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6 DIGNITY HEALTH including dba
MERCY SAN JUAN
7 MEDICAL CENTER

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN FRANCISCO

11 EVAN MINTON,
12 Plaintiff,
13 vs.
14 DIGNITY HEALTH; DIGNITY HEALTH
15 d/b/a MERCY SAN JUAN MEDICAL
CENTER,
16 Defendants.

Case No. CGC 17-558259
DECLARATION OF CRAIG S. RUTENBERG
[Filed concurrently with: (1) Notice of
Demurrers; (2) Demurrers; (3) Memorandum of
Points and Authorities; (4) Request for Judicial
Notice; (5) Notice of Payment for Court
Reporter Fee]
Date: July 26, 2017
Time: 9:30 am
Dept.: 302
Hearing Reservation No. 07030726-08

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1 DECLARATION OF CRAIG S. RUTENBERG

2 I, Craig S. Rutenberg, declare as follows:

3 1. I am an attorney at law duly licensed to practice before all of the courts of the State
4 of California and am a partner with the law firm of Manatt, Phelps & Phillips, LLP, counsel of
5 record for Defendant Dignity Health in the above captioned action. I have personal knowledge of
6 the following facts, and if called as a witness in this action, I could and would testify competently
7 thereto.

8 2. Pursuant to Code of Civil Procedure section 430.41(a), on June 30, 2017, I sent an
9 email to Ted Karch, counsel for Plaintiff, setting forth in detail the bases for demurrers to
10 Plaintiff's Verified Complaint that Dignity Health intended to file on July 3, including specific
11 points and authorities for each ground for the demurrers. In the same email, I asked Plaintiff to
12 dismiss the action and, failing this, to discuss with me any specific authority to respond to the
13 points and authorities in my email. Dignity Health offered to continue the meet-and-confer effort
14 if Plaintiff agreed to an extension of the deadline for Dignity Health's responsive pleading.
15 Despite their efforts, the parties were unable to reach an agreement as to the issues raised in this
16 demurrer.

17 3. A true and correct copy of the relevant pages of the Official Catholic Directory is
18 attached to the Request for Judicial Notice as Exhibit 1.

19 4. A true and correct copy of the Ethical and Religious Directives for Catholic Health
20 Care Services, Fifth Edition, is attached to the Request for Judicial Notice as Exhibit 2.

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

23 Executed on July 3, 2017 in Los Angeles, California.

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25 _____
26 Craig S. Rutenberg