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IN THE
SUPREME COURT OF CALIFORNIA

SUPREME COURT
FILED

JUL 16 2012

OSAMAH EL-ATTAR, M.D.,
Plaintiff and Appellant,

Frank A. McGuire Clerk

Deputy

v.

HOLLYWOOD PRESBYTERIAN MEDICAL CENTER,
Defendant and Respondent.

AFTER A DECISION BY THE COURT OF APPEAL, SECOND APPELLATE DISTRICT, DIVISION FOUR
CASE NO. B209056

**SECOND MOTION FOR JUDICIAL NOTICE;
DECLARATIONS OF H. THOMAS WATSON AND
JAN S. RAYMOND; [PROPOSED] ORDER
GRANTING JUDICIAL NOTICE**

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ATTORNEYS FOR DEFENDANT AND RESPONDENT
HOLLYWOOD PRESBYTERIAN MEDICAL CENTER

**IN THE
SUPREME COURT OF CALIFORNIA**

OSAMAH EL-ATTAR, M.D.,
Plaintiff and Appellant,

v.

HOLLYWOOD PRESBYTERIAN MEDICAL CENTER,
Defendant and Respondent.

**SECOND MOTION FOR
JUDICIAL NOTICE**

Defendant and respondent Hollywood Presbyterian Medical Center (HPMC or Hospital) moves under Evidence Code sections 452, subdivision (c), 453, and 459, and California Rules of Court, rules 8.252(a) and 8.520(g), for judicial notice of the legislative history of Senate Bill No. 2565 (1987-1988 Reg. Sess.) (S.B. 2565) and Senate Bill No. 1211 (1988-1989 Reg. Sess.) (S.B. 1211), attached to the declaration of H. Thomas Watson that accompanies this motion. (See *Bialo v. Western Mutual Ins. Co.* (2002) 95 Cal.App.4th 68, 73 [granting request for judicial notice of a statute's legislative history]; *Hellinger v. Farmers Group, Inc.* (2001) 91 Cal.App.4th 1049, 1058, fn. 5 [same]; see also *Commodore Home Systems, Inc. v. Superior Court* (1982) 32 Cal.3d 211, 218, fn. 9; *Post v. Prati* (1979) 90 Cal.App.3d 626, 634 [judicial notice properly

taken under Evidence Code section 452, subdivision (c), of legislative committee reports, final legislative history of act, excerpts of testimony at public legislative hearings, and correspondence with the Governor's office regarding proposed legislation]; Gov. Code, § 9080.)

This second motion for judicial notice ¹ is filed concurrently with HPMC's Reply Brief on the Merits (RBOM). This motion is supported by the attached declarations of H. Thomas Watson and Jan S. Raymond, and all the files, records, and briefs in this case.

The attached exhibits contain the entire legislative history provided to us by Legislative History & Intent—as explained in the attached declarations by Jan Raymond, an attorney employed by Legislative History & Intent (copies of Jan Raymond's declarations also appear at the beginning of exhibit volumes 1A and 2A). Mr. Raymond produced the legislative history of S.B. 2565 in a single volume with 384 double-sided pages, and the legislative history of S.B. 1211 in a second volume with 314 double-sided pages. Both volumes were consecutively paginated beginning with page 1. The only alteration we made to the legislative history we received from Legislative History & Intent was to add covers and indexes, and to separate the two double-sided volumes into four single-sided

¹ HPMC's first motion for judicial notice was filed on February 27, 2012, concurrently with HPMC's Opening Brief on the Merits, and seeks judicial notice of the current California Hospital Association (CHA) Model Medical Staff Bylaws. That motion is pending.

volumes (1A, 1B, 2A, and 2B) each containing less than 300 pages each. (Cf. Cal. Rules of Court, rule 8.144(c)(1).)

The first two exhibit volumes (1A and 1B) contain the legislative history of S.B. 2565, a bill sponsored by the California Medical Association (CMA) and carried by Senator Keene seeking to have California opt out of the federal Health Care Quality Improvement Act of 1986 (HCQIA) and to codify certain required medical staff peer review proceedings in California. S.B. 2565 was eventually vetoed by Governor Deukmejian.

