented.

Equipment/Vehicle Inspection & Inventory:

1. Radios

Start Time

Observations & Activities

0700 I PATROL ALL PATROLING ALL SIX FLOOR REST ROOM PARKING LOTS
JUST ONE OF THE ELEVATOR ON INSTRUCTOR PARKING LOT IS OUT
OF ORDER ALL REST ROOMS.

0800 I CAME TO ER CHECKING MONITORS AND WAITING ROOM
EVERY 15 MIN.

0900 I PATROL ALL SIX FLOOR REST ROOM PARKING LOTS ALL SEEM
WAITING TO REPORT.

1000 I CAME BACK TO ER CHECKING MONITORS AND WAITING ROOM EVERY
15 MIN.

1100 I PATROL ALL SIX FLOOR REST ROOM. THEN I REPORTED 30 MIN
LACK

1200 I CAME OUT AGAIN TO ER LIKE ALWAYS CHECKING MONITORS
AND WAITING ROOM EVERY 15 MIN.

1300 I PATROL ALL SIX FLOOR REST ROOM AND PARKING LOTS ALL
SEEM NOTHING TO REPORT

1400 I CAME TO ER CHECKING MONITORS AND WAITING ROOM EVERY
15 MIN.

1500 OFF DUTY.

Supervisor's Signature: _____



DAILY ACTIVITIES REPORT

Healthcare Security Service Group

Name of Officer:		Date:	7/5/2000
Assignment:	ROVER	Shift:	23:00/07:00
Unit No.:	ONE	Key Count:	23 #
Hospital:	Tarzana Regional M.C. #1115	Radio No.:	ONE

Enter all noteworthy information chronologically. All observations and patrol/post activities shall be thoroughly and concisely documented.

Equipment/Vehicle Inspection & Inventory:

Radio Pager and 23# HOSPITAL KEYS

Start Time	Observations & Activities
23:00	START ON DUTY
23:06	ON PATROL E.R. PARKING LOT, BACK ALLEY, ETIWANDA PARKING LOT, BONEYARD PARKING STRUCTURE, MAIN LOBBY, E.R. LOBBY, BATHROOMS AND STAIRWELLS. ALL ARE SECURED CODE-4
24:00	ON PATROL HOSPITAL FLOORS (THRU) CHECKED ALL STAIRWELL AND MEN'S BATHROOMS. NOTHING TO REPORT CODE-4
01:00	ON PATROL WOMEN'S PRIVATE FLOORS (THRU) CHECKED POST PARTUR AND THE NURSERY. NOTHING TO REPORT AT THIS TIME CODE-4
02:00	ON PATROL ETIWANDA PARKING LOT AND BONEYARD PARKING STRUCTURE LEVELS. NOTHING TO REPORT CODE-4
03:00	ON PATROL HOSPITAL FLOORS (THRU) CHECKED ALL BATHROOMS AND STAIRWELLS. NOTHING TO REPORT AT THIS TIME CODE-4
04:00	ON PATROL WOMEN'S PRIVATE FLOORS (THRU) CHECKED NOTHING TO REPORT
05:00	ON PATROL UNLOCKING ALL HOSPITAL DOORS. NOTHING TO REPORT CODE-4
06:00	POSTED AT E.R. PARKING LOT. NOTHING TO REPORT CODE-4
07:00	END OF SHIFT

Supervisor's Signature: _____


DAILY ACTIVITIES REPORT

Healthcare Security Service Group

Name of Officer:		Date:	7-5-00
Assignment:	E.R. Hallway	Shift:	grave 23:35:00
Unit No.:	3	Key Count:	0
Hospital:	Tarzans Regional M.C. #1115	Radio No.:	3

Enter all noteworthy information chronologically. All observations and patrol/post activities shall be thoroughly and concisely documented.

Equipment/Vehicle Inspection & Inventory:

Radio in good condition

Start Time	Observations & Activities
23:00	report on duty NO INCIDENTS to report at E Hallway & ER room
24:00	post on Hallway and sign in sheet, NO INCIDENTS to report
01:00	post on ER and monitor surroundings, NO INCIDENTS
02:00	duty in ER entrance and at Hallway NO INCIDENTS
03:00	on duty at ER room monitor surroundings, NO INCIDENTS.
04:35	ON duty at parking lot; NO INCIDENTS TO REP.
07:00	OFF DUTY

Supervisor's Signature: _____

Revision No. :
10/20/99

Sent by FAX 3/1/00 ± 2:30 AM.

