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Verity Health System of California, Inc., et al.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION - LOS ANGELES

In re: Verity Health System Of California, Inc., et al.,[1] Debtors and Debtors In Possession.	District Court Case Number: 2:19-cv-00133-DMG Bankruptcy Court Lead Case Number: 2:18-bk-20151-ER Adversary Case Number: NA
Xavier Becerra Attorney General of California, Appellant. v. Verity Health System of California, Inc., et al. Appellee.	**APPELLEE VERITY HEALTH SYSTEM OF CALIFORNIA, INC., ET AL.'S, OBJECTIONS TO THE CALIFORNIA ATTORNEY GENERAL'S EVIDENCE IN SUPPORT OF ITS MOTION FOR STAY PENDING APPEAL**

[1] The other Debtors in the chapter 11 cases, being jointly administered under Lead Case No. 2:18-bk-20151-ER, are O'Connor Hospital 2:18-bk-20168-ER, Saint Louise Regional Hospital 2:18-bk-20162-ER, St. Francis Medical Center 2:18-cv-20165-ER, St. Vincent Medical Center 2:18-bk-20164-ER, Seton Medical Center 2:18-cv-20167-ER, O'Connor Hospital Foundation 2:18-bk-20179-ER, Saint Louise Regional Hospital Foundation 2:18-cv-20172-ER, St. Francis Medical Center of Lynwood Foundation 2:18-cv-20178-ER, St. Vincent Foundation 2:18-cv-20180-ER, St. Vincent Dialysis Center, Inc. 2:18-cv-20171- ER Seton Medical Center Foundation 12:8-cv-20175-ER, Verity Business Services 2:18-cv-20173-ER, Verity Medical Foundation 2:18-cv-20169-ER, Verity Holdings, LLC 2:18-cv-20163-ER, DePaul Ventures, LLC 2:18-cv-20176-ER, and DePaul Ventures - San Jose Dialysis, LLC 2:18-cv-20181-ER.

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Appellee Verity Health System of California, Inc. ("Verity") objects as follows to the declarations and other factual materials the California Attorney General offers in support of its Motion for Stay Pending Appeal (Dkt. No. 6):

EVIDENCE	OBJECTION(S)
DECLARATION OF ALICIA BERRY (DKT. 6)	
Paragraph 2	Ms. Berry does not identify the documents she says are true and correct copies. FRE 901(a).
Paragraph 3	Speculative and lacks foundation. FRE 602.
DECLARATION OF WENDI HORWITZ (DKT. 6)	
Paragraph 4, "Many of the Attorney General's conditions were recommended by the healthcare expert in the 'Conclusions' section of each health care impact statement."	This statement is not relevant because, without connecting specific conditions to specific underlying recommendations, there is no reliable basis for identifying any condition as based on any recommendation. FRE 403. The statement also lacks a foundation for the opinion of Dalton as a would-be expert. FRE 602.
DECLARATION OF PHIL DALTON (DKT. 6)	
Paragraph 1	There is no showing Mr. Dalton should be qualified as an expert, or his work should be qualified as expert opinion. FRE 702, 703 and 705.
Paragraph 2, "I helped prepare the five health care impact statements"	This statement is too vague and ambiguous as to Mr. Dalton's and others' roles and work to qualify the reports as expert opinion. FRE 702, 703 and 705.
Paragraph 3	These statements are hearsay, and even if relevant at the time (2015) they are not

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EVIDENCE	OBJECTION(S)
	relevant to current realities, four years later. FRE 403, 802.

Dated: February 11, 2019

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By */s/ Tania M. Moyron*
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