The second two exhibit volumes (2A and 2B) contain the legislative history of S.B. 1211, the next bill sponsored by the CMA and carried by Senator Keene seeking to have California opt out of HCQIA and to codify certain required medical staff peer review proceedings in California. S.B. 1211 was eventually enacted and codified in various Business and Professions Code statutes.

The Court of Appeal granted the amicus curiae CMA's motion for judicial notice of select Legislative history documents pertaining to S.B. 1211. (See 06/09/2009 Order, Case No. B209056.) Dr. El-Attar relies upon two of those documents in this court, attaching them to his Answer Brief on the Merits (ABOM). (See ABOM 16-17, fn. 7, & appen. II.) Other than the excerpts presented by CMA, S.B. 1211's history was not presented to the Court of Appeal. No documents from S.B. 2565's history were presented to the Court of Appeal. No legislative history at all was presented to the trial court. (See Cal. Rules of Court, rule 8.252(a)(2)(B).)

As explained in greater detail in the hospital's RBOM, judicial notice of the full legislative histories of both S.B. 2565 and S.B. 1211

is important to show the numerous compromises and bill modifications that occurred during the legislative process leading to the enactment of California's peer review statutes, which demonstrate the Legislature's intent that both the medical staff and the governing board participate meaningfully in the peer review process. (See *Carter v. California Dept. of Veterans Affairs* (2006) 38 Cal.4th 914, 927 ["Successive drafts of a pending bill may be helpful to interpret a statute if its meaning is unclear"]; Gov. Code, § 9080; see also RBOM 4-8 & fn. 3, 23 fn. 13.)

CONCLUSION

For the above reasons, this court should take judicial notice of the legislative histories of S.B. 2565 and S.B. 1211.

July 13, 2012

HORVITZ & LEVY LLP
DAVID S. ETTINGER
H. THOMAS WATSON
CHRISTENSEN & AUER
JAY D. CHRISTENSEN
ANNA M. SUDA

By: 

H. Thomas Watson

Attorneys for Defendant and
Respondent,
**HOLLYWOOD PRESBYTERIAN
MEDICAL CENTER**

DECLARATION OF H. THOMAS WATSON

I, H. Thomas Watson, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a Partner at Horvitz & Levy LLP, counsel of record for defendant and respondent Hollywood Presbyterian Medical Center in the action styled *El-Attar v. Hollywood Presbyterian Medical Center*, Supreme Court Case No. S196830. I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein.

2. I ordered the complete legislative histories of Senate Bill No. 2565 (1987-1988 Reg. Sess.) (S.B. 2565) and Senate Bill No. 1211 (1988-1989 Reg. Sess.) (S.B. 1211), including all amendments, from Jan Raymond at Legislative History & Intent, Legislative Intent Services, Inc., P.O. Box 9216, Berkeley, CA 94709; Phone: 888.676.1947; Fax: 530.750.0190; website: www.naj.net.

3. Mr. Raymond sent me two double-sided volumes of legislative history, together with his executed declaration authenticating this legislative history. Mr. Raymond produced the legislative history of S.B. 2565 in a single volume with 384 double-sided pages, and the legislative history of S.B. 1211 in a second volume with 314 double-sided pages. Both volumes were consecutively paginated beginning with page 1. In presenting the legislative histories to this court, the only alteration we have made is to add covers and indexes, and to separate the two double-sided volumes into four single-sided volumes (1A, 1B, 2A, and 2B), each containing less than 300 pages each. The volumes of legislative

history attached as exhibits hereto are the entire legislative histories provided to us by Legislative History & Intent—as explained in the following declarations by Jan Raymond, an attorney employed by Legislative History & Intent (copies of Mr. Raymond’s declarations also appear at the beginning of volumes 1A and 2A).

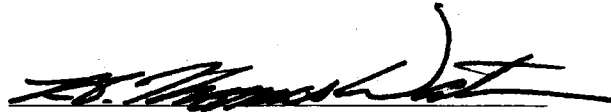
4. The first two exhibit volumes (1A and 1B) contain the complete legislative history of S.B. 2565, a bill sponsored by the California Medical Association (CMA) and carried by Senator Keene seeking to have California opt out of the federal Health Care Quality Improvement Act of 1986 (HCQIA) and to codify certain required medical staff peer review proceedings in California. S.B. 2565 was eventually vetoed by Governor Deukmejian.