Attention PAUL + ALVIN

FROM = Gil

Re: Attempt on my life - Blade in My Tire.

Dear Paul and Alvin,

If ETRMC and Surowitz are innocent
Why would they eliminate "EVIDENCE"
of my presence at ETRMC that
night? i.e. The Log book
"Sign-In Sheet" I signed that
night 7/6/00 at ± 00:45 AM.
(Little do they know that I
have "evidence")

8/1/00 ± 1:00 PM.

I called Detective Habibi
Who told me that there is
No Camera (+ Video) directed
towards the Emergency Room
Parking area at ETRMC
(that's where I parked at ± 1:00 AM
on 7/6/00) when I went to
pick up copy of Bylaws of ETRMC
for Mr. Pittman
He called Mr. Swartz who denied any
wrong doing. The investigation continues

Sent by FAX 6/29/00 ± 11:30 AM.

VERY URGENT

Attention: LEA PURWIN D'AGOSTINO
Deputy District Attorney

FAX (818) 782 5349

TEL (-) 374.2400

FROM = Gil, Mileikowsky, DA

FAX (310) 858 1303

TEL (-) — 1300

+ Voice - Mail page System

Also my answering service direct #

TEL (818) 883 8331

Encino • Tarzana Regional Medical Center

Tarzana Hospital
Tenet HealthSystem

Tarzana Hospital
18321 Clark Street
Tarzana, CA 91356
June 23, 2000

PERSONAL & CONFIDENTIAL
CERTIFIED RETURN RECEIPT – US MAIL
COPY BY FAX (310) 858-1303

Gil N. Mileikowsky, M.D.
2934 ½ Beverly Glen Circle
PMB 373
Los Angeles, CA 90077

RE: Security Monitoring

Dear Doctor Mileikowsky:

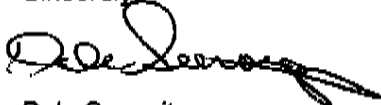
As Chief Executive Officer of this facility, and as an *ex officio* member of the Medical Executive Committee, I have reviewed evidence relating to a pattern of events in which, in my opinion, you have assaulted hospital personnel and engaged in threatening, disruptive, dangerous and unacceptable behavior toward hospital and medical staff personnel. Your behavior also reflects chronic violations of hospital and medical staff policies and legal standards.

Accordingly, in order to discharge the hospital's legal obligations to protect both patients and individuals who work here, I am instituting certain security monitoring provisions which are described below. These measures are administrative actions and do not constitute a restriction or limitation of your medical staff membership or clinical privileges. Please understand, however, that any failure by you to comply with the measures described below, or any further violation of hospital policies (including, but not limited to, perceived threats or intimidation of hospital personnel or medical staff members, and copying of patient records), will result in the summary suspension of your medical staff membership and privileges.

As a condition to your continued access to hospital facilities and use of hospital resources, you are directed to inform my office (or the nurse supervisor in charge outside normal business hours) whenever you enter hospital premises. You are also directed to inform my office, in advance, of any surgical procedure, which you schedule at this facility. Hospital Administration will then assure that security personnel accompany you whenever you are on hospital premises. Those personnel will be instructed to remove you from hospital premises if you engage in any threatening or disruptive conduct. They will also monitor your overall compliance with hospital policies and other legal standards.

If you have any questions relating to these measures, you may contact me directly. The measures described above will be in effect as of 12:01 a.m., June 29, 2000.

Sincerely,



Dale Surowitz
Chief Executive Officer
DS:dm

For all other use of postage in the original of the return address

CERTIFIED

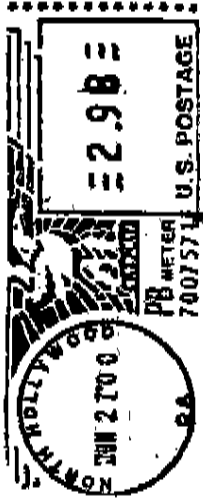
498 289 072

MAIL

**Encino-Tarzana
Regional Medical Center**

Tarzana Hospital
Tenet California HealthSystem

Tarzana Hospital
18321 Clark Street
Tarzana, CA 91356



**PERSONAL &
CONFIDENTIAL**
Received 6/28/00 pg

**PERSONAL &
CONFIDENTIAL**

90077-1724 36

Sent by FAX - 9/5/00 ± 11:30 AM,
3 additional pages 9/5/00 ± Midnight

Attention: Detective Robert EISENHART

Confirmed Received 9/5/00

FAX (818) 342 2110

(-) 756 9295 / 8966

TEL (818) 756 8553 / 43
/ 4

From

GIL, MILEIKOWSKY, DR.

