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16 AMERICAN HOSPITAL ASSOCIATION

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 FOR THE CITY AND COUNTY OF SAN FRANCISCO

19 PEOPLE OF THE STATE OF
20 CALIFORNIA EX REL. XAVIER
21 BECERRA,

22 Plaintiff,

23 vs.

24 SUTTER HEALTH,

25 Defendant.

NO. CGC-18-565398

Assigned for All Purposes To
Hon. Curtis E.A. Karnow
Dept. 304

**APPLICATION OF AMERICAN HOSPITAL
ASSOCIATION FOR LEAVE TO FILE BRIEF
AS *AMICUS CURIAE* IN OPPOSITION TO
CONSOLIDATION**

Action Filed: March 29, 2018

26 **TO THE HONORABLE CURTIS E.A. KARNOW, JUDGE OF THE SUPERIOR COURT
27 OF THE SAN FRANCISCO SUPERIOR COURT:**

28 The American Hospital Association (AHA) respectfully requests permission to file the
accompanying brief as *amicus curiae* in this matter in opposition to consolidation of this case with
the class action *UFCW & Employers Benefit Trust v. Sutter Health et al.*, No CGC 14-538451,
which was filed April 7, 2014 in San Francisco Superior Court.

AHA is a national organization that represents nearly 5,000 hospitals, health care systems,
networks, and other providers of care, as well as 43,000 individual members. AHA has a strong

1 interest in this case because the State seeks extraordinary relief against Sutter Health that could
2 fundamentally change the health care delivery system in northern California. The broad
3 behavioral relief the State seeks is unprecedented for an antitrust enforcement action and
4 represents a departure from prevailing policies of the federal antitrust enforcement agencies.
5 Before the Court imposes such relief it will want clearly to understand the cost this relief would
6 impose on Sutter, how the requested relief is an answer to an antitrust problem, and whether there
7 is evidence that the relief actually will lower cost and improve quality. Yet the State is seeking to
8 consolidate this case with a private class action that has been pending for four years and in which
9 fact discovery is set to close in August of this year.

10 The stakes are too high to put this case on such an aggressive schedule. The relief
11 requested by the State warrants careful consideration, separate from the competing concerns of the
12 private class action. Thus, as explained in more detail in the attached brief, AHA believes the
13 Court should *not* consolidate the two cases.

14 CONCLUSION

15 The application for permission to file a brief as *amicus curiae* should be granted.

16 Dated: May 1, 2018

Respectfully submitted,

17 /s/ Allison A. Davis

Allison A. Davis

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