5. The second two exhibit volumes (2A and 2B) contain the complete legislative history of S.B. 1211, the next bill sponsored by the CMA and carried by Senator Keene seeking to have California opt out of HCQIA and to codify certain required medical staff peer review proceedings in California. S.B. 1211 was eventually enacted and codified in various Business and Professions Code statutes.

6. The Court of Appeal granted the CMA’s motion for judicial notice of select legislative history documents pertaining to S.B. 1211. (See 06/09/2009 Order, Case No. B209056.) Dr. El-Attar relies upon two of those documents in this court, attaching them to his Answer Brief on the Merits (ABOM). (See ABOM 16-17, fn. 7, & appen. II.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 13th day of July, 2012, at Encino, California.

A handwritten signature in black ink, appearing to read "H. Thomas Watson", written over a horizontal line.

H. Thomas Watson

1
2 **DECLARATION OF JAN S. RAYMOND**

3 I, Jan Raymond, declare:

4 1. I am an attorney licensed to practice by the California State Bar, State Bar number
5 88703, and admitted to practice in the United States Federal Court for the Eastern District of
6 California. My business is researching the history and intent of legislative and regulatory
7 enactments and adoptions; I have over 20 years experience in research and analysis of
8 legislative and regulatory intent. In cooperation with persons working under my supervision, I
9 undertook to research the following project. All use of the word "project" in this declaration
10 refers to legislative research addressed to this focus:

11 **Business and Professions Code Sections 809 et seq.**
12 As added by Chapter 336, Statutes of 1989.

13 2. We report in two volumes. This volume 1 of 2 contains materials on the 1988
14 derivation. Volume 2 of 2 contains materials on the enactment in 1989.

15 3. At all times, all persons working on this project operated under instructions to locate
16 all documents available pertinent to this adoption. This research was compiled in the days
17 immediately prior to the date of this declaration, and reflects all the documents, and sources,
18 available during that time pertinent to this project.

19 4. The documents listed are the substantive documents collected pertinent to the history
20 of this project. The term "substantive documents" as used in the previous sentence refers to
21 those documents relevant to the scope of the project. Some documents regarding the proposal
22 related to this project may not be forwarded in this report. Documents not forwarded may
23 include fiscal analyses addressing the budgetary impact of legislation, documents addressing
24 other portions of the proposal not directly relevant to the project, documents addressing simple
25 support for or opposition to the proposal, or other documents unlikely to be helpful in
26 understanding the substantive purpose of the proposal. The complete collection of documents
27

1 is organized in generally chronological order and sequentially numbered.

2 5. The California Legislature historically has not regularly recorded and/or transcribed
3 committee or floor proceedings. But in recent decades, individual committees have sporadically
4 recorded, and in some cases transcribed, committee proceedings. In addition, a select few
5 committee, and many floor, proceedings since the early 1990's are available on videotape.
6 Beginning in the 2003-2004 session, an effort has been made to record almost all legislative
7 proceedings in either audio or video format, although the effort is informal rather than mandated
8 by detailed legislative rules and procedures. The recordings available in all media are uniformly
9 difficult and time-consuming to access, rarely transcribed, and rarely contain substantive
10 discussion that goes beyond the most simple and basic assertions about the legislation in
11 question. In general, the documentary history contains much more detailed discussion of the
12 intent and purpose of the bill under consideration. Therefore, this report was compiled using
13 documentary sources only.

14 6. Individual documents may appear in multiple locations or files. We endeavor to
15 obtain only one copy of the document. Where it is clearly important, we endeavor to note each
16 source of the document in this declaration. But some documents for which we cite a single
17 source may in fact have been found in multiple locations. Where this raises an issue important
18 in individual circumstances, all source locations of particular documents can be identified upon
19 request.