FAX (310) 858 1303

TEL (-) ----- 00

Re: Case # 000710 A 04 - 005

Report # DR # 001021655

- 1 -

8/30/00 ± 7:30 AM

I called ETRMC and Asked the PBX Operator Who was the PBX Operator on 7/5 to 7/6 night Shift. The operator put me on hold and when she returned, she told me that information is "privileged" and that if I had any questions, I should direct them to Mr. Surowitz's Office.

I Called back and asked to speak with the head of Security. Once again, the operator put me on hold and when she returned told me I would have to speak with Mr. Surowitz's Office. I asked her what's her name? She said "Chief Operator"
fo

- 2 -

8/31/00 ± 11:30 PM -


= Beverly, Rogers = Was PBX Operator
= Linda, Yanks = on 7/6/00

↳ is the only other PBX-operator
On the night Shift at ETRMC

I called ETRMC and asked to
Speak with ~~Head~~ Head of Security
After ± 2 to 3 minutes Holding
a female voice answered, she
introduced herself a BABS, RN
nurse Supervisor. She told me
that she was instructed to direct
my calls to the Administrator
On Call if my call was NOT
related to any of my patients

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I called back and asked the
PBX operator ~~for her name~~ if
she was on the night of 7/5 to 7/6?
She checked the schedule but could
I looked for
not find it. She then told me that
she was NOT on that night but
Beverly, Rogers. I then asked
her how come she could determine
who was the PBX operator that
night? She answered that there
are only two night shift PBX
operators at ETRMC. Since she
herself was NOT on that night
it had to be Beverly. I asked
the PBX operator for her name she
answered Linda, Yanks



Sent by FAX 7/6/00 ± 10:20 P.M.

Attention - 6 pages - Confirmed received
Feb

Officer R. D. JONES - LAPD -
- West Valley Division

FAX (818) 756 9295

TEL (-) — 8543

FROM,

GIL, NILEIKOWSKY, R. D.

FAX (310) 858 1303

TEL (-) — 1300

c.c. Mr. Alvin, Pittman, J. D.

Los Angeles Police Department

COMBINED EVID. REPORT
 MULTIPLE DRG ON THIS REPORT

SHOTS FIRED

USE OF FORCE

NARCOTICS STOLEN - MAR. DIV.

DSD (GAS)/ CRASH

FIREARM STOLEN / LOST - DRG & R & I CSME / PROPERTY TR. SPVR.

PRELIMINARY CASE SCREENING

SUSPECT / VEHICLE NOT SEEN
 PRINTS OR OTHER EVIDENCE NOT PRESENT
 MO NOT DISTINCT
 PROPERTY LOSS LESS THAN \$5000
 NO SERIOUS INJURY TO VICTIM
 ONLY ONE VICTIM INVOLVED

PRELIMINARY INVESTIGATION OF
VAUNDALISM

INVEST. DIV. UVAL DR OND

LAST NAME, FIRST, MIDDLE (FIRM IF BUSINESS) WILEY KLOUSKY, GAIL N. SEX M DESC. W AGE 48 DOB 9-28-51

ADDRESS Rt. D, Box 49/207 LA, CA 90049 PHONE 3108581300

53623 BALBOLA BL #245 Encino 91316 818981-1888

DATE LIC. NO. (IF NONE, OTHER ID & NO.) C5943279 FOREIGN LANGUAGE SPOKEN (IF APPLICABLE) DOCTOR OCCUPATION DOCTOR

LOCATION OF OCCURRENCE SAME AS V'S RES. BUS. RID. 1085 PRINTS BY PREL. INV. ATTEMPT OBTAINED Y N N

DATE & TIME OF OCCURRENCE 7:5:00 2359 - 7-6-00 1400HR DATE & TIME REPORTED TO PD 7-6-00 2045 HRS

TYPE PROPERTY STOLEN / LOST / DAMAGED TIRE 3.4 GIVEN STOLEN / LOST RECOVERED EBT. DAMAGED ARSON/VAND. \$400-

VICT'S VEH. (IF INVOLVED) - YEAR, MAKE, TYPE, COLOR, LIC. NO. 98 MERC SEDS 20 OLIVE BAB1412 NOTIFICATIONS (PERSON & DIVISION) 10DESK CONNECTED REPORTS (TYPE & DR)

