

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 08/05/05

DEPT. 307

HONORABLE WENDELL MORTIMER, JR.

JUDGE

M.F. LOPEZ

DEPUTY CLERK

HONORABLE #11

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

R. SANCHEZ, C.A.

Deputy Sheriff

SANDRA MENDEZ, CSR #12710 Reporter

10:00 am

JCCP4289

Coordination Proceeding Special Title (Rule 1550 (b))

TENET HEALTHCARE CASES II

Plaintiff	STEVE W. BERMAN (X)
Counsel	MICHAEL McSHANE (X)
	REED R. KATHREIN (X)
Defendant	
Counsel	ROD J. STONE (X)
	SAMUEL G. LIVERSIDGE (X)
	(Additional appearances listed below)

**NATURE OF PROCEEDINGS:**

- 1) APPLICATION OF PLAINTIFFS FOR AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES;
- 2) JOINT MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT;
- 3) FAIRNESS HEARING;
- 4) APPLICATION OF A.CAMDEN LEWIS TO APPEAR PRO HAC VICE;
- 5) APPLICATION OF MICHAEL E.SPEARS TO APPEAR PRO HAC VICE;
- 6) APPLICATION OF RICHARD A.HARPOOTLIAN TO APPEAR PRO HAC VICE;

The matters are called for hearing.

Applications of Lewis, Spears and Harpootlian to appear pro hac vice are approved.

The Court hears oral argument on the Motion for Final Approval of Class Action Settlement. A Fairness Hearing is held.

The Court receives Tenet Healthcare Cases II Statistics, marked as plaintiffs' exhibit 1, and will be returned to counsel by the clerk.

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ROD J. STONE (X)

SAMUEL G. LIVERSIDGE (X)

(Additional appearances  
listed below)

**NATURE OF PROCEEDINGS:**

The Court receives Deposition under seal, marked as objectors' exhibit 1, and will be returned to counsel by the clerk.

The Court takes the matter under submission..

Application for Award of Attorneys' Fees is discussed and is taken under submission.

Additional Appearances for Objectors (South Carolina):

A. Camden Lewis, Michael E. Spears, Richard A. Harpootlian, and D. Sassounian (Local Counsel).

LATER: Off the record, the Court rules on the submitted matters.

Ruling on Motion for Final Approval of nationwide class action settlement:

This Court has read the papers received including the oppositions filed by objectors and has heard from all objectors in open court, on the record.

First, this Court of general jurisdiction in California does have jurisdiction to certify a nationwide class action brought against Tenet Health-care. Tenet is headquartered in California, does substantial business in California, and the policies and conduct giving rise to the allegations of the

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complaints emanated from California. Under a governmental interest analysis, the laws of the state of California can be applied to the nationwide class since California has substantial contacts with, and interests in, Tenet's nationwide policies and procedures. The laws of the other states involved do not materially differ from California law, nor do they conflict. Even though a law in South Carolina may arguably give a potential for more benefits to a small group of claimants, this proposed settlement is a compromise and does give them substantial benefits. The South Carolina lawsuits were just filed in October 2004, two years after the first California case was filed, and 1,275 residents of South Carolina have filed claims in this California case. To exempt South Carolina from this nationwide settlement, would be to deprive the 1,275 claimants of a benefit they are now expecting in exchange for a possibility of getting something different in the future.

The proposed settlement was reached after extensive arms-length negotiations during which Tenet produced over 1.2 million pages of documents. Litigation counsel involved are very experienced in this type of litigation and there has been no collusion suggested. The proposed settlement involves substantial monetary recoveries and benefits to the nationwide class and to future Tenet patients.

After extensive notice to potential class members, over 32,000 claim forms have been received.

<p align="center"><b>MINUTES ENTERED</b> 08/05/05 <b>COUNTY CLERK</b></p>
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Significantly, there are only five objectors (three individuals, and two groups - South Carolina and Louisiana). Only the South Carolina objectors appeared at the fairness hearing. Although other states have other actions pending, most if not all those cases were filed after the first California case.

This Court finds this proposed nationwide class action settlement to be fair, reasonable and adequate and finds it to be in the best interests of the nationwide settlement class. The settlement is approved. As to attorneys fees, this Court will award the eleven million dollars (\$11 million) requested.

Counsel for plaintiffs is to prepare and submit a revised Proposed Final Order and Judgment.

A Non-Appearance Case Review is set for January 20, 2006 at 8:30 a.m. in Department 307. Counsel are to submit a report as to the administration of the settlement by January 16, 2006. Said report shall be submitted to Department 307.

Counsel for plaintiffs is to give notice.

CLERK'S CERTIFICATE OF MAILING/  
NOTICE OF ENTRY OF ORDER

I, the below named Executive Officer/Clerk of the

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above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 8/05/05 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: August 08, 2005

John A. Clarke, Executive Officer/Clerk

By: \_\_\_\_\_  
M.F. LOPEZ

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