20 7. All documents listed are included with this declaration, except as otherwise noted in
21 this declaration. All documents included are true and correct copies of the original documents.
22 Unless otherwise noted in this declaration, all documents were obtained at one of the following
23 sources: the California State Library, the California State Archives, or libraries at the University
24 of California at Davis. References to "bill file" as used in this declaration refer to files
25 maintained regarding the legislation that is the subject of the document collection. Some
26
27

1 documents copied from microfilm originals may be of poor quality; all copies included with this
2 report are the best available copies.

3 8. In this list of documents the abbreviation SFA refers to the Office of Senate Floor
4 Analyses and ARC refers to the Assembly Republican Caucus. The following listed documents
5 that accompany this declaration are true and correct copies:

6 **1988 Senate Bill 2565**

7	Excerpt regarding Senate Bill 2565 (Keene) from the Senate Final History, 1987-88 8 Regular Session.	Page 1
9	Senate Bill 2565 as introduced February 19, 1988	Page 3
10	Background Information Fact Sheet, regarding SB 2565, as introduced, from the bill 11 file of the Assembly Committee on Health, fifteen pages.	Page 5
12	Daily Appellate Report, dated March 11, 1988, regarding SB 2565, as introduced, 13 from the bill file of Assemblymember Berry Keene, five pages.	Page 21
14	Summary Memorandum, dated March 22, 1988, regarding SB 2565, as introduced, 15 from the bill file of Assemblymember Berry Keene, four pages.	Page 27
16	Letter of Support, dated March 25, 1988, regarding SB 2565, as introduced, from the 17 bill file of Assemblymember Berry Keene, two pages.	Page 31
18	Health Care Quality Improvement Act Analysis, dated March 25, 1988, regarding SB 19 2565, as introduced, from the bill file of Assemblymember Berry Keene, three pages.	Page 33
20	Senate Committee on Judiciary Analysis, heard April 12, 1988, regarding SB 2565, as 21 introduced, from the bill file of the Senate Committee on Judiciary, six pages.	Page 37
22	Senate Bill 2565 as amended in Senate April 4, 1988.	Page 43
23	California Medical Association Interoffice Memorandum, dated April 4, 1988, 24 regarding SB 2565, as amended April 4, 1988, from the bill file of the Assembly 25 Committee on Health, four pages.	Page 53
26	Daily Appellate Report, dated April 4, 1988, regarding SB 2565, as amended April 4, 27 1988, from the bill file of Assemblymember Berry Keene, seven pages.	Page 57
	Summary Memorandums, dated between April 5, 1988, and April 7, 1988, regarding SB 2565, as amended April 4, 1988, from the bill file of Assemblymember Berry Keene, six pages.	Page 65
	Letter of Support, dated April 6, 1988, regarding SB 2565, as amended April 4, 1988, from the bill file of Assemblymember Berry Keene, one page.	Page 71