MO (IF LONG FORM, LIST UNIQUE ACTIONS. IF SHORT FORM, DESCRIBE SUSPECT'S ACTIONS IN BRIEF PHRASES, INCLUDING WEAPON USED. DO NOT REPEAT ABOVE INFO, BUT CLARIFY REPORT AS NECESSARY. IF ANY OF THE MISSING ITEMS ARE POTENTIALLY IDENTIFIABLE, ITEMIZE AND DESCRIBE ALL ITEMS MISSING IN THIS INCIDENT IN THE NARRATIVE.)
UVAL SUSP(S) INSERTED A METAL OBJECT POSSIBLY A KNIFE INTO VICT'S VENT'S TIRE (L/R) AND BROKE IT OFF LEAVING A PORTION IN THE TIRE. THE TIRE EVENTUALLY WENT FLAT WHILE VICT WAS IN VEH.

REPORTING EMPLOYEE(S) INITIALS, LAST NAME, SERIAL NO., DIV./DETAIL, PERSON REPORTING, SIGNATURE, RECEIVED BY PHONE -
P. D. JONES 3116 10DESK [Signature]

NOTE: IF SHORT FORM AND VICTIM / PR ARE NOT THE SAME, ENTER PR INFORMATION IN INVOLVED PERSONS SECTION.

Complete below sections if any Preliminary Case Screening boxes are not checked.

SUSP'S VEHICLE

YEAR	MAKE	MODEL	TYPE	Interior	Exterior	Body	Windows
				1 OILOR 2 BUCKET SEATS 2 DAMAGED INSIDE	1 CUSTOM WHEELS 2 PAINTED INSCRIPT. 3 LEVEL ALTERED 4 RUBT / PRIMER 5 CUSTOM PAINT 6 VINYL TOP	1 DAMAGE 5 RIGHT 2 MODIFIED 6 FRONT 3 STICKER 7 REAR 4 LEFT	1 DAMAGE 5 RIGHT 2 CURT. TINT 6 FRONT 3 CURTAINS 7 REAR 4 LEFT

VEH. LIC. NO. STATE

SEX, DESC., HAIR, EYES, HEIGHT, WEIGHT, AGE, CLOTHING, NAME, ADDRESS, DOB, IF KNOWN; NAME, BKG. NO., CHARGE, IF ARRESTED

S-1 PERSONAL ODDITIES (UNUSUAL FEATURES, SCARS, TATTOOS, ETC.) WEAPON (VERBAL THREATS, BODILY FORCE, SIMULATED GUN, ETC. IF KNIFE OR GUN, DESCRIBE FULLY)

S-2 **CASE # 000710A04-005**

INVOLVED PERSONS W - WITNESS R - PERSON RPTG S - PERSON SECURING (459) D - PERSON DISCOVERING (459) P - PARENT
 CP - CONTACT PERSON (DOMESTIC VIOLENCE) TO - TRUE OWNER

NAME	SEX	DESC	DOB	ADDRESS	CITY	ZIP	PHONE

DR LIC NO. (IF NONE, LIST OTHER ID & NO.) FOREIGN LANGUAGE SPOKEN (IF APPLICABLE)

REPORT # DR # 001021655

COMBINED EVID. RPT. USE THIS SECTION IN LIEU OF PROPERTY REPORT IF NO GUN AND NO MORE THAN THREE ITEMS OF EVIDENCE

ITEM QUAN	ARTICLE	SERIAL NO. / TYPE TEST OF DRUG	BRAND / DRUG WEIGHT UNITS	LOC EVID. BKG. 10.10 GIVEN? Y N	Preliminary Drug Test	SUPV./INV. OFCR. TESTING	SER. NO.	WITNESS OFCR.	SER. NO.

