



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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Case Number: CGC-17-558259

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ORDER

EVAN MINTON VS. DIGNITY HEALTH ET AL

001C06006265

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FILED
San Francisco County Superior Court

AUG 30 2017

CLERK OF THE COURT
BY: *Yana Gonzalez* Deputy Clerk

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

^{MR}
[PROPOSED] ORDER *sustaining*
Dignity Health's
Demurrer to Verified
Complaint

Date: August 30, 2017
Time: 9:30 a.m.
Dept.: 302

1 On August 30, 2017, in Department 302 of the above-entitled Court, the Court heard
2 Defendant Dignity Health's demurrer to Plaintiff Evan Minton's Verified Complaint.

3 Having considered the moving papers, opposition, reply brief, and oral argument of
4 counsel, the Court sustains the demurrer with 20 days leave to amend.

5 Although Mr. Minton's complaint is silent about the reason why his request for a
6 hysterectomy at Mercy San Juan Medical Center ("MSJMC") was denied, both sides agree that
7 the reason was MSJMC's interpretation of the Ethical and Religious Directives for Catholic
8 Health Care Services. Based on this agreement and the parties' memoranda having addressed the
9 religion-based arguments raised by Dignity Health, the court has treated those arguments as
10 properly raised on this demurrer. In paragraphs 23-26 of his complaint, Mr. Minton has alleged
11 insufficient facts to show that Dignity Health's conduct in permitting Mr. Minton to receive a
12 hysterectomy at another of its hospitals violated Dignity Health's obligation per Civil Code 51(b)
13 to provide "full and equal" access to medical procedures without regard to gender. (North Coast
14 Women's Care Medical Group, Inc. v. San Diego County Superior Court (2008) 44 Cal. 4th 1145,
15 1159). While the dicta in North Coast involved a medical procedure performed by a different
16 doctor in the same facility, that dicta is, at least in some situations, also applicable to a medical
17 procedure performed by the same doctor in a different facility. Because it is at least theoretically
18 possible that Mr. Minton is able to allege sufficient facts to avoid a demurrer based on the North
19 Coast dicta, if he can do so in good faith, he is given leave to amend to allege such facts.

20
21
22 Date: August 30, 2017



Hon. Harold E. Kahn
Judge of the Superior Court