1	California Medical Association Bill Review, dated April 21, 1988, regarding SB 2565, as amended April 4, 1988, from the bill file of the Assembly Committee on Health, four pages.	Page 73
2		
3	Letter of Support dated May 2, 1988, regarding SB 2565, as amended April 4, 1988, from the bill file of Assemblymember Berry Keene, two pages.	Page 77
4		
5	Department of Finance Analysis, dated May 3, 1988, regarding SB 2565, as amended April 4, 1988, from the bill file of the Senate Committee on Appropriations, two pages.	Page 79
6		
7	Senate Floor Analyses Third Reading, dated May 6, 1988, regarding SB 2565, as amended April 4, 1988, from the bill file of the SFA, two pages.	Page 81
8		
9	Letters of Support, dated between May 12, 1988 and June 10, 1988, regarding SB 2565, as amended April 4, 1988, from the bill file of Assemblymember Berry Keene, five pages.	Page 83
10		
11	Letter with Attachments, dated June 20, 1988, regarding SB 2565, as amended April 4, 1988, from the bill file of Assemblymember Berry Keene, seven pages.	Page 89
12		
13	Senate Bill 2565 as amended in Assembly June 22, 1988.	Page 97
14		
15	Letter of Support with Suggested Amendments, dated June 24, 1988, regarding SB 2565, as amended June 22, 1988, from the bill file of Assemblymember Berry Keene, six pages.	Page 123
16		
17	Assembly Health Committee Republican Analysis, Analyzed June 26, 1988, regarding SB 2565, as amended June 22, 1988, from the bill file of ARC, one page.	Page 129
18		
19	Fiscal Analysis of Legislation, dated June 27, 1988, regarding SB 2565, as amended June 22, 1988, from the bill file of former Governor George Deukmejian, one pages.	Page 131
20		
21	Assembly Committee on Health Background Information, regarding SB 2565, as amended June 22, 1988, from the bill file of the Assembly Committee on Health, fifteen pages.	Page 133
22		
23	Assembly Committee on Health Analysis, heard June 28, 1988, regarding SB 2565, as amended June 22, 1988 from the bill file of Assemblymember Berry Keene, three pages. Note: This identical document was also found in the bill file of the ARC.	Page 149
24		
25	Letter of Concern, dated July 18, 1988, regarding SB 2565, as amended June 22, 1988, from the bill file of Assemblymember Berry Keene, two pages.	Page 153
26		
27	Memorandum, dated July 26, 1988, regarding SB 2565, as amended June 22, 1988, from the bill file of Assemblymember Berry Keene, five pages.	Page 155
	Letter of support, dated July 27, 1988, regarding SB 2565, as amended June 22, 1988, from the bill file of Assemblymember Berry Keene, four pages.	Page 161
	Letter of Opposition, dated July 28, 1988, regarding SB 2565, as amended June 22, 1988, from the bill file of Assemblymember Berry Keene, four pages.	Page 165

1	Legislative Analyst Analysis, dated July 29, 1988, regarding SB 2565, as amended	
2	June 22, 1988, from the bill file of Assemblymember Berry Keene, two pages.	Page 169
3	Ways and Means Committee Analysis, dated August 1, 1988, regarding SB2565, as	
4	amended June 22, 1988, from the bill file of Assemblymember Berry Keene, one	Page 171
	page.	
5	Letter of Opposition, dated August 2, 1988, regarding SB 2565, as amended June 22,	
6	1988, from the bill file of Assemblymember Berry Keene, two pages.	Page 173
7	Legislative Analyst Analysis, dated August 6, 1988, regarding SB 2565, as amended	
	June 22, 1988, from the bill file of the ARC, two pages.	Page 175
8	Senate Bill 2565 as amended in Assembly August 4, 1988.	Page 177
9	Department of Finance Analysis, last signed August 8, 1988, regarding SB 2565, as	
10	amended August 4, 1988, from the bill file of the ARC, three pages.	Page 195
11	Ways and Means Committee Analysis, heard August 10, 1988, regarding SB 2565, as	
12	amended August 4, 1988, from the bill file of the ARC, one page.	Page 199
13	Letter of Support, dated August 11, 1988, regarding SB 2565, as amended August 4,	
	1988, from the bill file of Assemblymember Berry Keene, three pages.	Page 201
14	Memorandum from the Board of Medical Quality Assurance, dated August 19, 1988,	
15	regarding SB 2565, as amended August 4, 1988, from the bill file of	Page 205
	Assemblymember Berry Keene, two pages.	
16	Senate Bill 2565 as amended in Assembly August 23, 1988.	Page 207
17	Senate Third Reading, dated August 25, 1988, regarding SB 2565, as amended	
18	August 23, 1988, from the bill file of the Assembly Committee on Health, three pages.	Page 231
19	Senate Bill 2565 as amended in Assembly August 24, 1988.	Page 235
20	Proposed Amendments, dated August 24, 1988, regarding SB 2565, as amended	
	August 24, 1988, from the bill file of the Assembly Committee on Health, one page.	Page 261
21	Assembly Bill Analysis, dated August 24, 1988, regarding SB 2565, as amended	
22	August 24, 1988, from the bill file of the Assembly Committee on Health, four pages.	Page 263
23	Senate Third Reading, dated August 25, 1988, regarding SB 2565, as amended	
24	August 24, 1988, from the bill file the Assembly Committee on Health, three pages.	Page 267
25	Senate Bill 2565 as amended in Assembly August 26, 1988.	Page 271
26	Department of Consumer Affairs Fiscal Analysis of Legislation, dated August 26,	
27	1988, regarding SB 2565, as amended August 26, 1988, from the bill file of	Page 295
	Assemblymember Berry Keene, one page.	