NARRATIVE 1) LIST ADD'L SUSPS. & INVOLVED PERSONS. 2) RECONSTRUCT OCCURRENCE, INCL. ALL ELEMENTS OF CORPUS DELICTI. 3) IF NOT USING EVID. CONTINUATION FORM, DESCRIBE EVIDENCE. INCLUDE PRINTS, STATE LOCATION FOUND AND BY WHOM. GIVE DISPOSITION. 4) SUMMARIZE OTHER DETAILS, INCL. WHEN & WHERE PERSONS WITH NO PHONE CAN BE LOCATED. 5) INDICATE TYPE OF TRANSLATOR NEEDED FOR ANY INVOLVED PERSON. 6) LIST ITEMS MISSING

VICTIM INDEMNIFICATION INFORMATION (IF APPLICABLE) } IS ANY OF THE VICTIM'S PROPERTY MARKED WITH AN OWNER APPLIED IDENTIFICATION NUMBER? IF "YES" EXPLAIN IN NARRATIVE. YES NO

APPROVAL AND REVIEW

SUPERVISOR APPROVING	SERIAL NO.	DETECTIVE SUPERVISOR REVIEWING	SERIAL NO.
DATE & TIME REPRODUCED	CLERK		

Category _____

PHONE CALL

FOR	Dr. Mil. Eikowsky	DATE	7/27	TIME	10:07 AM
M	David, Habibi & Detective				
OF	Police Department				
PHONE	818-750-8553	FAX			
MESSAGE	RE. Report That You Filed				
	7/27/00 - 3:00 PM				
SIGNED	He Said He Would				

talk 2 Surowitz + Asked about

Video-Cameras in Parking area. I also informed him that I signed book & guard for time in and time out. I offered to show tire + pictures + Pittman's case + O'Brien's injunction but he said he did not need it + did not have enough evidence to link him + prosecute

I told Detective Habibi that I did NOT believe that Dale, Surowitz would do such a thing himself. He would pay someone to do it. I also informed him of my "Whistle Blower" position

PL

LOS ANGELES POLICE DEPARTMENT

West Valley Community Police Station



COMMUNITY SERVICE (CSR) REQUEST

OF

Date Received 7-1-00 CSR No. _____ Date Completed _____
Basic Car Area _____ SLO KUHN RD 1005
Officer(s) Assigned _____

TYPE OF SERVICE REQUEST

<input type="checkbox"/> EXTRA PATROL	<input type="checkbox"/> VACATION CHECK FROM: _____ TO: _____	<input type="checkbox"/> NEIGHBOR DISPUTE NAME _____ ADDRESS _____	<input checked="" type="checkbox"/> OTHER <u>BUSINESS DISPUTE</u>
---------------------------------------	---	--	--

CITIZEN REPORTING MTLEIKOWSKI, GIL DAY PHONE 310-858-1300
ADDRESS 2934 1/2 BEVERLY GLEN CIRCLE, #379, LA 90077 PHONE 818-983-8331

LOCATION OF SERVICE REQUEST 18321 CLARK ST, TARBANK TIME N/A

SUMMARY P/R STATES THAT ATTACHED DOCUMENT IS A THREAT AGAINST HIS PERSONAL SAFETY. P/R WISHED TO INFORM PD THAT HE FEELS AN ACT OF VIOLENCE AGAINST HIM WILL POSSIBLY OCCUR AT ABOVE LOC.

-(Disposition of CSR on back)

CSR Received By MCDONALD #34878
SUPERVISOR APPROVING _____
ASSIGNED TO BCC _____ AND SLO _____

- Distribution
- 1-Original to Watch Commander
 - 1-Copy to Basic Car Coordinator
 - 1-Copy to Senior Liaison Officer
 - 1-Copy to Area Commanding Officer



PHONE: (818) 756-8543
TDD: (818) 705-1566
FAX: (818) 756-8295
www.lapdonline.org

SGT - SORCKNESS - WATCH
COMMANDER

LOS ANGELES POLICE DEPARTMENT
WEST VALLEY PATROL DIVISION
WEST VALLEY COMMUNITY POLICE STATION

Williams #34507

BY: Mac DONALD #34878 9020 VANOWEN STREET
RESEDA, CA 91335

REGARDING D.R. No. CIVIL DSP.
FOR FIELD IDENTIFICATION ONLY

For Police Response

877-ASK-LAPD
877-275-5273



9-1-1

USE IT, DON'T ABUSE IT

LOS ANGELES POLICE DEPARTMENT
www.lapdonline.org

§ 417.3**CRIMES AND PUNISHMENTS**

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§ 417.3. Drawing or exhibiting firearm in presence of motor vehicle occupant; punishment

Every person who, except in self-defense, in the presence of any other person who is an occupant of a motor vehicle proceeding on a public street or highway, draws or exhibits any firearm, whether loaded or unloaded, in a threatening manner against another person in such a way as to cause a reasonable person apprehension or fear of bodily harm is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years or by imprisonment for 16 months or two or three years and a three thousand dollar (\$3,000) fine.

Nothing in this section shall preclude or prohibit prosecution under any other statute. (Added by Stats.1987, c. 1433, § 1.)

§ 417.4. Imitation firearm; drawing or exhibiting; punishment; exceptions

Every person who, except in self-defense, draws or exhibits an imitation firearm in a threatening manner against another in such a way as to cause a reasonable person apprehension or fear of bodily harm is guilty of a misdemeanor punishable by imprisonment in a county jail for a term of not less than 30 days. For purposes of this section, an imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Added by Stats.1993, c. 598 (S.B.292), § 3.)

§ 417.6. Intentionally inflicting serious bodily injury; drawing or exhibiting firearm or deadly weapon; punishment

(a) If, in the commission of a violation of Section 417, 417.1, or 417.8, serious bodily injury is intentionally inflicted by the person drawing or exhibiting the firearm or deadly weapon, the offense shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison. As used in this section, "serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(b) When a person is convicted of a violation of Section 417, 417.1, or 417.8 and the deadly weapon or firearm used by the person is owned by that person, the court shall order that the weapon or firearm be deemed a nuisance and disposed of in the manner provided by Section 12028. (Added by Stats.1982, c. 142, p. 475, § 2.2.)

§ 417.8. Drawing or exhibiting deadly weapon with intent to resist or prevent arrest or detention by peace officer; punishment

Every person who draws or exhibits any firearm, whether loaded or unloaded, or other deadly weapon, with the intent to resist or prevent the arrest or detention of himself or another by a peace officer shall be imprisoned in the state prison for two, three, or four years. (Added by Stats.1982, c. 142, p. 476, § 2.5.)

§ 418. Forceful entry and detainer; exception

FORCEFUL ENTRY AND DETAINDER. Every person using or procuring, encouraging or assisting another to use, any force or violence in entering upon or detaining any lands or other possessions of another, except in the cases and in the manner allowed by law, is guilty of a misdemeanor. (Enacted 1872.)

Cross References

Forceful detainer, defined, see Code of Civil Procedure § 1160.

Forceful entry, defined, see Code of Civil Procedure § 1159.

Misdemeanor.

Defined, see Penal Code § 17.

Punishment, see Penal Code §§ 19, 19.2.

Threatening crime victim, witness or informant, punishment, see Penal Code § 140.

§ 419. Repossession of lands after removal by legal process

RETURNING TO TAKE POSSESSION OF LANDS AFTER BEING REMOVED BY LEGAL PROCEEDINGS. Every person who has been removed from any lands by process of law, or who has removed from any lands pursuant to the lawful adjudication or direction of any Court, tribunal, or officer, and who afterwards unlawfully returns to settle, reside upon, or take possession of such lands, is guilty of a misdemeanor. (Enacted 1872.)

Cross References

Misdemeanor.

Defined, see Penal Code § 17.

Punishment, see Penal Code §§ 19, 19.2.

§ 420. Preventing or obstructing entry upon or passage over public lands

Every person who unlawfully prevents, hinders, or obstructs any person from peaceably entering upon or establishing a settlement or residence on any tract of public land of the United States within the State of California, subject to settlement or entry under any of the public land laws of the United States; or who unlawfully hinders, prevents, or obstructs free passage over or through the public lands of the United States within the State of California, for the purpose of entry, settlement, or residence, as aforesaid, is guilty of a misdemeanor. (Added by Stats.1905, c. 516, p. 675, § 1.)

Cross References

Misdemeanor.

Defined, see Penal Code § 17.

Punishment, see Penal Code §§ 19, 19.2.

§ 420.1. Preventing or obstructing entry upon or passage over land in which the person has an interest

Anyone who willfully and knowingly prevents, hinders, or obstructs any person from entering, passing over, or leaving land in which that person enjoys, either personally or as an agent, guest, licensee, successor-in-interest, or contractor, a right to enter, use, cross, or inspect the property pursuant to an easement, covenant, license, profit, or other interest in the land, is guilty of an infraction punishable by a fine not to exceed five hundred dollars (\$500), provided that the interest to be exercised has been duly recorded with the county recorder's office. This section shall not apply to the following persons: (1) any person engaged in lawful labor union activities that are permitted to be carried out by state or federal law; or (2) any person who is engaging in activities protected by the California Constitution or the United States Constitution. (Added by Stats.1998, c. 271 (A.B.2355), § 1.)