1	Letter of Support, dated August 26, 1988, regarding SB 2565, as amended August 26, 1988, from the bill file of Assemblymember Berry Keene, two pages.	Page 297
2	Letter of Opposition, dated August 26, 1988, regarding SB 2565, as amended August 26, 1988, from the bill file of Assemblymember Berry Keene, one page.	Page 299
3		
4	Senate Third Reading, dated August 29, 1988, regarding SB 2565, as amended August 26, 1988, from the bill file of the ARC, three pages.	Page 301
5		
6	Letter from Assemblymember Berry Keene, dated August 30, 1988, regarding SB 2565, as amended August 26, 1988, from the bill file of Assemblymember Berry Keene, one page.	Page 305
7		
8	Concurrence Statement, dated August 30, 1988, regarding SB 2565, as amended August 26, 1988, from the bill file Assemblymember Berry Keene, two pages.	Page 307
9		
10	Letter of Support, dated August 31, 1988, regarding SB 2565, as amended August 26, 1988, from the bill file of Assemblymember Berry Keene, two pages.	Page 309
11		
12	Article from the California Physician, dated September 1988, regarding SB 2565, as amended August 26, 1988, from the bill file of Assemblymember Berry Keene, four pages.	Page 311
13		
14	Bill Analysis, last signed September 1, 1988, regarding SB 2565, as amended August 26, 1988, from the bill file of Assemblymember Berry Keene, two pages.	Page 315
15		
16	Letter of Support, dated September 7, 1988, regarding SB 2565, as amended August 26, 1988, from the bill file of Assemblymember Berry Keene, four pages.	Page 317
17		
18	Letter of Opposition, dated September 7, 1988, regarding SB 2565, as amended August 26, 1988, from the bill file of Assemblymember Berry Keene, two pages.	Page 321
19		
20	Senate Floor Analyses Unfinished Business, dated September 8, 1988, regarding SB 2565, as amended August 26, 1988, from the bill file of the SFA, six pages.	Page 323
21		
22	Letters and Enrolled Bill Reports, dated between September 8, 1988 and September 26, 1988, regarding SB 2565, as amended August 26, 1988, from the bill file of former Governor George Deukmejian, fifty-three pages.	Page 329
23		
24	Veto Letter, dated September 30, 1988, regarding SB 2565, as amended August 26, 1988, from the bill file of the ARC, two pages.	Page 383

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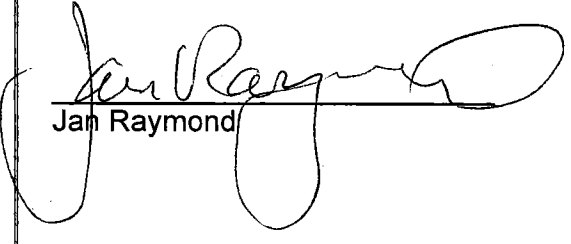
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I declare under penalty of perjury the foregoing is true and correct.

Executed at Sacramento, California, June 20, 2012.



Jan Raymond

1
2 **DECLARATION OF JAN S. RAYMOND**

3 I, Jan Raymond, declare:

4 1. I am an attorney licensed to practice by the California State Bar, State Bar number
5 88703, and admitted to practice in the United States Federal Court for the Eastern District of
6 California. My business is researching the history and intent of legislative and regulatory
7 enactments and adoptions; I have over 20 years experience in research and analysis of
8 legislative and regulatory intent. In cooperation with persons working under my supervision, I
9 undertook to research the following project. All use of the word "project" in this declaration
10 refers to legislative research addressed to this focus:

11 **Business and Professions Code Section 809 et seq.**
12 As added by Chapter 336, Statutes of 1989.

13 2. We report in two volumes. Volume 1 of 2 contains materials on the 1988 derivation.
14 This volume 2 of 2 contains materials on the enactment in 1989.