§ 421. Repealed by Stats.1933, c. 975, p. 2543, § 601**Title 11.5****TERRORIST THREATS****Section**

422. Elements of offense; punishment; "immediate family" defined.

§ 422. Elements of offense; punishment; "immediate family" defined

Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually committing such a crime.

§ 645

CRIMES AND PUNISHMENTS

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acetate treatment or its chemical equivalent, in addition to any other punishment prescribed for that offense or any other provision of law.

(c) This section shall apply to the following offenses:

- (1) Subdivision (c) or (d) of Section 286.
- (2) Paragraph (1) of subdivision (b) of Section 288.
- (3) Subdivision (b) or (d) of Section 288a.
- (4) Subdivision (a) or (j) of Section 289.

(d) The parolee shall begin medroxyprogesterone acetate treatment one week prior to his or her release from confinement in the state prison or other institution and shall continue treatments until the Department of Corrections demonstrates to the Board of Prison Terms that this treatment is no longer necessary.

(e) If a person voluntarily undergoes a permanent, surgical alternative to hormonal chemical treatment for sex offenders, he or she shall not be subject to this section.

(f) The Department of Corrections shall administer this section and implement the protocols required by this section. Nothing in the protocols shall require an employee of the Department of Corrections who is a physician and surgeon licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code or the Osteopathic Initiative Act to participate against his or her will in the administration of the provisions of this section. These protocols shall include, but not be limited to, a requirement to inform the person about the effect of hormonal chemical treatment and any side effects that may result from it. A person subject to this section shall acknowledge the receipt of this information. (Added by Stats.1996, c. 596 (A.B.3339), § 2.)

Cross References

Carnal abuse of children, see Penal Code § 261 et seq.
Cruel or unusual punishments, prohibition, see Penal Code §§ 681, 2652; Const. Art. I, § 17.

§ 646. Solicitation of personal injury claims with intent to sue out of state; offense; punishment

It is unlawful for any person with the intent, or for the purpose of instituting a suit thereon outside of this state, to seek or solicit the business of collecting any claim for damages for personal injury sustained within this state, or for death resulting therefrom, with the intention of instituting suit thereon outside of this state, in cases where such right of action rests in a resident of this state, or his legal representative, and is against a person, copartnership, or corporation subject to personal service within this state.

Any person violating any of the provisions of this section is guilty of a misdemeanor, and is punishable by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), by imprisonment in the county jail not less than 30 days nor more than six months, or by both fine and imprisonment at the discretion of the court but within said limits. (Added by Stats.1953, c. 32, p. 640, § 15. Amended by Stats.1983, c. 1092, § 314, urgency. eff. Sept. 27, 1983, operative Jan. 1, 1984.)

Cross References

Attorneys,
Disciplinary authority of the board of governors, see Business and Professions Code § 6075 et seq.
Disciplinary authority of the courts, see Business and Professions Code § 6100 et seq.
Purchase of claim prohibited, see Business and Professions Code § 6129.
Rules of professional conduct, see Business and Professions Code § 6076.
Unlawful practice of law, see Business and Professions Code § 6125 et seq.
Unlawful solicitation, see Business and Professions Code § 6150 et seq.
Misdemeanor, see Penal Code §§ 16, 17, 19, 19.2.
Negligence defined, see Penal Code § 7.

Service of process, see Code of Civil Procedure §§ 413.10 et seq., 1011 et seq.; Corporations Code §§ 1700 et seq., 2110; Insurance Code §§ 1323, 11105.

Survival and nonabatement of civil actions, see Code of Civil Procedure §§ 368.5, 375, 377.20 et seq.

Wrongful death action, see Code of Civil Procedure § 377.60 et seq.

§ 646.5. Solicitation of employment from injured person or on his behalf to investigate accident resulting in injury or death; misdemeanor

No person shall knowingly and directly solicit employment from any injured person or from any other person to obtain authorization on behalf of the injured person, as an investigator to investigate the accident or act which resulted in injury or death to such person or damage to the property of such person. Nothing in this section shall prohibit the soliciting of employment as an investigator from such injured person's attorney.

Any person violating any provision of this section is guilty of a misdemeanor.

This section shall not apply to any business agent or attorney employed by a labor organization. (Added by Stats.1971, c. 694, p. 1352, § 2.)

§ 646.6. Solicitation of injured person or on his behalf for sale or use of photographs relating to accident resulting in injury or death; misdemeanor

No person shall knowingly and directly solicit any injured person, or anyone acting on behalf of any injured person, for the sale or use of photographs relating to the accident which resulted in the injury or death of such injured person.