15 3. At all times, all persons working on this project operated under instructions to locate
16 all documents available pertinent to this adoption. This research was compiled in the days
17 immediately prior to the date of this declaration, and reflects all the documents, and sources,
18 available during that time pertinent to this project.

19 4. The documents listed are the substantive documents collected pertinent to the history
20 of this project. The term "substantive documents" as used in the previous sentence refers to
21 those documents relevant to the scope of the project. Some documents regarding the proposal
22 related to this project may not be forwarded in this report. Documents not forwarded may
23 include fiscal analyses addressing the budgetary impact of legislation, documents addressing
24 other portions of the proposal not directly relevant to the project, documents addressing simple
25 support for or opposition to the proposal, or other documents unlikely to be helpful in
26 understanding the substantive purpose of the proposal. The complete collection of documents
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1 is organized in generally chronological order and sequentially numbered.

2 5. The California Legislature historically has not regularly recorded and/or transcribed
3 committee or floor proceedings. But in recent decades, individual committees have sporadically
4 recorded, and in some cases transcribed, committee proceedings. In addition, a select few
5 committee, and many floor, proceedings since the early 1990's are available on videotape.
6 Beginning in the 2003-2004 session, an effort has been made to record almost all legislative
7 proceedings in either audio or video format, although the effort is informal rather than mandated
8 by detailed legislative rules and procedures. The recordings available in all media are uniformly
9 difficult and time-consuming to access, rarely transcribed, and rarely contain substantive
10 discussion that goes beyond the most simple and basic assertions about the legislation in
11 question. In general, the documentary history contains much more detailed discussion of the
12 intent and purpose of the bill under consideration. Therefore, this report was compiled using
13 documentary sources only.

14 6. Individual documents may appear in multiple locations or files. We endeavor to
15 obtain only one copy of the document. Where it is clearly important, we endeavor to note each
16 source of the document in this declaration. But some documents for which we cite a single
17 source may in fact have been found in multiple locations. Where this raises an issue important
18 in individual circumstances, all source locations of particular documents can be identified upon
19 request.

20 7. All documents listed are included with this declaration, except as otherwise noted in
21 this declaration. All documents included are true and correct copies of the original documents.
22 Unless otherwise noted in this declaration, all documents were obtained at one of the following
23 sources: the California State Library, the California State Archives, or libraries at the University
24 of California at Davis. References to "bill file" as used in this declaration refer to files
25 maintained regarding the legislation that is the subject of the document collection. Some
26 documents copied from microfilm originals may be of poor quality; all copies included with this
27

1 report are the best available copies. The following listed documents that accompany this
2 declaration are true and correct copies:

3 **1989 Chapter 336**

4	Excerpt regarding Senate Bill 1211 (Keene) from the Senate Final History, 1989-90 Regular Session.	Page 1
5	Senate Bill 1211 as introduced March 8, 1989.	Page 3
6	Background information, regarding SB 1211, as introduced, from the bill file of the 7 Senate Committee on Judiciary, twenty pages.	Page 5
8	Letter of Support, dated February 27, 1989, SB regarding SB 1211 as introduced, 9 from the bill file of the Assembly Committee on Judiciary, three pages.	Page 25
10	Letter of Concern, dated February 28, 1989, regarding SB 1211 as introduced, from the bill file of the Assembly Committee on Judiciary, three pages.	Page 27
11	Letter of Opposition, dated March 13, 1989, regarding SB 1211, as introduced, from 12 the bill file of the Senate Committee on Judiciary, three pages.	Page 31
13	Senate Bill 1211 as amended April 12, 1989.	Page 35
14	Letter of Support, dated April 13, 1989, regarding SB 1211, as amended April 12, 15 1989, from the bill file of the Assembly Committee on Judiciary, five pages.	Page 43
16	Letter of Opposition, dated April 13, 1989, regarding SB 1211, as amended April 12, 1989, from the bill file of the Senate Committee on Judiciary, two pages.	Page 49
17	Letter of Support if Amended, dated April 14, 1989, regarding SB 1211, as amended 18 April 12, 1989, from the bill file of the Senate Committee on Judiciary, three pages.	Page 51
19	Senate Committee on Judiciary Background Information, heard April 18, 1989, 20 regarding SB 1211, as amended April 12, 1989, from the bill file of the Senate Committee on Judiciary, five pages.	Page 55
21	Senate Committee on Judiciary Analysis, heard April 18, 1989, regarding SB 1211, 22 as amended April 12, 1989, from the bill file of the Senate Committee on Judiciary, ten pages.	Page 61
23	Letter of Support if Amended, dated April 28, 1989, regarding SB 1211, as amended 24 April 12, 1989, from the bill file of the Assembly Committee on Judiciary, three pages.	Page 71
25	Senate Bill 1211 as amended in Senate May 2, 1989.	Page 75
26	Letter of Opposition, dated May 2, 1989, regarding SB 1211, as amended May 2, 27 1989, from the bill file of the Assembly Committee on Judiciary, ten pages.	Page 85