Any person violating any provision of this section is guilty of a misdemeanor. Nothing in this section shall prohibit a person, other than a public employee acting within the scope of his or her employment, from soliciting the injured person's attorney for the sale or use of such photographs. (Added by Stats.1971, c. 694, p. 1352, § 3. Amended by Stats.1976, c. 495, p. 1237, § 1.)

§ 646.9. Stalking

(a) Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family, is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) Every person who, having been convicted of a felony under this section, commits a second or subsequent violation of this section shall be punished by imprisonment in the state prison for two, three, or four years.

(d) In addition to the penalties provided in this section, a sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to subparagraph (E) of paragraph (2) of subdivision (a) of Section 290.

(e) For the purposes of this section, "harasses" means a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person and that serves no legitimate purpose. This course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the person.

(f) For purposes of this section, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(g) For the purposes of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section.

(h) For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(i) This section shall not apply to conduct that occurs during labor picketing.

(j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

(k) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

(l) For purposes of this section, "immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections make a certification as provided in Section 2684. Upon the certification, the defendant shall be segregated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

(Added by Stats.1990, c. 1527 (S.B.2184), § 1. Amended by Stats.1992, c. 627 (S.B.1342), § 1; Stats.1993, c. 581 (A.B.1178), Stats.1993-94, 1st Ex.Sess., c.12 (A.B.95), § 1; Stats.1994, c. 15, Stats.1995, c. 438 (A.B.985), § 2; Stats.1998, c. 825 (S.B.796), § 4; Stats.1998, c. 826 (A.B.2351), § 1.)

Cross References

Under this section, unscheduled bail amounts or release on own recognizance, see Penal Code § 1270.1.

Stalking; emergency protective orders; issuance; extension; service; filing; enforcement; liability; scope of application; punishment

Notwithstanding any other law, a judicial officer may issue an emergency protective order where a peace officer, as

defined in Section 830.1, 830.2, or 830.32, asserts reasonable grounds to believe that a person is in immediate and present danger of stalking based upon the person's allegation that he or she has been willfully, maliciously, and repeatedly followed or harassed by another person who has made a credible threat with the intent of placing the person who is the target of the threat in reasonable fear for his or her safety, or the safety of his or her immediate family, within the meaning of Section 646.9.

(b) A peace officer who requests an emergency protective order shall reduce the order to writing and sign it.

(c) An emergency protective order shall include all of the following:

- (1) A statement of the grounds asserted for the order.
- (2) The date and time the order expires.
- (3) The address of the superior court for the district or county in which the protected party resides.
- (4) The following statements, which shall be printed in English and Spanish:

(A) "To the protected person: This order will last until the date and time noted above. If you wish to seek continuing protection, you will have to apply for an order from the court at the address noted above. You may seek the advice of an attorney as to any matter connected with your application for any future court orders. The attorney should be consulted promptly so that the attorney may assist you in making your application."

(B) "To the restrained person: This order will last until the date and time noted above. The protected party may, however, obtain a more permanent restraining order from the court. You may seek the advice of an attorney as to any matter connected with the application. The attorney should be consulted promptly so that the attorney may assist you in responding to the application."

(d) An emergency protective order may be issued under this section only if the judicial officer finds both of the following:

(1) That reasonable grounds have been asserted to believe that an immediate and present danger of stalking, as defined in Section 646.9, exists.

(2) That an emergency protective order is necessary to prevent the occurrence or reoccurrence of the stalking activity.

(e) An emergency protective order may include either of the following specific orders as appropriate:

(1) A harassment protective order as described in Section 527.6 of the Code of Civil Procedure.

(2) A workplace violence protective order as described in Section 527.8 of the Code of Civil Procedure.

(f) An emergency protective order shall be issued without prejudice to any person.

(g) An emergency protective order expires at the earlier of the following times:

(1) The close of judicial business on the fifth court day following the day of its issuance.

(2) The seventh calendar day following the day of its issuance.

(h) A peace officer who requests an emergency protective order shall do all of the following:

(1) Serve the order on the restrained person, if the restrained person can reasonably be located.

(2) Give a copy of the order to the protected person, or, if the protected person is a minor child, to a parent or guardian of the protected child if the parent or guardian can reasonably be located, or to a person having temporary custody of the child.

(3) File a copy of the order with the court as soon as practicable after issuance.