1	Senate Floor Third Reading, dated May 3, 1989, regarding SB 121, as amended May 2, 1989, from the bill file of the Assembly Committee on Judiciary, six pages.	Page 95
2	Peer Review Staff Notes, dated May 4, 1989, regarding SB 1211, as amended May 2, 1989, from the bill file of Assemblymember Barry Keene, three pages.	Page 101
3		
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4 Peer Review Immunities and Discovery Chart, regarding SB 1211, as amended July
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6 Suggested Amendments, regarding SB 1211, as amended July 20, 1989, from the
7 bill file of the Senate Committee on Judiciary, two pages. Page 259

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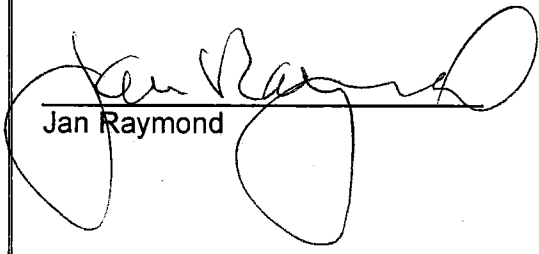
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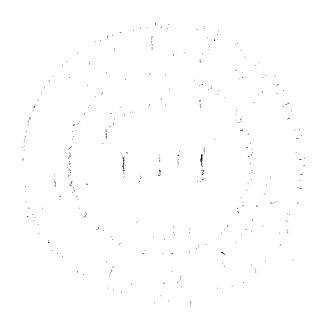
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I declare under penalty of perjury the foregoing is true and correct.

Executed at Sacramento, California, June 20, 2012.



Jan Raymond



S196830

**IN THE
SUPREME COURT OF CALIFORNIA**

OSAMAH EL-ATTAR,
Plaintiff and Appellant,

v.

HOLLYWOOD PRESBYTERIAN MEDICAL CENTER,
Defendant and Respondent.

**[PROPOSED] ORDER
GRANTING JUDICIAL NOTICE**

Good cause appearing in *El-Attar v. Hollywood Presbyterian Medical Center* (Case No. S196830), judicial notice is taken of the legislative histories of Senate Bill No. 2565 (1987-1988 Reg. Sess.) and Senate Bill No. 1211 (1988-1989 Reg. Sess.), included as exhibits to the declarations of H. Thomas Watson and Jan S. Raymond supporting the motion for judicial notice filed by Hollywood Presbyterian Medical Center.

Dated: _____

CHIEF JUSTICE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 15760 Ventura Boulevard, 18th Floor, Encino, California 91436-3000.

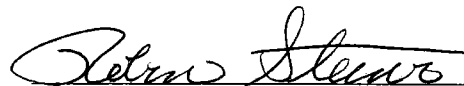
On July 13, 2012, I served true copies of the following document(s) described as **SECOND MOTION FOR JUDICIAL NOTICE LEGISLATIVE HISTORY EXHIBITS, TWO VOLUMES** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Horvitz & Levy LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 13, 2012, at Encino, California.



Robin Steiner

SERVICE LIST

El-Attar v HPMC

Case Nos. BS105623/B209056

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B209056

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BS105623